



FOURTH OPINION ON THE NETHERLANDS



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

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SUMMARY

The Netherlands continues to maintain a high standard of protection of the rights of persons belonging to the Frisian minority, the only national minority recognised under the Framework Convention. Most rights granted to the Frisian minority, in particular those related to the use of and learning of the language, are limited in territorial scope, namely to the province of Fryslân. Significant investments have been made both by the central authorities and the province of Fryslân, in particular in the fields of education, language and culture. The respective competencies of central and provincial authorities are clearly defined in administrative agreements that are regularly reviewed by means of consultation with respective competent authorities and Frisian institutions.

The general lack of teachers in the Netherlands affects in particular the teaching in and of Frisian due to the shortage of Frisian language teachers. The limited opportunities for accessing Frisian language rights in education at all levels is another area of concern. As regards the right to use the Frisian language in court, a lack of judges, clerks and prosecutors having a full command of Frisian and a dispute over the remuneration of interpreting services represent practical barriers to the effective implementation of the right to use Frisian in criminal proceedings and the right of the accused to fair trial. Whilst the central and provincial authorities secured the existence of *Omrop Fryslân* as an independent entity until at least 2023, the position of this Frisian media is vulnerable since the provision of radio and television in the Frisian language is safeguarded neither in the Media Act nor in the Use of Frisian Act and relies exclusively on the possible continuation of the joint financing. Announced budget cuts by Fryslân provincial authorities as of 2024 are a matter of concern, also for Frisian cultural, history and literature institutions.

The administrative reform involving mergers of municipalities in 2018 and 2019 had positive and negative effects: bilingual signage has been extended to some of the merged municipalities; however, not in all municipalities of the province of Fryslân where Frisian is spoken. The Advisory Committee expects that more concrete actions will be introduced as soon as possible to increase the visibility of the Frisian language in the public space, in line with the Visibility Agreement between the central and provincial governments signed in April 2022. The Advisory Committee expects similar improvements on business premises, bearing in mind that Frisian is one of the two official languages in the province of Fryslân, so as to avoid the weakening of its use in the long term.

Despite their longstanding request to be recognised as a national minority, Roma and Sinti and *Woonwagenbewoners* continue to be excluded from the scope of application of the Framework Convention. Persons belonging to these communities still experience ethnic profiling and discrimination in many areas, in particular as regards housing and accommodation. Furthermore, the highly decentralised housing policy resulted so far in the disengagement of central authorities in the policy of caravans and caravan pitches for Roma and Sinti and *Woonwagenbewoners*, creating double standards and therefore unequal treatment since the policy application depended on the willingness of each municipality. There is a need for a more centralised, coherent and co-ordinated approach in this respect. The request by persons belonging to the Papiamentu speaking community to access rights enshrined in the Framework Convention was also not met.

The general climate of tolerance and understanding prevailing in the Netherlands, a country with a diverse society with residents with a migrant background now representing 26% of the total population, is under strain. Despite a long tradition of respect and openness to other cultures among the population of the Netherlands reflected in sociological polls on attitudes towards 'minorities', and in spite of measures undertaken by the authorities at all levels to promote interethnic and inter-religious dialogue and an inclusive society, and to combat racism through the setting up of new institutions, the number of xenophobic hate speech and racist incidents is steadily increasing, in particular antisemitism and anti-Muslim hatred. Too many divisive and xenophobic messages feed into the mainstream political discourse and in the media, and fail to be publicly condemned by the highest authorities, investigated and/or prosecuted.

Recommendations for immediate action:

- In consultation with Frisian minority representatives, take positive measures, including to ensure sufficient finances to this effect, to remedy the shortage of teachers in and of Frisian in primary and secondary education and to make this profession more attractive. The authorities should also provide all necessary support to the Education Inspectorate in its task of monitoring the teaching in and of Frisian.
- Adopt a more flexible and inclusive approach towards the scope of application of the Framework Convention; enter into formal and constructive dialogue with representatives of Roma and Sinti and *Woonwagenbewoners* as regards their request for recognition as a national minority under the Framework Convention, as well as with Bonaire authorities and Papiamentu speaking community representatives on a possible extension of the application of the Framework Convention to persons belonging to the Papiamentu speaking community living in Bonaire. Until then, the authorities should follow an inclusive and pragmatic article-by-article approach on the implementation of the provisions of the Framework Convention *vis-à-vis* persons belonging to the abovementioned communities living in the European part of the Netherlands, in close consultation with their representatives.
- Explicitly include the grounds of 'language', 'skin colour' and 'ethnic origin' into the General Equal Treatment Act and raise awareness among the general population, including persons belonging to the Frisian minority and to communities most exposed to discrimination, of this legislation and the applicability of its provisions.
- Ensure a formal, effective and permanent consultative mechanism at the central level to liaise with representatives of Roma and Sinti and *Woonwagenbewoners* communities, as well as with representatives of other communities having made a similar request, and generally strengthen co-operation with their respective grassroots organisations.
- Combat and publicly condemn at the highest political level any instances of antisemitic and anti-Muslim discourse by public figures and actively support awareness raising measures against all forms of hatred in society, including antigypsyism. To this end, the authorities should further strengthen their efforts to prevent, investigate and prosecute effectively hate crime and hate speech, including on social media, as well as increase awareness of persons belonging to communities most exposed to hatred about various reporting possibilities and legal remedies.

I. KEY FINDINGS

Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by the Netherlands was adopted by the Advisory Committee on 3 April 2023 in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution CM/Res(2019)49 of the Committee of Ministers.¹ The findings are based on information contained in the fourth state report submitted by the authorities on 31 May 2021,² other written sources and additional information obtained by the Advisory Committee from governmental and non-governmental sources prior and during its visit to Amsterdam, Leeuwarden/Ljouwert, The Hague and Utrecht from 28 June to 1 July 2022. This visit took place in co-ordination with the seventh monitoring round of the Committee of Experts of the European Charter for Regional or Minority Languages (hereinafter “the Language Charter”), which adopted its seventh evaluation report on the Netherlands on 18 November 2022.

2. The Advisory Committee expresses its gratitude to the Dutch authorities, and in particular to Fryslân provincial authorities, for the assistance provided before, during and after the country visit, as well as to the other interlocutors it met during the visit for their valuable contributions. The draft Fourth Opinion, as approved by the Advisory Committee on 8 December 2022, was transmitted to the Dutch authorities on 12 December 2022 for observations, according to Rule 37 of Resolution CM/Res(2019)49. The Advisory Committee welcomes the observations received from the authorities on 2 March 2023.

3. The Advisory Committee welcomes the fact that – as was the case for previous monitoring cycles – its Third Opinion on the Netherlands’ implementation of the Framework Convention was translated into Frisian. It also takes note that the third state report, the Advisory Committee’s Third Opinion, as well as the government’s comments on the Third Opinion were transmitted to the House of Representatives.

4. As concerns the preparation of the fourth state report, the Advisory Committee notes with satisfaction that the fourth state report was published on the central government’s website.³ It also takes notes that, besides the competent authorities, organisations concerned with the Frisian language and culture had been asked by the Ministry of the Interior and Kingdom Relations or the Fryslân provincial authority to provide their comments on a draft,⁴ and that their input was included either directly or indirectly in the fourth state report concerning the Frisian language and culture.

5. Whilst welcoming the fact that the fourth state report reflects the input provided on 7 April 2021 by *DINGtiid*, the advisory body on the Frisian language in charge of promoting equality between the Frisian and Dutch languages in the province of Fryslân, the Advisory Committee notes that the latter was asked to provide comments on a draft of the state report on the implementation of the Language Charter sent by the Dutch authorities in March 2021, therefore not on the draft of the fourth state report on the implementation of the Framework Convention. The Advisory Committee stresses that the Framework Convention and the Language Charter are two different instruments, each with a different focus and thus requiring separate consultations with the civil society concerned since otherwise the comments received in relation to the Language Charter may thus be relevant only for language and language-related rights of the Framework Convention, rather than to all aspects of minority protection laid out in the Framework Convention. Furthermore, the Advisory Committee stresses that in accordance with Article 25(1) of the Framework Convention states parties shall transmit full information on the legislative and other measures taken to give effect to the principles set out in [the] Framework Convention.

6. Furthermore, the Advisory Committee observes, as reflected in the fourth state report, that *Jongfryske Mienskip*, a Frisian non-governmental organisation, expressed criticism regarding the government’s response to the Advisory Committee’s Third Opinion and called on the authorities to do more for the Frisian language and culture.⁵

¹ See [Resolution CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers on 11 December 2019.

² See [fourth state report](#).

³ See the [Dutch](#) version of the [fourth state report](#) published on the website of the [central government](#) (*Rijksoverheid*). The Advisory Committee has, however, not been in a measure to find the online publication of the previous state reports, the Advisory Committee’s previous opinions or related comments submitted by the government, unlike what is indicated on p. 7 of the [fourth state report](#).

⁴ See p. 8 of the [fourth state report](#) for the list of organisations which provided comments.

⁵ See [fourth state report](#), p. 8.

7. The Advisory Committee appreciates the efforts of the authorities to present information in a well-structured manner, albeit sometimes with a lack of details. It regrets that the fourth state report, while putting great emphasis on linguistic aspects, contains little information on the implementation of other rights protected under the Framework Convention. Furthermore, the Advisory Committee finds it regrettable that its Third Opinion was not brought to the knowledge of persons belonging to the Roma and Sinti and Jewish communities, or to the Papiamentu speaking community, and that no formal dialogue with them had been initiated, despite its explicit recommendation made in its Third Opinion.⁶

General overview of the current situation

8. The position of the authorities limiting the scope of application of the Framework Convention to persons belonging to the Frisian minority in the province of Fryslân remains unchanged. The authorities continue to exclude persons belonging to Roma and Sinti,⁷ *Woonwagenbewoners*⁸ and Papiamentu speaking communities from the scope of application despite their request to be recognised as a national minority and/or be given access to rights protected under the Framework Convention.

9. As far as persons belonging to the Frisian minority are concerned, the Advisory Committee observes the clear political will of the central government and 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 financial commitment by the central and provincial authorities are crucial for the successful implementation of the 2019-2023 Administrative Agreement on the Frisian language and culture⁹ and the goals fixed for 2030, such as removing all exemptions in the teaching of Frisian in primary and secondary education as a way to achieve a satisfactory knowledge of Frisian.

10. The decentralisation of competencies in the education field to the province of Fryslân can be considered as an important stepping stone towards a comprehensive education strategy aimed at fulfilling the targets set in the 2019-2023 Administrative Agreement. The survey of the state of the Frisian language (*Fryske TaalAtlas*), published in 2020,¹⁰ concludes that the proportion of Frisians able to read and write the language has increased slightly over the past 12 years. The proportion able to understand and speak Frisian has overall remained stable. The monitoring role of the Education Inspectorate has been clarified in the new Administrative Agreement.

11. While the number of trilingual (Dutch, English, Frisian) schools and the number of students taking high school exams in Frisian has increased (from 110 in 2017 to 156 in 2022), the persisting lack of qualified teachers continues to be a matter of concern. Furthermore, Frisian is mainly taught in primary schools and, for secondary education, in most cases only in the first year. Such teaching should be further extended considering that the 2019–2023 Administrative Agreement aims at removing all exemptions¹¹ by 2030. In

⁶ See the [Advisory Committee's Third Opinion on the Netherlands](#), adopted on 6 March 2019, para. 30.

⁷ In the present Opinion, the terms 'Roma and Sinti' or 'Roma and Sinti community' (used in the singular form) exclusively refer to Roma and Sinti who are Dutch citizens and whose families have been historically present in the Netherlands for centuries (approximately 3 000 persons, among them 2 500 Sinti and 500 Roma). They do not refer to more recent Roma groups, such as the "general pardon" group of Roma or "GP Roma" as they are commonly referred to (about 1 500 persons), or "Balkan Roma" (between 500 and 1 000 persons). The "GP Roma" arrived to the Netherlands during the 1960s and 1970s, mostly from what was then Yugoslavia and without passports or other official documents. In 1978, the Dutch government offered a general pardon to this growing group of Roma. The "Balkan Roma" are Roma who mainly arrived to the Netherlands later, during the 1980s and 1990s, as refugees from the former Yugoslavia. They are sedentary and often live in social housing, like the "GP Roma" and the latest migration wave of Roma from Bulgaria, the Czech Republic, Romania and Slovakia (about 500 persons).

⁸ In line with the wish of persons belonging to the community concerned, and to avoid using the term "caravan dwellers" – often used in the context of the Dutch policy on caravans and pitches – that could be seen as pejorative in English, the Advisory Committee instead prefers to use the Dutch term *Woonwagenbewoners* (Travellers) in the present Opinion with the understanding that this term encompasses a variety of groups, including showpeople and circus performers, for whom the desire to live in a caravan at a caravan site is culturally important and who still identify themselves as itinerant or semi-itinerant communities, even though now the majority of them have a sedentary way of life. *Woonwagenbewoners* are estimated to be between 20 000 and 35 000.

⁹ See the [Administrative Agreement on the Frisian Language and Culture 2019-2023](#) (in Dutch).

¹⁰ See the 2020 [Atlas of the Frisian language](#).

¹¹ In 2016-2018, an initial survey of how Frisian is taught in primary and secondary schools in the province of Fryslân was conducted. The provincial authority assigned each school a 'language profile' (from A to G in primary education and from A to D in secondary education, A being schools with no exemptions and G/D being fully exempted schools).

order to ensure the quality of Frisian language teaching in the future, investment in teacher training is needed, as well as the appointment of a full-time Frisian language professor at the university level. Other issues of concern are the lack of bilingual or Frisian preschools, in particular in larger towns, and the possible negative medium-term effects of the multilingualism policy on Frisian language learning at higher education level.

12. The Use of Frisian Act (*Wet Gebruik Friese Taal*)¹² 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 to the territory of the province of Fryslân. While the implementation of this Act appears to be mostly satisfactory for dealings with the administration at provincial level, challenges remain in criminal proceedings due to a lack of judges, clerks and prosecutors having a full command of Frisian, as well as to the refusal of interpreters to provide Frisian interpretation because of the current payment rate. The Advisory Committee expects that more concrete actions will be introduced to increase the visibility of the Frisian language in the public space, be it in topographical indications or inscriptions on public buildings or on business premises. The signature in April 2022 between the province of Fryslân and the central government of a Visibility Agreement to make Frisian more visible *inter alia* in government communication and on government buildings is a welcome development.

13. The existence of the regional broadcaster *Omrop Fryslân* is of considerable importance for the promotion of the Frisian language, including outside the province of Fryslân. Whilst support to the broadcaster is secured until the end of 2023 through the 2019–2023 Administrative Agreement, its position remains vulnerable as the provision of public broadcasting in the Frisian language is not safeguarded either in the Dutch Media Act or in the Use of Frisian Act. There is a risk that announced budget cuts as of 2024 may jeopardise the sustainability of media in Frisian, as well as the sustainability of initiatives promoting Frisian culture, history and literature.

14. The General Equal Treatment Act (*Algemene Wet Gelijke Behandeling*)¹³ covers discrimination on the basis of “race”, which according to the interpretation by the authorities 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 and to other communities most exposed to discrimination, as well as to enhance its visibility and preventive function, the Advisory Committee considers that explicitly including the grounds of ‘language’, ‘skin colour’ and ‘ethnic origin’ in the law would be highly relevant.

15. The Dutch authorities undertake a broad set of measures to promote mutual respect and intercultural dialogue, including in the field of education. 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. Despite a legal anti-discrimination framework and a Criminal Code which are regarded as largely satisfactory, divisive and xenophobic discourse remains widespread not only by far-right political parties and their supporters, but also by some mainstream political parties. Instances of antisemitism and anti-Muslim hatred also increased on social media. Positive developments since the last monitoring period include the registration of discrimination complaints by municipal anti-discrimination agencies, such as the reporting centre *Meldpunt Frysk* launched by the Fryslân provincial authority in May 2020 and which had received 50 reports at the time of submission of the state report, the setting-up of the Public Prosecution’s database on discrimination-related crimes, as well as the adoption of heavier penalties for violent offences involving discrimination and efforts to fight ethnic profiling by the police. The Fryslân provincial authority also works with *Tûmba*, a centre of expertise on discrimination, diversity and equality in Leeuwarden/Ljouwert, when responding to reports on alleged instances of discrimination. The reports received to date have led, *inter alia*, to the fine-tuning of the internal language policy of the Fryslân provincial authority and a greater focus on the use of Frisian in multilingual communications by the central government (e.g. on Covid-19 measures).

16. The authorities recognise that Roma and Sinti and *Woonwagenbewoners* are subject to discrimination in a variety of areas and the authorities therefore implement and/or financially support a number of programmes for these communities. Instances of ethnic profiling by municipalities and the local police have also been reported. However, neither a comprehensive policy and long-term strategic approach nor an effective and sustainable consultative mechanism targeted at persons belonging to these communities exist. This hampers the implementation of policies aimed at improving the situation of persons

To be awarded the A profile, schools must offer attainment targets for Frisian that focus on listening and reading comprehension, reading and speaking skills, language awareness and writing skills.

¹² See the [Use of Frisian Act](#) (in Dutch), adopted in 2014.

¹³ See the [General Equal Treatment Act](#) (in Dutch).

belonging to these communities. While the central government had adopted a new policy framework in June 2018 aimed at approaching the issue from a human rights perspective, the current government has come to the conclusion that the implementation of this policy failed and has decided to recentralise its housing policy, including its policy on caravans and pitches, at the governmental level. The state's foremost responsibility to guarantee a uniform application of human rights was indeed not guaranteed by a high decentralisation of responsibilities to individual municipalities which resulted in the unequal treatment of persons belonging to Roma and Sinti and *Woonwagenbewoners* communities.

17. With a view to promoting intercultural dialogue and mutual respect in society, the government organised consultations with a broad range of different stakeholders in the form of a so-called “flexible dialogue”. Whilst this is an improvement, such a dialogue does not meet all expectations and its top-down approach has been criticised by representatives of Roma and Sinti and *Woonwagenbewoners*. A request for a formal, effective and permanent consultative mechanism or a platform at the central level was expressed by representatives of Frisian non-governmental organisations, Roma and Sinti and *Woonwagenbewoners* associations, as well as by representatives of the Jewish and Papiamentu speaking communities.

Assessment of measures taken to implement the recommendations for immediate action

18. The Advisory Committee notes with satisfaction that, in 2021, the central government and the Fryslân provincial authority informed the House of Representatives and the Fryslân provincial council about the implementation of the Administrative Agreement on the Frisian Language and Culture 2019-2023 by means of an interim report. It takes positive note that *DINGtiid* was involved in this evaluation.¹⁴ It also notes that the Ministry of the Interior and Kingdom Relations commissioned in 2021 an evaluation of the role of the Frisian “Language Captain”¹⁵ – a role that was assigned to the Fryslân provincial executive in 2017 – and that evaluation showed that the parties involved are broadly satisfied with the way in which the province fulfils its role.¹⁶

19. The authorities maintain their position that discrimination against persons belonging to these communities is addressed as part of a government-wide approach to tackle discrimination. The Advisory Committee notes with satisfaction that, in October 2021, the government appointed a National Anti-racism and Anti-discrimination Co-ordinator and, in April 2022, a National Anti-racism and Anti-discrimination Commission. Their respective mandates also cover antigypsyism and discrimination against Roma and Sinti. It also welcomes commitments taken to combat antigypsyism under the ‘Policy measures in the Netherlands for equality, inclusion, and participation of Roma and Sinti’ adopted by the government in September 2021 in response to the European Commission’s request to develop a national Roma strategy covering the period 2020–2030 and notes in this respect that guidelines are being drawn up to assist municipal authorities with preventing and countering antigypsyism. It also takes note that the Ministry of the Interior and Kingdom Relations held consultations under the so-called “flexible dialogue” with representatives of Roma and Sinti and *Woonwagenbewoners* concerning the Dutch policy on caravans and caravan pitches, although this form of *ad hoc* and top-down consultation does not meet the communities’ expectations. The Advisory Committee welcomes the Dutch Government’s intention to recentralise its housing policy, including the policy on caravans and caravan pitches, with a view to addressing the identified shortcomings of the 2018 housing policy.

¹⁴ See the mid-term evaluation [report](#) on the implementation of the [Administrative Agreement on the Frisian Language and Culture 2019-2023](#) which was preceded by [recommendations](#) made on 30 June 2021 by *DINGtiid* (all in Dutch). This evaluation shows that the majority of the agreements have already been implemented halfway through the term. Priority focus for the remaining period concerns the visibility of Frisian, Frisian in the judiciary and Frisian in education.

¹⁵ The Frisian “Language Captain” co-ordinates, connects and inspires organisations and individuals concerned with the Frisian language in the province of Fryslân, in consultation with the central government. Assuming this role, the Fryslân provincial executive authority takes the lead in formulating a long-term vision for the Frisian language. As an example, it 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%.

¹⁶ See the [evaluation](#) of the role of “Language Captain” (*Taalskipper*) conducted in 2021 (in Dutch). This evaluation reveals that thanks to its role, more attention has been paid to language policy in the long term, for example to achieve the 2030 of the Frisian Language Plan. It also shows that some interviewees question the added value of the role of the *Taalskipper* compared to work that the province of Fryslân has already done.

20. While non-governmental organisations working on Frisian issues are consulted on an *ad hoc* and thematic basis by the province of Fryslân and usually have good access to decision-makers at the provincial level, the Advisory Committee regrets that, despite its previous recommendation, no institutionalised consultative mechanism was set up to allow these organisations to interact among each other, and to discuss issues which might go beyond cultural and linguistic aspects. The lack of direct communication channels with the central authorities was observed by the Advisory Committee. The Advisory Committee considers that the fact that Frisian non-governmental organisations have a possibility to have their voice heard through the “Language Captain” (*Taalskipper*) or DINGtiid (the advisory committee for the Frisian language), is not sufficient.

21. The Advisory Committee acknowledges that the Fryslân provincial government is engaged in a process towards more digital involvement of the Frisian population (not only NGOs) in the development of provincial policies, notably through a digital participation platform, the Voice of Fryslân (*Stim fan Fryslân*), set up in 2022 through which the Frisian population is asked to share ideas on how to give the Frisian language a future.

Assessment of measures taken to implement the further recommendations

22. The Advisory Committee regrets that the authorities continue to exclude persons belonging to Roma and Sinti, Woonwagenbewoners and Papiamentu speaking communities from the scope of application of the Framework Convention despite their requests to be recognised as a national minority and/or have their rights be guaranteed under the Framework Convention. It also regrets that the Dutch Government did not enter into any formal dialogue with representatives of these communities on their requests despite the Advisory Committee’s previous recommendation to do so.

23. The ground of language has not been incorporated into the General Equal Treatment Act despite the Advisory Committee’s recommendation to do so. However, the Advisory Committee welcomes the authorities’ efforts as regards anti-discrimination policies and laws, as well as comprehensive information on governmental websites about discrimination and about where victims can go for support or to lodge complaints. Although this information is given, there is still insufficient knowledge among the groups most subject to discrimination about reporting possibilities.

24. The Advisory Committee welcomes the efforts of the authorities at all levels to promote intercultural understanding and inter-religious dialogue, in particular in the field of education. Despite these measures, the number of xenophobic hate speech and racist incidents has been steadily increasing, in particular antisemitism and anti-Muslim hatred. The Advisory Committee is of the view that too many divisive and xenophobic messages feed into the mainstream political discourse and the media, and fail to be publicly condemned by the highest authorities, investigated and/or prosecuted.

25. The Advisory Committee welcomes the sustained efforts by the authorities to promote the use of the Frisian language in contacts with public services. The right to use the Frisian language in criminal court proceedings is not yet fully guaranteed. Bilingual signage has been extended to some of the merged municipalities; however, not all municipalities of the province of Fryslân where Frisian is spoken have decided to implement bilingual signage.

26. The Advisory Committee welcomes the fact that the monitoring role of the Education Inspectorate has been clarified in the new Administrative Agreement. It regrets, however, that the Education Inspectorate has no mandate to monitor the use of Frisian in preschools. The lack of Frisian language teachers, despite some measures undertaken, remains a matter of concern. The previous recommendation concerning the need for providing Frisian language teaching outside the province of Fryslân has been discussed, but it has not been implemented in practice.

27. The Advisory Committee notes that the government organised consultations with a broad range of different stakeholders in the form of the so-called “flexible dialogue”. With regard to the Frisian language and culture, *DINGtiid* keeps submitting advisory opinions to both the central government and the Fryslân provincial authorities. However, the requested consultation mechanism with Frisian minority non-governmental organisations has not been formalised and it still takes place on *ad hoc* basis. The Advisory Committee considers that representatives of Frisian minority associations have too few opportunities to make their voices heard, especially at the central level.

28. In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Scope of application of the Framework Convention

29. The Dutch authorities' interpretation of the scope of application of the Framework Convention remains unchanged.¹⁷ In its fourth state report, the Dutch Government reaffirms that it applies the Framework Convention exclusively to persons belonging to the Frisian national minority. 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. The authorities made it again clear during the visit that they had no intention to extend the scope of application of the Framework Convention to other communities (see below).

30. In response to a recommendation from the third monitoring cycle,¹⁸ the authorities provided a clarification regarding the territorial scope of application of the Framework Convention following the 2010 constitutional reform.¹⁹ The authorities also reaffirmed their position²⁰ that while only the Kingdom of the Netherlands is a subject of international law and as such can accede to international treaties, "treaties that were approved with respect to the Netherlands prior to the 2010 constitutional reform do not automatically apply to the Caribbean part of the Netherlands. As things currently stand, the Framework Convention therefore applies neither to the Caribbean part of the Netherlands nor to the other Caribbean countries of the Kingdom of the Netherlands."²¹

31. The Advisory Committee reiterates that the right to free self-identification contained in Article 3 of the Framework Convention is a cornerstone of minority rights. The choice of an individual to self-identify as a person belonging to a national minority is not to be arbitrary but must be linked to some objective criteria. The Advisory Committee has intentionally refrained from interpreting what "objective criteria" may be, as it is clear from the wording of the Explanatory Report on the Framework Convention that they must only be reviewed vis-à-vis the individual's subjective choice. While states parties have a margin of appreciation in determining how to approach the question of rights holders in compliance with national and international obligations, they must seek context-specific solutions that are not arbitrary and can prevent unjustified exclusion of persons who claim belonging to a minority. Furthermore, the Advisory Committee recalls that recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention.²²

32. The Advisory Committee, as in previous opinions, considers that the approach taken by the authorities with regard to the scope of application of the Framework Convention, notably the citizenship and the territoriality criteria,²³ could arbitrarily limit the possibility for persons belonging to other interested communities to benefit from its provisions (see below). Limiting the scope of application to the province of

¹⁷ See the [first state report](#) (para. A3.2 and A3.3 on p. 21): "Dutch legislation provides no definition for the term 'national minority'. With a view to ratification of the Framework Convention, the government in consultation with parliament laid down criteria with which a group of residents in the Netherlands would have to comply for eligibility as a national minority within the meaning of the Framework Convention. In the Netherlands, 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. The Framework Convention has been declared applicable to the Frisians in the Netherlands, as it is only the Frisians who fulfil these criteria within the Netherlands." See also Parliamentary Papers, House of Representatives, 2003/04, 26389, no. 9, pp. 5–6.

¹⁸ See the [Advisory Committee's Third Opinion on the Netherlands](#), adopted on 6 March 2019, para. 31.

¹⁹ See [fourth state report](#), p. 11. The Kingdom of the Netherlands is made of four constituent countries (*landen* in Dutch): Aruba, Curaçao, the Netherlands and Sint Maarten. The vast majority of land area of the constituent country of the Netherlands is in Europe, while its three "special municipalities" (Bonaire, Sint Eustatius and Saba, the so-called BES islands) are located in the Caribbean. Indeed, through a constitutional reform, which entered into force on 10 October 2010, the BES islands acquired the status of special municipalities and became the Caribbean part of the Netherlands. Curaçao and Sint Maarten acquired the status of countries within the Kingdom of the Netherlands, similar to Aruba, which had this status since 1986. Citizens of the Caribbean part of the Netherlands have both Dutch and EU-citizenship.

²⁰ See the [Advisory Committee's Third Opinion on the Netherlands](#), para. 28.

²¹ See the [fourth state report](#), p. 11. See also Article 91 of the [Dutch Constitution](#).

²² See [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, paras 6, 9, 10, 27 and 28.

²³ See [ACFC Thematic Commentary No. 4](#), paras 29-30 for citizenship and paras 32-33 for territoriality criteria.

Fryslân also limits the minority rights of persons belonging to the Frisian minority living outside the province (see Articles 10 to 14 below).

33. Furthermore, the Advisory Committee deeply regrets that, despite its recommendation, there is still lack of consultation with representatives of communities having expressed interest to benefit from access to the rights enshrined in the Framework Convention and in general from their possible inclusion under the scope of application of the Framework Convention.²⁴ Given that the Dutch approach to the scope of application of the Framework Convention does not require a formal act of recognition, such consultations may start *a minima* with consultations on a possible article-by-article approach of selected articles of the Framework Convention, depending on the respective circumstances and wishes expressed by representatives of these communities.

Recommendation

34. The Advisory Committee again urges the authorities to adopt a more flexible and inclusive approach towards the scope of application of the Framework Convention and to consider on an article-by-article basis which rights should be made available to whom.

Request for recognition under the Framework Convention: Roma and Sinti and Woonwagengewoners

35. In the state report, the authorities indicated that they devote attention to Roma and Sinti under Article 14 of the European Convention on Human Rights (ECHR) and Article 27 of the International Covenant on Civil and Political Rights (ICCPR). They reaffirmed during the visit that they had no intention to extend the scope of application of the Framework Convention to Roma and Sinti, or to *Woonwagengewoners*, indicating that the current government had received no written request from these communities in that respect.

36. Interlocutors of the Advisory Committee belonging to the Roma and Sinti community and *Woonwagengewoners* maintain, however, their longstanding request²⁵ to be officially recognised as national minorities and be protected under the Framework Convention. They deeply regretted the lack of any progress and formal consultation in this respect.

37. Furthermore, Roma and Sinti representatives and other interlocutors of the Advisory Committee contest the arguments put forward by the Dutch authorities that persons belonging to these communities do not meet the criteria to be recognised as a national minority, arguing that the “traditionally resident” criterion and the lack of continuity of their presence on the Dutch territory are based on the assumptions that all Roma and Sinti were nomads and that they had all “disappeared” from the territory of the Netherlands during the persecution policies – the so-called ‘heathen hunts’ (*Heidenjachten*) – carried out during the 17th and early 18th centuries.²⁶ In return, these interlocutors indicated that Roma and Sinti’s presence in the Netherlands since the 15th century has been documented through historical archives and studies.²⁷ They also affirmed that despite the above persecutions, some of their ancestors stayed in the Netherlands, hiding publicly their Roma and Sinti identity, but continued to preserve their own language, culture, history passing them on to subsequent generations.

38. The Advisory Committee considers that an open dialogue with persons self-identifying as belonging to Roma and Sinti communities would be highly relevant, even more so considering that Roma

²⁴ See [Advisory Committee’s Third Opinion on the Netherlands](#), para. 30, as well as [Resolution CM/ResCMN\(2020\)2 on the implementation of the Framework Convention by the Netherlands](#) adopted on 12 February 2020.

²⁵ See [Advisory Committee’s Third Opinion on the Netherlands](#), para. 24. As an illustration of this longstanding request, see p. 18 of the [report](#) from November 2008, of a conference organised by ‘FORUM’, in co-operation with the Ministry of Foreign Affairs, the Ministry of Housing, Spatial Planning and Environment, on the occasion of a visit of the Council of Europe’s Committee of Experts on Roma and Travellers in the Netherlands.

²⁶ During this period, Roma and Sinti, as well as Jews and marginalised persons were killed or forced out of cities and provinces as a result of the so-called ‘heathen hunts’ (*Heidenjachten*). They were hounded in hunting parties organised by local authorities with citizens’ participation in compliance with existing laws at the time. For more information, see [Council of Europe’s Roma history factsheet Western Europe - Increasingly Strict Anti-“Gypsy” Laws](#), pp. 3-4.

²⁷ Historical archives show that Roma and Sinti arrived in Dutch mercantile cities (Deventer, Arnhem, Utrecht, Leeuwarden/Ljouwert, Middelburg) as early as 1420. Studies on vocabularies also prove the existence of inter-ethnic communication between the Dutch language and Romanes in the ‘Low Lands’ and in the province of Groningen, for the first time documented in 1570. See Sijs, Nicole van der, [Calendarium van de Nederlandse Taal, de geschiedenis van het Nederlands in jaartallen](#), 2006, pp. 61, 87, 150, 185 and 253 (in Dutch).

and Sinti are for the most part Dutch citizens for centuries, and that Romanes²⁸ – a non-territorial language only spoken by persons belonging to the Roma and Sinti communities – is already protected under the Language Charter. The Advisory Committee notes with regret that although the language spoken by Roma and Sinti is recognised as a minority language,²⁹ the group itself speaking this language is not regarded as a minority under the Framework Convention, a unique case among States Parties to both treaties.

39. Furthermore, the Advisory Committee was informed during its visit that primary schools - in order to receive subsidies according to a special scheme for primary education school boards if their school was attended by at least four pupils ethnically affiliated as Roma or Sinti - were asking the parents to give proof of “zigeuner” ethnicity through a written statement that was logged in the pupil records). Starting from the 2021-2022 educational year, the decision was made to drop that requirement and schools no longer have to include proof in their records to obtain the subsidy.³⁰ Despite the unacceptable pejorative terminology for the communities concerned used in the statement form, the Advisory Committee welcomes this decision. In the view of the Advisory Committee, this past practice could be seen as an acknowledgement of a distinct Roma and Sinti ethnic identity. It therefore encourages the Dutch authorities to take a step further by ensuring Roma and Sinti effective access to minority rights under the Framework Convention.

40. As regards recognition of *Woonwagenbewoners* as a national minority, the Advisory Committee underlines that in a number of States Parties to the Framework Convention, communities who do not necessarily distinguish themselves from the majority population from an ethnic or linguistic³¹ point of view but who have been traditionally pursuing an itinerant way of life and consider it as part of their identity, history and culture, have, based on these features, either been granted the status of a ‘distinct ethnic group’ within the majority population and/or been recognised as a ‘national minority’ in the sense of the Framework Convention.

Recommendation

41. The Advisory Committee urges the authorities to enter into formal and constructive dialogue with representatives of Roma and Sinti and *Woonwagenbewoners* as regards their request for recognition as a national minority under the Framework Convention and until then to follow a pragmatic article-by-article approach on the implementation of the provisions of the Framework Convention *vis-à-vis* persons belonging to these communities in close consultation with community representatives.

Papiamentu speaking community’s request for protection under the Framework Convention

42. The Ministry of the Interior and Kingdom Relations informed the Advisory Committee about an ongoing process as regards the central authorities’ intention to recognise Papiamentu/u language,³² which is spoken in Bonaire and also in the European part of the Netherlands, under the Language Charter.³³ This development results from an administrative agreement on Papiamentu language signed on 11 March 2021 between the Minister of the Interior and Kingdom Relations and the island commissioner of the Public Body of Bonaire. This agreement foresees the establishment of a joint organisation to safeguard the Papiamentu language and culture and that, by 2030, civil servants posted to Bonaire will have had a better command of Papiamentu and that all children leaving primary school should not only speak Papiamentu but also read and write it. The central authorities stated, however, during the Advisory Committee’s visit that they had no intention to enlarge the scope of application of the Framework Convention to persons belonging to the Papiamentu speaking community.

²⁸ ‘Romanes’ is the term used by Roma and Sinti who have traditionally resided in the Netherlands to designate their language, as well as by the authorities in their instrument of ratification of the Language Charter. It should be understood in the sense of ‘Romani’, the preferred term used at the Council of Europe.

²⁹ Since Roma and Sinti are not a territorially compact community, their language cannot be regarded as a ‘regional language’, but as a ‘minority language’.

³⁰ About €1 million in subsidies is applied for each year with a view for primary schools to be able to provide additional support to Roma and Sinti children. Source: Dutch Government (30 September 2021), [Policy measures in the Netherlands for equality, inclusion and participation of Roma and Sinti](#), published on the [European Commission website](#), p. 4.

³¹ During its visit, the Advisory Committee was informed about a “secret community “language” spoken by *Woonwagenbewoners* called ‘Bargoens’. For more information, see Moormann, J.G.M. (2002), [De Geheimtalen. Het Bargoense standaardwerk, met een nieuw, nagelaten deel](#) [The secret languages. The Bargoens standard work, with a new, posthumous part], edited by Nicoline van der Sijs, with an introduction by Enno Endt.

³² Papiamentu/u language differs slightly depending on the location, with variations in its standardised orthographies. Papiamentu is used in Aruba while Papiamentu is used in Curaçao and Bonaire.

³³ The decision on this recognition is to be adopted after the completion of the parliamentary approval procedure regarding the extension of the application of the Language Charter to the Caribbean part of the Netherlands.

43. Organisations representing the Papiamentu speaking community met by the Advisory Committee during its visit disagree with the central authorities' position that persons belonging to the Papiamentu speaking community – who are Dutch citizens living in the Netherlands, either in Bonaire or in the European part of the Netherlands – fall outside the scope of the Framework Convention. This is especially so bearing in mind that they have been nationals of the Dutch Republic and later of the Kingdom of the Netherlands for almost 400 years.³⁴ They see the Framework Convention as an important instrument connecting the European Convention on Human Rights (already applicable on Bonaire) and the Language Charter whose application for their community is under discussion. They also indicated that none of their two organisations had been contacted by the Dutch Government for a formal dialogue despite the Advisory Committee's previous recommendation to do so.³⁵

44. The Advisory Committee takes note of the signature of the administrative agreement on Papiamentu language between the Minister of the Interior and Kingdom Relations and the island commissioner of the Public Body of Bonaire, as well as of the current process aimed at extending the application of the Language Charter to Papiamentu/u.

45. As regard their wish to be protected under the Framework Convention, the Advisory Committee observes that persons belonging to the Papiamentu speaking community living in Bonaire could be seen to correspond to the Dutch interpretation of a 'national minority' since, to its knowledge, they are Dutch citizens, are traditionally resident within the territory of the Netherlands, live in traditional/ancestral settlement areas and differ from the majority population through their own language, culture and history.

46. The Advisory Committee understands from the government's response that there is still a possibility for treaties ratified prior to the 2010 constitutional reform to be applicable to the Caribbean part of the Netherlands by adding them to the so-called 'positive list' annexed to the Act on the Approval of Treaties from 17 May 2010 which was communicated by the Dutch Government to the Secretary General of the Council of Europe, with effect from 10 October 2010.³⁶ In fact, this is what the Dutch Government is currently doing by extending the Language Charter to Papiamentu/u. The Advisory Committee takes also due note that the authorities acknowledge that criteria that have been applied for the recognition of Frisians as a national minority are also applicable to the Papiamentu speaking community. The Advisory Committee sees therefore no legal impediment for the Dutch authorities to positively respond to the request from persons belonging to the Papiamentu speaking community to be granted protection under the Framework Convention in Bonaire and on an article-by-article basis in the European part of the Netherlands. Furthermore, the Advisory Committee stresses that the Advisory Council on International Affairs, an independent body which advises the Dutch Government and the Parliament on foreign policy, and the Netherlands Institute for Human Rights (NIHR) have both criticised the limited applicability of international human rights treaties in the Dutch overseas territories.³⁷

Recommendation

47. The Advisory Committee urges the authorities to enter into dialogue with Bonaire authorities and Papiamentu speaking community representatives on a possible extension of the application of the Framework Convention to persons belonging to the Papiamentu speaking community living in Bonaire and to consider its application on an article-by-article basis to those living in the European part of the Netherlands. Until then, the authorities should follow an inclusive article-by-article approach on the implementation of the provisions of the Framework Convention *vis-à-vis* persons belonging to the Papiamentu speaking community, in close consultation with its representatives.

³⁴ See joint submission to the Advisory Committee dated 30 June 2022 by Fundashon Akademia Papiamentu (based on Bonaire) and Stichting SPLIKA, a Dutch foundation.

³⁵ See the [Advisory Committee's Third Opinion on the Netherlands](#), para. 30.

³⁶ This annex lists international treaties whose application is extended to Bonaire, St. Eustatius and Saba.

³⁷ See [NIHR letter of March 2022 to the Dutch Government](#): "the Institute emphasizes that the limited administrative capacity in the Caribbean part of the Kingdom should not be a reason to postpone the implementation of human rights treaties and should, on the contrary, provide an extra incentive for the government to increase co-operation and support from the European part of the Netherlands in this area". See also Advisory Council on International Affairs (*Adviesraad Internationale Vraagstukken*) (2018) [Advies 107: Fundamentele rechten in het Koninkrijk: eenheid in bescherming – Theorie en praktijk van territoriale beperkingen bij de ratificatie van mensenrechtenverdragen](#) [Recommendation 107: Fundamental rights in the Kingdom: unity in protection – Theory and practice of territorial restrictions in the ratification of human rights treaties]: "Now that the BES islands are part of the Dutch territorial-administrative structure, a differentiated regime regarding human rights cannot be justified due to a 'substantive difference' in the context of article 132a of the Dutch Constitution; such differences between the Caribbean part and the European part of the Netherlands should be removed."

Article 4 of the Framework Convention

Legal framework for the protection against discrimination

48. According to Article 1 of the Dutch Constitution and the General Equal Treatment Act, discrimination based on “race”, nationality, religion, belief, as well as other grounds is prohibited.³⁸ The Municipal Anti-discrimination Agencies Act ensures that everyone has the opportunity to report alleged discrimination in their own place of residence.

49. As stated by the Netherlands Institute for Human Rights (NIHR) in its position paper submitted on 27 November 2020 to a permanent committee of the House of Representatives, the Dutch Government has been criticised by several international supervisory bodies, including the Advisory Committee and the European Commission against Racism and Intolerance (ECRI),³⁹ which required the list of grounds for discrimination to be brought in line with codification in various treaties, and called for the introduction of other grounds, such as *inter alia* ‘skin colour’, ‘language’, and ‘ethnic origin’.⁴⁰

50. The response of the Dutch Government to those requests referred to an earlier interpretation provided by the NIHR indicating that these grounds were considered to be included within the ground of “race”, in accordance with the United Nations Convention against Racial Discrimination by which “race” covers features of a physical, ethnic, geographical, cultural, historical or religious nature.⁴¹ In their fourth state report, the authorities also referred to an affirmative answer by the government to a question raised in the Dutch parliament as to whether persons belonging to a national minority within the meaning of the Framework Convention could invoke the General Equal Treatment Act.⁴²

51. During the visit, the NIHR indicated to the Advisory Committee having since then received signals that citizens do not have a clear picture of the exact meaning of the term “race” in the General Equal Treatment Act. The NIHR considers that in order to tackle (racial) discrimination, it is necessary that both authorities and citizens are aware of and have knowledge about the grounds on which discrimination is not allowed and, *vice versa*, on which grounds citizens enjoy protection. For that reason, the NIHR, even though this change would not provide any additional guarantees in a legal sense, has adopted a more nuanced view that explicitly mentioning ‘skin colour’, ‘ethnic origin’ and ‘language’ in the law could promote clarity and therefore the effectiveness of the General Equal Treatment Act.⁴³

52. The Advisory Committee reiterates its position that discrimination on the ground of ‘language’ should be explicitly included in the legislation bearing in mind that language is not associated with “race” within Dutch society and that persons belonging to the Frisian minority, as an example, would not consider themselves belonging to a different “race”. It also regrets that ‘skin colour’ and ‘ethnic origin’ are not considered as specific grounds for discrimination in the General Equal Treatment Act. In this respect, the Advisory Committee takes note that the current understanding of the ground of “race” remains unclear to the general public.

53. The Advisory Committee takes note that the authorities indicated in their state report that they pursue a generic policy to promote equality, inclusion and participation of Roma and Sinti and that discrimination against these communities is therefore addressed as part of a government-wide approach to tackle discrimination. However, it considers that it would be also relevant in view of the level of discrimination and ethnic profiling faced by Roma and Sinti communities to specifically include ‘skin colour’ and ‘ethnic origin’ as separate grounds. More generally, in the Advisory Committee’s view, adding these grounds in the equal treatment legislation would not require a fundamental change of the legal framework but would provide the necessary clarification regarding the scope of application of the equal treatment legislation, thus contributing to its effectiveness. It would therefore welcome the implementation of this longstanding recommendation.

³⁸ For the full list of grounds, see [Dutch Government's webpage on prohibition of discrimination](#).

³⁹ See [ECRI Fifth report on the Netherlands](#), adopted on 2 April 2019, published on 4 June 2019, para. 3.

⁴⁰ Missing grounds also include social origin, wealth, birth and other status. The NIHR, however, deems it less desirable to add such grounds to the [General Equal Treatment Act](#) (in Dutch).

⁴¹ See [Government's comments on the Third ACFC Opinion on the Netherlands](#) (July 2019), p. 5.

⁴² Parliamentary Papers, Senate, 2000/01, 26 389, no. 60, p. 3. See also p. 12 of the [fourth state report](#).

⁴³ See [Position paper](#) (December 2020) – *Bestrijding van racisme en discriminatie in Nederland* [Combating racism and discrimination in the Netherlands], available in Dutch.

Recommendations

54. The Advisory Committee urges the authorities to explicitly include the grounds of ‘language’, ‘skin colour’ and ‘ethnic origin’ into the General Equal Treatment Act and raise awareness among the general population, including persons belonging to the Frisian minority and to communities most exposed to discrimination, of this legislation and the applicability of its provisions.

55. The Advisory Committee calls on the central authorities to ensure that human rights and equal treatment legal provisions are effectively implemented in a coherent and co-ordinated manner and uniformly applied throughout the country, in particular for persons belonging to national minorities and persons belonging to communities most exposed to discrimination.

Institutional framework for the protection against discrimination

56. Several agencies, such as the Public Prosecution Service and municipal Anti-discrimination Agencies (hereinafter “the ADVs”), are involved in the fight against discrimination. In recent years, improvements have been made in the registration of discrimination complaints. Every municipality has an ADV, which is responsible for registering and processing discrimination complaints.⁴⁴ These ADVs cooperate with the OM and the police, but also with schools and businesses. They may also support victims to bring complaints before the NIHR or the courts. In recent years, the Public Prosecution Service has demanded heavier penalties for violent offences involving discrimination. Yet, in 2019, less than 2% of the discrimination reports led to a lawsuit.⁴⁵

57. The NIHR is an independent body that provides various parties, including the government, with solicited and unsolicited advice on issues relating to equal treatment. The NIHR functions as a quasi-judicial institution. Although its decisions are not binding and it cannot impose sanctions, its recommendations are followed-up in around 80% of cases.⁴⁶ A civil or administrative court is required to take the NIHR’s findings into account in its decision making. However, it is possible to apply to the courts without first contacting the NIHR.

58. The Office of the National Ombudsman of the Netherlands (hereinafter “the Ombudsperson”) investigates complaints regarding the public administration, including on the islands of Bonaire, Sint Eustatius and Saba, and provides advice to public servants on how to improve their conduct. It can also launch investigations on its own initiative. 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 about 170 staff, which include Frisian speakers, and can receive complaints in the Frisian language. There have been no such complaints during the reporting period.

59. Discriminatory statements on the internet can be reported to the internet discrimination hotline (*MiND Nederland*). The hotline evaluates reports of discrimination on Dutch language online content. If *MiND Nederland* believes that a particular statement is unlawful, it issues a request for the removal of that statement. In exceptional cases, it contacts the police.

60. In their state report, the authorities indicated that the NIHR, the Ombudsperson and the municipal ADVs play an important role in supporting victims of discrimination. In response to the report ‘Unprecedented Injustice’ (*Ongekend onrecht*),⁴⁷ the government decided to provide the NIHR and the ADVs with substantial additional funding.⁴⁸ In 2021, the NIHR capacity and resources were substantially increased to offer training courses to the staff of implementing organisations to preventively counteract unconscious biases.

⁴⁴ Complaints can be submitted directly to employers, landlords, educational institutions or transport companies. All public institutions and companies must have a complaints officer or a complaints committee. It is also possible to seek advice and assistance from a municipal ADV. Discrimination reporting offices can also be contacted through the national discrimination helpline.

⁴⁵ Hoorntje R. (30 October 2020), [Waarom gaan racisten in Nederland zo vaak vrijuit? \[Why do racists in the Netherlands go unpunished so often?\]](#), OneWorld.

⁴⁶ European network of legal experts in gender equality and non-discrimination (2022), [Netherlands – country report non-discrimination 2022](#), pp. 79-80.

⁴⁷ See the ‘[Unprecedented Injustice](#)’ report published by the Childcare Allowance Parliamentary Inquiry Committee on 17 December 2020.

⁴⁸ The NIHR received extra funds for handling complaints against implementing organisations, such as the Benefits Agency. The ADVs received extra funds to offer legal and emotional support when complaints of this kind are submitted and to ensure that they are thoroughly investigated and followed up appropriately.

61. Furthermore, on 15 October 2021, the government appointed a National Anti-racism and Anti-discrimination Co-ordinator⁴⁹ who visited the province of Fryslân in February 2022 and met with the regional minister for the Frisian language. In addition, a National Anti-racism and Anti-discrimination Commission was set up to carry out long-term studies over a number of years, including on discrimination within the government. Both the Co-ordinator and the Commission have among their mandate to address discrimination faced by Roma and Sinti.

62. At the level of the Fryslân provincial authority, the reporting centre *Meldpunt Frysk*, launched in May 2020, had received 50 reports by the date of submission of the state report. These complaints concerned occasional anti-Frisian statements, the authorities' failure to use the Frisian language – one of the two official languages in the province of Fryslân – in announcements, brochures or administrative forms, or the lack of visibility of Frisian in media, educational establishments and public bodies. The Fryslân provincial authority also works with *Tûmba*, a centre of expertise on discrimination, diversity and equality in Leeuwarden/Ljouwert, when responding to reports that are regarded as discriminatory. The reports received to date have *inter alia* led to the fine-tuning of internal language policy at the level of the Fryslân provincial authority, and a greater focus on the use of Frisian in multilingual central government communications, such as on Covid-19-related measures.

63. Data concerning complaints of alleged discrimination by persons belonging to the Frisian minority or belonging to Roma and Sinti or *Woonwagenbewoners* is not systematically collected by various Dutch equality bodies, although some progress is noticeable. The NIHR indicated to the Advisory Committee that before 2021, it had not always registered separately whether or not a reported complaint or question was related to Frisians, Roma and Sinti or *Woonwagenbewoners*. The NIHR also highlighted a margin of error in its data collection due to the fact that keywords 'Roma' and 'Sinti' were rarely included in the summary of the question or notification, especially if the information was written by the Front Office staff itself. Consequently, the numbers for Roma and Sinti and *Woonwagenbewoners* may overlap. The NIHR has never launched an *ex officio* investigation concerning persons belonging to the Frisian minority, Roma and Sinti or *Woonwagenbewoners*. It has, however, advised the central government upon request in March 2018 as regards its caravans and caravan pitches policy (see Article 6 below).⁵⁰

64. The NIHR reported that during the 2018–2021 period, most, if not all, complaints related to *Woonwagenbewoners* or Roma and Sinti submitted to the NIHR were based on the ground of "race". Most of these complaints related to social protection (welfare), supply of goods and services, housing or labour. In 2018, in total, eight processed complaints by the NIHR concerned *Woonwagenbewoners* (in one of these cases the processed complaint, filed by a Sinti appellant who was living in a caravan, concerned supply of goods and services). They all ended with an opinion. Out of the eight processed complaints, seven were found to be cases of unjustified discrimination. In 2019, two NIHR opinions concerned Sinti. For both, no discrimination was sufficiently demonstrated. In 2020, eight NIHR opinions were published regarding *Woonwagenbewoners*. Three of these cases concerned discrimination (in the field of social welfare). One of them concerned Roma and Sinti and was filed by the Netherlands Sinti, Roma and *Woonwagenbewoners* Association (*Vereniging Sinti, Roma en Woonwagenbewoners Nederland - VSRWN*). The case was followed-up by the municipality which conducted research about the needs to expand the number of caravan sites. In 2021, none of the processed complaints concerned Roma and Sinti; however, 14 concerned *Woonwagenbewoners*. Four of them did not fall in the field of equal treatment legislation, while in the remaining 10 cases discrimination was found. Between 2018 and 2021, there was no single case regarding persons belonging to the Frisian minority.

65. According to the EU MIDIS-II study, 76% of Roma and Sinti and *Woonwagenbewoners* in the Netherlands felt discriminated against because of their ethnic background in the 12 months preceding the survey.⁵¹ The survey also noted a contrast between persons belonging to these communities concerning their knowledge of the existing equality bodies: 59% of *Woonwagenbewoners* and Sinti had heard of at least one equality body in the Netherlands, whilst only 12% of Roma had replied so. During its country field visit, the Advisory Committee observed that *Woonwagenbewoners* families living on a caravan pitch nearby Amsterdam, though not isolated but surrounded by blocks of flats, had no interaction with their neighbours. Most families living in the neighbourhood refuse to let their children visit the site where *Woonwagenbewoners* families live, including for social events such as birthday parties.

⁴⁹ See its [website](#).

⁵⁰ See this [NIHR opinion](#) (in Dutch).

⁵¹ For further details about this survey, consult [Roma and Travellers in six countries – FRA 2020 survey](#).

66. The Advisory Committee reaffirms its view that full and effective equality for persons belonging to national minorities as enshrined in Article 4 of the Framework Convention requires a functioning anti-discrimination framework with institutions that are independent, adequately resourced, and have a broad enough mandate to effectively support victims in achieving legal remedy. The Advisory Committee therefore welcomes additional human and financial resources provided to the NIHR and the ADVs. The Advisory Committee takes positive note of a numerous offer at central, regional and municipal levels in terms of institutional framework for the protection against discrimination. However, it stresses the complexity of the Dutch system and the confusion it may create for individuals, especially those most subject to discrimination, to understand which institution they should address first in case of an alleged discrimination, and which remedies each of these institutions can provide or which sanctions they can impose. It considers worthwhile to research why persons belonging to the Frisian minority have reported to *Meldpunt Frysk* at least 50 instances of anti-Frisian statements or failures to use the Frisian language by provincial public authorities, whilst there has been no single case regarding persons belonging to the Frisian minority reported to the NIHR or the Ombudsperson during the same monitoring period.

67. Notwithstanding the above, the Advisory Committee notes with satisfaction an effort to introduce policies and laws that reduce discrimination. The government provides comprehensive information on its website about discrimination and where victims can go for support or lodge complaints. Positive developments include the registration of discrimination complaints by ADVs, the Public Prosecution's database on discrimination-related crimes, heavier penalties for violent offences involving discrimination and efforts to fight ethnic profiling by the police.

Recommendation

68. The Advisory Committee encourages the authorities to continue providing adequate human and financial resources to the National Institute for Human Rights, the Ombudsperson and the municipal Anti-Discrimination Agencies. The authorities should also raise awareness about the existence of these bodies and respective mandates, in particular among persons belonging to the Frisian minority and to communities most exposed to discrimination.

Article 5 of the Framework Convention

Promotion of Frisian language and culture

69. The Use of Frisian Act regulates *DINGtiid*, the advisory body for the Frisian language which has the task of promoting equality between the Frisian and Dutch languages in the province of Fryslân. One of its core duties in this regard is reporting on needs and wishes with regards to the Frisian language and culture in relation to the Use of Frisian Act, the Language Charter and the Framework Convention. *DINGtiid* submits advisory opinions to both the central government and the Fryslân provincial authority on how to further improve the promotion of Frisian language and culture.

70. The Dutch policy to protect and promote Frisian language and culture has for decades been regulated through administrative agreements (*bestuursafpraak Friese taal en cultuur*) concluded periodically between the central government and the province of Fryslân. On 30 November 2018, a new Administrative Agreement (hereinafter "the Agreement") was signed by the Minister of the Interior and Kingdom Affairs and the province of Fryslân for the period 2019-2023 (*Bestjoersôfspraak Fryske Taal en Kultuer 2019-2023*). The Agreement covers the areas of education, judiciary, administration, media, culture and cross-border activities. The Agreement clarifies responsibilities, including financial ones,⁵² sets quantifiable targets, and is subject to a mid-term evaluation after two years.

71. In late 2021, the central government and the Fryslân provincial authority provided a mid-term assessment report to the House of Representatives and to the Fryslân Provincial Council about the implementation of the Agreement. *DINGtiid* was involved in the evaluation of the implementation of this Agreement. In 2021, the Ministry of the Interior and Kingdom Relations also commissioned an evaluation of the role of Frisian "Language Captain" (*Taalskipper*), which the Fryslân provincial executive authority undertook in 2017. These two reports are available to the public on the central government website.

⁵² The Frisian cultural institutions that are co-funded by the provincial authorities and the Ministry of Education, Culture and Science include the Frisian language theatre company "*Tryater*", the research institute "*Fryske Akademy*", and the Frisian Literature Museum and Documentation Centre "*Tresoar*". Other cultural institutions, such as the Centre for Frisian Art and Culture (*Keunstwurk*) and the language promotion institution "*Afûk*" are financially supported by the province of Fryslân only.

72. In 2020, the central government made information on the recognised languages more broadly available to the general public. A dedicated website offers information on all recognised regional or minority languages in the Netherlands,⁵³ as well as answers to frequently asked questions. The authorities informed the Advisory Committee that they are exploring the possibility of providing the above information in the regional or minority languages concerned. The site also lists the relevant legislation, administrative agreements and voluntary agreements pertaining to each language, and provides links to documents shared with the House of Representatives.

73. In the framework of the ‘Explore the North’ project,⁵⁴ the Fryslân provincial authority is working to establish a production company focusing on Frisian and multilingualism, building on the legacy of *Lân fan Taal*,⁵⁵ and forging connections with the City of Literature⁵⁶ and the Ministry of Education, Culture and Science’s experimental schemes. In 2020, sets of cards with poems were distributed to food banks, and elderly people in care homes were also sent cards with Frisian poetry. In 2022, the province of Fryslân took the initiative to translate into Frisian the poem ‘The Hill We Climb’ by Amanda Gorman. By focusing on more accessible reading materials, the provincial authority hopes to bring the language to a wider audience, not only making Frisian more visible, but also increasing its use.

74. On 31 October 2019, Leeuwarden-Fryslân was admitted to the UNESCO Creative Cities Network (UCCN). This involves sharing experiences about literature and promoting books and multilingualism with an emphasis on the Frisian language. Within this UNESCO network, attention is paid to the Frisian culture not only through literature, but also through design, film and gastronomy.

75. In 2022, and for the first time, the Frisian Writers’ School (*Fryske skriuwersskoalle*) started in the province of Fryslân with the aim to help eight students to master the written form of the Frisian language. Previously, this school existed only in the province of Groningen. The City of Literature has so far covered 50% of the participation fee. It is envisaged that, as of January 2023, the City of Literature together with *Tresoar*, the centre dealing with Frisian history and literature, will make the Frisian Writers’ School fully independent of the Groningen province.

76. The Fryslân provincial authority highlighted the strong focus currently given on developing Frisian language technology. It has made €224 978 available to the University of Groningen (RUG) for developing such technology and has also developed an informative manual about the Frisian language and a related smartphone application ‘*Taal fan it hert*’.⁵⁷ Following the initiative “Frisian Google Translate Week”, the Frisian language has now been made available on Google translate. Furthermore, the Fryske Akademy has developed since October 2021 its own quality translation website.⁵⁸ The province of Fryslân is also actively promoting Frisian through the Mozilla Common Voice Project and would like citizens to be able to use Frisian when using mobile phones and apps.⁵⁹

77. Frisian minority organisations gave positive feedback regarding their participation at the Second and Third Regional Languages Symposia.⁶⁰ They see these events as a positive way of enabling persons belonging to the Frisian minority to connect with other minority language speakers and learn from each other.

78. Most Frisian interlocutors welcomed the central and provincial efforts and initiatives aimed at promoting the Frisian language and culture. However, *Tresoar* expressed concerns about the medium- and long-term financial implications of the central authorities’ decision in 2020 to cease funding Regional History Centres’ municipal programmes from 2024 onwards. *Tresoar* fears that this decision will have implications for future administrative agreement on the Frisian Language and Culture, and that at least part

⁵³ The [central government website](#) provides information (in Dutch) concerning Frisian, Limburgish, Low Saxon, Romanes and Yiddish languages.

⁵⁴ The ‘Explore the North’ production company intends to associate the language with other forms of art over the coming years, and profile the Frisian language on local, national but also international platforms.

⁵⁵ Consult [Lân fan Taal website](#) for more information about activities of this Frisian language programme.

⁵⁶ In 2019, Leeuwarden was named [City of Literature](#) by Unesco. This has become the name of a project aimed at making Frisian literature as accessible as possible.

⁵⁷ The province of Fryslân indicated that the App “What’s it in Frisian/Say something in Frisian” did not receive the expected funding from for the Horizon call. It is still unclear whether this project will be developed by the province from its own budget and according to its methodology.

⁵⁸ See [online Dutch/Frisian dictionary](#) and another translation from/into Frisian: *de oersetter app*.

⁵⁹ Mozilla Common Voice is a crowdsourcing project aimed at creating a free database speech recognition software.

⁶⁰ Organised in Venlo in 2019 and in Wolvega/Wolvege in April 2022, respectively.

of the funding for *Tresoar* could be discontinued, despite the affirmation of the contrary by the government in response to a question from the Parliament.⁶¹

79. The Advisory Committee reiterates that persons belonging to national minorities should have access to publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures, in line with Article 5 of the Framework Convention. The Advisory Committee therefore welcomes numerous positive developments, projects and initiatives aimed at promoting the Frisian language and culture and supporting Frisian cultural institutions taken in 2019-2022 by the central government and the Fryslân provincial authority, thus fulfilling many of the undertakings foreseen under the 2019-2023 Agreement. It also welcomes the practice of administrative agreements between the central and provincial authorities, in particular its high degree of transparency, stability and reliability regarding the promotion of the Frisian language and culture. It takes note that the administrative agreements prescribe mutual consultations between the province and the government in case either side wishes to lower the resources allocated to these institutions.

80. The Advisory Committee notes with satisfaction various positive initiatives aimed at promoting the Frisian language and culture and highlights in this respect the importance of sustainable financial support to cultural institutions, such as through *Tresoar* and the City of Literature, as well as the importance of making traditional as well as modern expressions of Frisian culture available to all students (see, however, some areas of concern it identified under Articles 10, 11, 12, 14 and 15, which could hamper substantial and lasting improvements for the rights of persons belonging to the Frisian national minority). It notes the development of the multilingual *Fryske digiTales* allowing users to access an online library with traditional tales. However, this digital library contained at the time of the visit only three well-known Frisian folk tales, and the future of this project seems uncertain due to a lack of stable funding. The Advisory Committee notes that the Dutch authorities have stated that before continuing with the financing of *Fryske digiTales*, an assessment will be carried out to establish what is needed to teach Frisian history. It also notes that in 2023, a book about Frisian history, intended for secondary education, will be written and be made available in Dutch and Frisian, for all secondary schools in the Netherlands. Whilst welcoming various digital projects developed by the province of Fryslân aimed at encouraging English speakers to learn Frisian, the Advisory Committee underlines the equally important goal to promote the learning of Frisian among the Dutch speaking population and notes with satisfaction that Frisian language classes for Dutch speakers are already accessible at the *Afûk*, the language promotion organisation.

Recommendation

81. The Advisory Committee encourages the authorities to secure stable political and financial support to institutions and projects which contribute to protection, promotion and development of Frisian culture and language in consultation with the provincial authorities, municipalities and Frisian civil society organisations.

Article 6 of the Framework Convention

Intercultural dialogue and mutual respect

82. The Netherlands is an ethnically diverse society. The diversity is constantly increasing and approximately 26% of residents now have a migrant background.⁶² Dutch national and local authorities indicate undertaking measures to promote intercultural understanding, as well as inter-religious dialogue, including through citizenship education.

83. Although recently the number of xenophobic hate speech and racist incidents in the public sphere has risen (see below), a sociological poll on attitudes towards 'minorities' conducted in 2019 showed that a majority of Dutch people shared positive views about ethnic and religious minorities. The majority of people interviewed as a part of this survey (64%) indicated that they had a positive attitude towards Roma. However, 30% of the respondents had unfavourable opinions about this community.⁶³ Two-thirds of respondents had a favourable attitude towards Muslims, but a bit less than 30% did not.⁶⁴ Over 90% of

⁶¹ See [Minister Slob's answers to parliamentary questions referring to the minister's intention to leave the joint arrangements with the Tresoar Regional Historic Centres \(RHCs\)](#) (in Dutch).

⁶² See 2022 figures by the [Statistical Office of the Netherlands](#). The Statistical Office changed its methodology in February 2022. With data as of 1 January 2022, out of 17.6 million people, 2.6 million (14.7%) were *not born* in the Netherlands and are defined as 'migrants'. 2 million (11.3%) had one or two parents born outside the Netherlands (hence the 26% total). Source: CBS (2022) [Integratie en Samenleven](#).

⁶³ See 2019 survey results about [attitudes towards Roma in the Netherlands](#).

⁶⁴ See 2019 survey results about [attitudes towards Muslims in the Netherlands](#).

respondents indicated that they had a very favourable or mostly favourable opinion of the Jewish community. Nevertheless, 65% of the respondents agreed with the statement that antisemitism is a problem in the society and 55% thought that antisemitism is on the rise.⁶⁵ Furthermore, 55% of respondents believed that immigrants increased the risk of terrorism in the Netherlands.⁶⁶ Even Dutch citizens with Moroccan or Turkish origin and Muslims (groups that overlap to some degree) also encounter a great deal of both negative attitudes and unequal treatment. They are heavily stigmatised in Dutch society and are perceived as a threat due to a perceived conflict in values or fear on the part of the majority of losing their cultural identity or their way of life. People with a Surinamese or Antillean origin and people from Central and Eastern Europe experience slightly less discrimination.⁶⁷

84. According to recent sociological studies,⁶⁸ limited intergroup contacts, exacerbated during the Covid-19 pandemic, and negative representation of migrants and refugees in the mainstream media, and predominantly on social media, play an important role in shaping the majority attitudes towards these groups and persons belonging to them. These studies also revealed that people have in reality little personal contacts with other cultures and their prejudiced attitudes originate from information present in the mainstream media⁶⁹ and on social media.

85. The Advisory Committee welcomes the authorities' efforts to promote intercultural understanding and inter-religious dialogue in society. It is nevertheless concerned by various signals of rising hostility towards some groups in society on social media, as well as in the political discourse and in media (see below Article 6 Protection from hate crime and hate speech). Any means to reinforce intercultural dialogue, mutual respect and understanding could be explored, for instance organising different activities involving persons belonging to different minority communities and to the majority population.

Recommendation

86. The Advisory Committee asks the central authorities to take effective measures to develop and implement programmes and activities, including in the fields of media and education, to promote intercultural dialogue, mutual respect and integration of society as a whole.

Respect and understanding for Roma and Sinti and Woonwagenbewoners' way of life, cultural traditions and history

87. In 2018, a new policy framework of the central government concerning the caravans and caravan pitches policy was adopted following several meetings with persons who have identified themselves as *Woonwagenbewoners* from generation to generation, municipalities, housing associations and other stakeholders. The 2018 policy framework offered building blocks that municipalities could use to give substance to the municipal housing policy for *Woonwagenbewoners*. The basic principle was that housing policy was a primary responsibility of municipalities as they can make local assessments based on local needs.⁷⁰ The vision underlying this new policy framework was centred on protecting *Woonwagenbewoners* from discrimination, guaranteeing their fundamental rights⁷¹ and providing legal certainty and clarity.⁷²

⁶⁵ See 2019 survey results about [attitudes towards Jews in the Netherlands](#).

⁶⁶ See 2019 survey results about [attitudes towards immigrants in the Netherlands](#).

⁶⁷ Ljubic V. (2020), *(Anti)discrimination, ideological extremism and xenophobia in the Netherlands 2018-2020*, published by the European Centre for Democracy Development on Hate and Radicalism in the Netherlands, p. 11.

⁶⁸ van Beers L. & van Klingeren M. (2020), *Direct en indirect contact: Hoe persoonlijk contact en mediacontact hun weerslag hebben op houdingen ten opzichte van verschillende migrantengroepen* [Direct and indirect contact: How personal contact and media contact affect attitudes towards different migrant groups], Mens en maatschappij [People and society], 95(2), pp. 83-111.

⁶⁹ The VSRWN association has created a media team which, apart from providing films, interviews and publish columns monthly, is also involved in the fight against prejudices in traditional media.

⁷⁰ In the Netherlands there is general housing shortage of around 400,000 houses, or 5% of the total housing stock. Source: [Atlas voor gemeenten 2022 – Wonen](#), [Atlas Research (2022)].

⁷¹ In May 2017, the Ombudsperson published a report in which he stated that the central government and the municipalities had fallen short in their reliability with regard to "*Woonwagenbewoners*". The Ombudsperson found that authorities insufficiently recognise and facilitate the right of "*Woonwagenbewoners*" to live according to their cultural identity. The Ombudspersons' main recommendations included a joint vision development with municipalities, housing associations and residents, a policy framework for municipalities and housing associations and monitoring the number of locations in the Netherlands.

⁷² Concretely this meant that a municipality determined the caravans and caravan pitches policy as part of the public housing policy; the policy must have taken sufficient account of and provided space for the caravan life of "travelling communities"; this required that the need for pitches was clear; corporations provided housing for "travelling communities" insofar as they belonged to the target group; the dismantling of pitches was not permitted (except in

88. The authorities expected this policy framework to give rise to a reassessment of the parking policy for caravans in various municipalities. By making the policy for *Woonwagenbewoners* explicit, the specific housing needs of this group were to be guaranteed. This should have led to a reversal of the trend in the last two decades, i.e. a decrease in the number of pitches. This policy, however, did not bring the expected results: many municipalities are reluctant to provide pitches for *Woonwagenbewoners*, especially in the southern part of the country.⁷³ The Ministry of the Interior and Kingdom Relations, having taken note of the shortcomings of the 2018 policy framework, informed the Advisory Committee during the visit that the government would recentralise the housing policy, including its caravans and caravan pitches policy.

89. Since the last monitoring cycle and in response to the Advisory Committee's previous recommendation, the Ministry of the Interior and Kingdom Relations has held regular consultations with representatives of Roma and Sinti and *Woonwagenbewoners*, including on its caravans and caravan pitches policy, through a so-called "flexible dialogue".⁷⁴ The state report refers to such consultations; however, it does not provide any detailed information on the content and outcomes of this consultation.⁷⁵

90. After extensive consultation with Roma and Sinti, the Ministry of Health, Welfare and Sport introduced a grant scheme to promote the rights of Roma and Sinti in the Netherlands and to foster their participation and position in society. It distributes among persons belonging to this community the remaining funds from the compensation awarded in connection with the persecution of Roma and Sinti during the Second World War. Partly in view of the history of these funds, the Ministry of Health, Welfare and Sport considers it important to guarantee the involvement of Roma and Sinti throughout the process, including in monitoring. To this end, an advisory committee made up of Roma and Sinti has been set up to advise the Ministry of Health, Welfare and Sport on the assessment of the grant applications. Projects focusing on co-operation between Roma and Sinti themselves and between Roma and Sinti and the government are encouraged.

91. Representatives of Roma and Sinti and *Woonwagenbewoners*, for whom travelling forms are part of their identities, expressed their deep concern about the current negative impact of the forced sedentarisation policy, also called the "extinction policy", that took place in the Netherlands between 2006 and 2018.⁷⁶ They perceived this policy as a lack of respect for their culture and traditions, of which living together as extended families in caravans is an essential part. They regret that the expansion of families or the possibility of welcoming visitors or bringing families together (young couples traditionally wishing to remain close to their parents or grandparents) have not been planned. It is forbidden for them to add a caravan, even a static one, on the caravan pitch. Furthermore, as observed by the Advisory Committee during its field visit, accommodation (mobile homes) provided to Roma and Sinti and *Woonwagenbewoners* is often inadequate and sometimes located in hazardous areas. Although green spaces neglected by the municipality exist next to some mobile homes, these spaces are in principle prohibited for their use because they are not included in the rented space.

92. Representatives of Roma and Sinti and *Woonwagenbewoners* also complained about the lack of waiting lists, or where these exist, about long waiting lists for obtaining caravan pitches, about administrative barriers and excessive rental prices for their average income. As a result, many young families have to share a caravan with their parents because they have no possibility of being allocated a

exceptional circumstances) as long as there was a need for pitches; a home-seeking "travelling communities" who wished to do so had a chance of finding a pitch within a reasonable period of time.

⁷³ The "2020 Pitches Repeat Measurement" submitted by the Minister of the Interior and Kingdom Relations to the House of Representatives in May 2021 shows that the number of mobile homes pitches, totalling well over 8,800, has remained virtually the same over the past two years. Source: Dutch Government (30 September 2021), [Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti](#), [European Commission website](#), p.6.

⁷⁴ According to the definition provided by the authorities, "flexible dialogue" means that the government consults a range of different parties. Depending on the matter in hand, they may be professional experts, opinion makers, people with knowledge derived from experience and/or representatives of communities. The form these consultations take depends on the subject and the parties concerned, and is not limited to Roma and Sinti and *Woonwagenbewoners*.

⁷⁵ See the [fourth state report](#), p. 9.

⁷⁶ With the repeal of the Caravan Law (*Woonwagenwet*) in 1999, the caravan policy became decentralised and the 'normalisation' of the housing policy for "caravan dwellers" became a fact. The explanatory memorandum to the repeal of the Caravan Law stated that "a legal obligation for a municipality to maintain a caravan centre is no longer necessary." As a result, many municipalities, especially in the southern part of the Netherlands, applied a local policy aimed at reducing the number of caravan pitches to zero, the so-called "extinction policy". The term "extinction policy" which translates the Dutch term "*sterfhuisconstructie*" should not be understood as a deliberate policy to make *Woonwagenbewoners* go extinct as a community. This term is used in the Netherlands for anything that is being phased out (usually for past privileges that will not be revoked but also not inherited).

pitch in the same campsite as the rest of their family. This creates a situation where the caravan is crowded, which is also not conducive to guarantee equal opportunities in education for their children when it comes to homework or distance learning during the Covid-19 pandemic.⁷⁷

93. Representatives of Roma and Sinti and *Woonwagenbewoners* also observed a lack of a coherence and consistency in consultation processes with the authorities. They regretted that the agenda of “flexible dialogue” meetings is not sufficiently community driven but follows a rather top-down approach. During the visit, Roma and Sinti, *Woonwagenbewoners*, but also other interlocutors from the Jewish community and the Papiamentu speaking community, highlighted the lack of a clearly identified entity at the central level whom they could consult and with whom they could liaise directly about their respective needs. Even though the Ministry for the Interior and Kingdom Relations *de facto* plays this role, they consider that its mandate should be made clearer in this respect, whilst also advocating for the setting up of a permanent consultative mechanism for these communities at the central level (see also Article 15 – Effective participation for a similar request by Frisian non-governmental organisations).

94. Another request the Advisory Committee heard from Roma and Sinti and *Woonwagenbewoners* relates to the lack of a widespread teaching about the culture and history of these communities in Dutch educational materials, including remembrance of the Roma and Sinti, as well as Jewish victims of the Holocaust,⁷⁸ despite the Council of Europe’s recommendations asking member states to do so.⁷⁹ Several positive developments have nevertheless been observed such as the creation of the Camp Westerbork National Memorial Centre in late 2021 which opened a digital exhibition of the memories of the war in respect of the 162 163 Roma and Sinti victims of the Holocaust.⁸⁰ The story of Settela Steinbach and the deportation of Roma and Sinti from Camp Westerbork are a permanent part of the educational programme in the National Memorial Centre.

95. In addition, since 2021, there has been a Holocaust remembrance monument in Amsterdam with the names of victims of the Holocaust, amongst them 220 Roma and Sinti. Whilst recalling that Dutch schools are autonomous in their teaching, the authorities highlighted that the formal curriculum is being updated, specifically in relation to the topics of language and citizenship, and existing learning materials about the history of Roma and Sinti can be used as content for these parts of the formal curriculum. Additionally, schools from all educational levels have a possibility to organise school tours to museums and Holocaust remembrance centres⁸¹ or to use available teaching materials on the history of Roma and Sinti, and in particular about their fate during the Holocaust.

96. The Advisory Committee reiterates that for the Roma and Sinti and *Woonwagenbewoners* travelling constitutes one of the essential elements of their cultures and identities. It further emphasises that the right to adequate housing is a human right, and contains within it the notion of cultural adequacy, as emphasised in the longstanding case law of the European Court of Human Rights.⁸² Furthermore, the Advisory Committee stresses that an itinerant or semi-itinerant way of life impacts upon access to education, the labour market and healthcare facilities. Carefully targeted and positive measures are thus needed to preserve and facilitate the itinerant or semi-itinerant way of life of persons belonging to the Roma and Sinti community and to *Woonwagenbewoners*.

97. The Advisory Committee observes with interest that the so-called “flexible dialogue” between the government and representatives of Roma and Sinti and *Woonwagenbewoners* has been put in place.

⁷⁷ Additionally, showpeople and circus performers complained about the negative impact of Covid-19 pandemic restrictions on their socio-economic life, which added to an already existing economic decline following the authorities’ decision to forbid them to perform using wild animals.

⁷⁸ To overcome this, the Radio La Benevolencija Humanitarian Tools Foundation, which promotes self-empowerment, created in 2019 in co-operation with other partners, an educational platform as part of the project ‘The genocide of the Roma and the Roma identity’.

⁷⁹ See [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted on 1 July 2020 and [Recommendation CM/Rec\(2022\)5](#) of the Committee of Ministers to member States on passing on remembrance of the Holocaust and preventing crimes against humanity adopted on 17 March 2022.

⁸⁰ Reuters (19 September 2021), [The Netherlands unveils its first national Holocaust museum](#). The Camp Westerbork National Memorial Centre centre also developed ‘Een Lesson Up’ (a lesson derived from the life story of survivor Mädie Franz), teaching materials for the book ‘Opgejaagd’ by Lydia Rood for primary education and teaching materials from the family story of Bluma Schattevoet. An [online exhibition](#) can also be used as a starting point for education.

⁸¹ When developing education products or organising school tours about the Holocaust, the National Committee for 4 and 5 May (responsible for Commemorations) and the *Stichting Musea en Herinneringscentra WOII* (a network of WWII museums and remembrance centres) always pay attention to the persecution of Roma and Sinti.

⁸² See ECtHR, *Chapman v. United Kingdom*, app.no.27238/95, 18 January 2001.

However, it regrets that the agenda and the results of such meetings is not always jointly discussed with the communities concerned. It considers essential that persons belonging to these communities have a possibility to express their views on matters they consider of utmost importance to them. Setting up a formal, effective and permanent consultation mechanism would be an additional step that could enable persons belonging to these communities to take part in decision-making processes and to express their views on issues of concern to them.

98. The Advisory Committee also learnt with great interest during its visit about the decision of the current government to recentralise the housing and caravan and pitches policies after the government had reached the conclusion that relying exclusively on municipalities to implement these policies had not met the initial expectations. The Advisory Committee welcomes this change of approach and the involvement of *Woonwagengewoners* (including Roma and Sinti concerned) in those discussions, underlining that the almost two decades of highly decentralised housing policy resulted in the disengagement of the central authorities in the policy of caravans and caravan pitches for Roma and Sinti and *Woonwagengewoners*. This has created over time double standards, and therefore unequal treatment in the policy application since all depended on the willingness of each municipality to invest in such policies, leading to the most extreme scenario of the so-called “extinction policy”. The Advisory Committee stresses that it is the state’s foremost responsibility to guarantee a uniform application of human rights (see also above Article 4 - Legal framework for the protection against discrimination) and that decentralisation of responsibilities to individual municipalities should not result in lowering the equality of treatment that persons belonging to Roma and Sinti and *Woonwagengewoners* are also entitled to.⁸³ The Advisory Committee also noted a disengagement of the state authorities on Roma and Travellers-related issues at the international level,⁸⁴ which hopefully will be remedied in the near future following the recentralisation of the housing policy domestically.

99. As regards the promotion of history and culture, the Advisory Committee welcomes numerous recent initiatives to increase knowledge among the general public and in schools about the remembrance of Roma and Sinti victims of the Holocaust. The Advisory Committee, however, is of the view that such promotion should also address other parts of their history and cover cultural elements and traditions of *Woonwagengewoners* and Roma and Sinti and be broadly shared with the general public and across the educational system.

Recommendations

100. The Advisory Committee urges the authorities to ensure a formal, effective and permanent consultative mechanism at the central level to liaise with representatives of Roma and Sinti and *Woonwagengewoners* communities, as well as with representatives of other communities having made a similar request, and generally to strengthen co-operation with their respective grassroots organisations.

101. The Advisory Committee calls on the authorities at all levels to respect the Roma and Sinti and *Woonwagengewoners’* way of life and notably enable them to access adequate accommodation, including caravan pitches, as an integral and valued part of the Dutch diverse society.

102. The Advisory Committee encourages the authorities to continue taking initiatives to include the teaching of culture and history of Roma and Sinti and *Woonwagengewoners*, beyond remembrance of the victims of the Holocaust, into school curricula and educational materials. They should also ensure that such teaching becomes mandatory for all students in the Netherlands.

Protection from hate crime and hate speech

103. The Criminal Code criminalises racist insults, incitement to hatred and racist offences under Article 137. Hate speech is criminalised in the Criminal Code⁸⁵ and refers specifically to group defamation and incitement of discrimination, hate or violence. Courts can prohibit and dissolve organisations the activities of which violate ‘public order’, which is the case when activities include inciting hatred, public defamation or Holocaust denial.⁸⁶ Online harassment falls under the same punishment. Content-related offences are punishable regardless of the medium in which the content has been published.

⁸³ The NIHR ruled that the so-called “extinction policy” was contrary to the constitutional right to equal treatment, as elaborated in the General Equal Treatment Act.

⁸⁴ To illustrate this, the Netherlands is no longer represented since 2019 in the intergovernmental work on Roma and Traveller issues at the Council of Europe. During the visit, the Advisory Committee was informed that the absence of a Dutch representative in the intergovernmental committee of experts on issues related to Roma and Travellers (ADI-ROM) was due to a shortage of staff in the Ministry of the Interior and Kingdom Relations.

⁸⁵ See Section 137d of the [Criminal Code](#) (in Dutch).

⁸⁶ See a [verdict by the Court of Amsterdam](#) from 29 May 2018 (in Dutch).

104. The authorities informed the Advisory Committee that the Public Prosecution Service consults with partners, interest groups and media experts on how to highlight the criminal-law approach to tackling discrimination and hate crimes. The parties involved exchange ideas on the scope and limitations of criminal law and the dilemmas surrounding communication regarding criminal cases.⁸⁷ According to the new directives on discrimination from the Public Prosecution Service, which came into effect on 1 January 2019, the emphasis is on prosecuting offenses with a discrimination aspect, instead of specific discriminatory offences such as group insults and incitement to hatred, discrimination and violence.⁸⁸

105. Since 2020, hate crimes can be punished with heavier sentences and the law makes it easier for victims to include a complaint of discrimination when reporting offences such as vandalism or assault. The initial impetus for the new law was a string of antisemitic attacks on businesses in Amsterdam, such as the Hacarmel restaurant, and the lack of attention to discrimination against people of African descent.⁸⁹ Although courts could already increase sentences if they found a crime to be discriminatory, in practice this rarely happens. In 2019, courts convicted defendants of discrimination in 47 cases.⁹⁰

106. The Personal Records Database (BRP) only registers objective data on origin (country of birth and parents' country of birth), not on ethnicity. The only possibility to obtain some sort of data about ethnicity is through surveys.⁹¹ Furthermore, the Dutch authorities do not collect disaggregated data on the bias motivation of hate crimes. Hate crimes are registered as any other criminal offence according the respective provision in the Criminal Code. The Public Prosecution operates an integrated database of criminal cases (GPS), which can be used to register all racist motivated crimes such as arson attacks on mosques or desecration of Jewish cemeteries.

107. In order to increase willingness among victims of discrimination-related violence to report incidents or lodge a criminal complaint, the police are focusing on measures to support victims who report an incident or lodge a criminal complaint, and on increasing knowledge and expertise within the police by making use of internal police networks. The police and the Minister of Security and Justice have developed measures to prevent ethnic profiling by increasing diversity within the police, conducting training and awareness-raising for police officers, investing in police-community relations, and making it easier to file complaints about ethnic profiling.

108. According to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, there has been substantial evidence of ethnic profiling during identity checks, traffic control, preventive searches and border-stops triggered by (unconscious) discriminatory bias by the police and the Royal Netherlands Marechaussee in recent years.⁹² In June 2022, a media investigation has revealed instances of ethnic profiling and black listing of *Woonwageneigenaren* by municipalities.⁹³

109. Discrimination incidents and crimes, reported either to the police, to the municipal ADVs or via the online reporting platform *MiND Nederland*, have generally increased between 2018 and 2019, in particular as regards antisemitism and anti-Muslim hatred.

110. In 2018, 8% and in 2019 14% of total discrimination cases registered by the police concerned antisemitism. 145 reports of online discrimination were related to antisemitism. There were 29 registrations of antisemitic graffiti: for example, swastikas and anti-Jewish texts were inscribed on Jewish monuments and on the letterbox of a Jewish family. A few cases included violence. The ADVs received 48 reports of antisemitism in 2018 (1% of all reports). This increased to 2% in 2019. The *MiND Nederland* registered 145 reports on this ground in 2018 (25% of the total number) but fewer in 2019.⁹⁴

⁸⁷ See the [fourth state report](#), p. 14.

⁸⁸ Kruijze, P., Gruter, P., & Suchtelen, T. V. (2020), [Discriminatieaspect als strafverzwarende omstandigheid](#) [Discrimination aspect as an aggravating circumstance], Ateneo, published on the central government website.

⁸⁹ Source: [DutchNews.nl article](#) from 29 June 2020.

⁹⁰ DutchNews.nl (29 June 2020), [CU and GroenLinks want tougher sentences for hate crimes](#).

⁹¹ As an example, a qualitative survey on the social inclusion of Roma and Sinti in terms of housing and living conditions was conducted in the Netherlands by the Risbo research consultancy at Erasmus University Rotterdam.

⁹² Ljubic V. (2020), [\(Anti\)discrimination, ideological extremism and xenophobia in the Netherlands 2018-2020](#), pp. 7–8.

⁹³ See [Stentor news article](#).

⁹⁴ The Israel Information and Documentation Centre (CIDI) registered a total of 182 antisemitic acts in 2019 (61 reports, or 34% of all reports concern "real-life incidents" including swearing or threatening in the public space) and recorded 127 cases of online antisemitism, especially on social media, forums and antisemitic websites.

111. Out of the 151 incidents of religious discrimination registered by the police, 91% related to anti-Muslim hatred. Two-thirds of the 304 reports of religious discrimination received by ADVs were directed against Muslims.⁹⁵ Interlocutors of the Advisory Committee also reported that xenophobic incidents continue to take place, in particular during election campaigns, and often remain unpunished. As an example, on 18 December 2018, a court declared as unsubstantiated the complaint by several human rights organisations challenging an earlier court ruling that the statement “Islam kills” used in an advertisement by a political party during the March 2018 municipal elections was not punishable on the grounds that this was directed against a religion and not against a group of people.

112. In 2020, in the aftermath of the Covid-19 outbreak, online platforms became overflowed with hate speech. Radical groups exploited uncertainty and fears related to the pandemic to promote extreme ideology, including racist and antisemitic narratives.⁹⁶

113. The Advisory Committee takes positive note of the police and the Minister of Security and Justice having developed measures to prevent ethnic profiling by increasing diversity within the police, conducting training and awareness-raising for police officers, investing in police-community relations, and making it easier to file complaints into the alleged cases of ethnic profiling. It further takes note of the new policy document of the police from 2017 setting the professional standards for proactive police stops. The Advisory Committee is also pleased to note that the government has increased the maximum penalty for incitement to hatred⁹⁷ in order to counter online hate speech.

114. The Advisory Committee welcomes the appointment of a National Anti-racism and Anti-discrimination Co-ordinator who has among his mandate to address antigypsyism. It also notes with satisfaction that antigypsyism has been recognised as a matter of concern by the Dutch Government in its policy making, namely in its national anti-discrimination strategy and in its policy measures for equality, inclusion, and participation of Roma and Sinti adopted in September 2021 in response to the European Commission’s request to develop a national Roma strategy covering the period 2020–2030 and that guidelines, involving representatives of Roma and Sinti communities are being drawn up to assist municipal authorities with preventing and countering antigypsyism.⁹⁸

115. Notwithstanding progress in the authorities’ commitment to address antigypsyism, the Advisory Committee remains concerned by a persisting level of racism among a certain part of the Dutch population and politicians and deeply regrets that the levels of antisemitism and anti-Muslim hatred are steadily increasing in political discourse⁹⁹ and on social media. The Advisory Committee emphasises the need for a more evidence-based, comprehensive and strategic approach towards such discourse by public figures and also the sanctioning policy in the cases of hate speech on social media.

Recommendation

116. The Advisory Committee urges the authorities to combat and publicly condemn at the highest political level any instances of antisemitic and anti-Muslim discourse by public figures and actively support awareness raising measures against all forms of hatred in society, including antigypsyism. To this end, the authorities should further strengthen their efforts to prevent, investigate and prosecute effectively hate crime and hate speech, including on social media, as well as increase awareness of persons belonging to communities most exposed to hatred about various reporting possibilities and legal remedies.

⁹⁵ Ljujic V. (2020), [\(Anti\)discrimination, ideological extremism and xenophobia in the Netherlands 2018-2020](#), p. 13.

⁹⁶ Ljujic V. (2020), [\(Anti\)discrimination, ideological extremism and xenophobia in the Netherlands 2018-2020](#), p. 11.

⁹⁷ As part of a broader approach to preventing discrimination the maximum sentence for the offence of public incitement to violence, hate or discrimination (Article 137d of the Criminal Code) has been doubled as of 1 January 2020. The courts may now sentence offenders to a term of imprisonment of up to two years or impose a (fourth category) fine.

⁹⁸ Antigypsyism is explicitly referred to in the 2021 national anti-discrimination strategy. For other antigypsyism-related measures, see [Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti](#), adopted by the Dutch Government on 30 September 2021, [European Commission website](#), p. 2.

⁹⁹ Controversial statements about alleged relationship between “races” and differences in IQ by prominent members of a right-wing political party also triggered heated public debate about racism in politics (see Vanja Ljujic, (2020), [\(Anti\)discrimination, ideological extremism and xenophobia in the Netherlands 2018-2020](#), p. 9).

Article 9 of the Framework Convention

Media in the Frisian language

117. The Agreement on the Use of the Frisian Language in the Media, signed in 2016, provides safeguards for the position of Frisian in the media, including through joint financing by the government and the province. Under this framework, *Omrop Fryslân* continues to produce television, radio and internet content in Frisian and is available across the whole country. Furthermore, two regional newspapers, *Friesch Dagblad* and *Leeuwarder Courant*, are issued in Leeuwarden/Ljouwert and both publish a small number of their articles in Frisian.

118. During the monitoring period, *Omrop Fryslân*, the *Leeuwarder Courant* and *Friesch Dagblad* newspapers have launched their own training programme financed by the province of Fryslân alone to teach up to nine new journalists the Frisian language, culture and identity to compensate for the lack of regular teaching in and of Frisian in the education system. They find it difficult to recruit both professional journalists and Frisian-speaking journalists. Therefore, providing Frisian-language training seems the most sustainable solution at the moment. However, they expressed concerns about possible budget cuts beyond 2023 and highlighted that a lack of financial support could affect the continuity of the programme in the future.

119. The Advisory Committee reaffirms its view that adequate support needs to be granted both to the media and programmes for, by and about national minorities in minority and majority languages, as well as in bilingual or multilingual formats. Increased funding should be provided by the authorities to organisations or media outlets representing minorities in order to bring their identity, language, history and culture to the attention of the majority population. Efforts should also be made to retain journalists with minority backgrounds into mainstream media programmes, and to ensure that minorities are also represented in broadcasting councils.¹⁰⁰

120. Against this background, the Advisory Committee considers the existence of a well-equipped public broadcaster in the Frisian language to be one of the cornerstones guaranteeing language rights to persons belonging to the Frisian minority. Whilst welcoming that the central and provincial authorities have secured the existence of *Omrop Fryslân* as an independent entity until at least 2023, it stresses the importance to provide continuous and stable financial support. This notwithstanding, the Advisory Committee considers that the position of *Omrop Fryslân* is vulnerable since the provision of radio and television in the Frisian language is safeguarded neither in the Media Act nor in the Use of Frisian Act and would rely exclusively on the signature of a new agreement that would ensure the continuation of the joint financing by the government and the province.

Recommendation

121. The Advisory Committee asks the central and provincial authorities to ensure sufficient and stable financial support to the only Frisian language broadcaster, as well as to facilitate training and the recruitment of media professionals who can both speak the Frisian language and meet professional journalism criteria.

Article 10 of the Framework Convention

Use of Frisian in relations with administrative authorities

122. Frisian is designated in Article 3 of the Use of Frisian Act as a language that can be used in dealings between citizens and the administrative authorities in the province of Fryslân, provided, however, that using the Frisian language does not lead to a disproportionate burden on administrative communications.¹⁰¹ For services provided by employees of municipalities themselves, citizens must be able to speak their own language (Dutch or Frisian) in contact with the municipality. Vacancies at municipalities usually require passive command of Frisian. In a number of cases, also active command or the willingness to learn the language is required.

¹⁰⁰ See the [Advisory Committee's Thematic Commentary No. 3](#), The Language Rights of Persons belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, paras 41-42.

¹⁰¹ Alinea 1 of Article 3 of the [Use of Frisian Act](#) states that "anyone may use the Frisian language in communications with administrative authorities in so far as the latter have their seat in the Province of Friesland" and Alinea 2 that "alinea 1 shall not apply if the administrative authority asks to use the Dutch language on the grounds that using the Frisian language would lead to a disproportionate burden on administrative communications."

123. The Fryslân provincial authority published in 2020 a new edition of its survey of the state of the Frisian language (*Fryske TaalAtlas*). The *TaalAtlas* gives an idea of the command and use of Frisian by residents and public authorities, and in education and business. Residents were asked in a survey to what extent they are able to understand and use Frisian, and how frequently they actually do so. As in previous surveys, this one demonstrated that almost all residents of Fryslân understand the language (93.3%). The *TaalAtlas* points out that the share of individuals indicating they understand Frisian well or very well (84.1%) has declined by one percentage point since the 2015 survey. The same applies to the proportion of persons who say they speak Frisian well or very well (down from 66.6% in 2015 to 64.1% in 2019). The proportion of people able to read Frisian has increased since 2007, and there was also a small increase in 2019. In the 2019 survey, 15.9% of respondents indicated that they could write Frisian well or very well, up from 14.5% in 2015 and 9.5% in 2007. The *TaalAtlas* concludes that the proportion of individuals able to read and write the Frisian language has increased slightly over the past 12 years. The share of those able to understand and speak Frisian has overall remained stable.

124. According to minority representatives, the implementation of the Use of Frisian Act is mostly satisfactory for dealings with the administration at the provincial level. In addition, they have the possibility to launch complaints to the *Meldpunt Frysk* (see Article 4). Some interlocutors of the Advisory Committee indicated, however, that following the 2018–2019 municipality mergers in the province of Fryslân,¹⁰² there is not always the possibility to use Frisian at the municipal level, in particular in larger municipalities (see Article 16 below).

125. The Advisory Committee reiterates that one of the preconditions for the preservation of a minority language as an essential element of the identity of a national minority and its transmission is that the given language remains fully functional in all areas of daily life, including in the field of administration. Indeed, a threat to the functionality of the minority language as a communication tool in a given region is sufficient to constitute a ‘need’ in terms of Article 10.2 of the Framework Convention.¹⁰³ Therefore, it is important that persons belonging to national minorities can effectively use their minority language in relations with administrative authorities.

126. In this light, the Advisory Committee welcomes that the sustained efforts by the authorities in supporting the Frisian language are bearing fruit as demonstrated by surveys showing that the share of persons able to read and write the Frisian language has increased slightly over the past twelve years, whereas the share of persons able to understand and speak the language has overall remained stable.

127. The Advisory Committee highlights the need to apply Article 3:2 of the Use of Frisian Act in a way that does not limit the use of Frisian in practice in relations with the administrative authorities.

Recommendation

128. The Advisory Committee encourages the authorities to ensure that the right to use the Frisian language in relations with the administration, as guaranteed by the Use of Frisian Act, is fully implemented in practice in all public services and is effectively monitored in a timely manner by the Frisian “Language Captain”. The authorities should further ensure that the right to use Frisian in relations with the administration as guaranteed by the Use of Frisian Act is provided with sufficient resources.

Use of Frisian in courts

129. Frisian is used regularly in judicial proceedings in all locations used by the Northern Netherlands District Court (Leeuwarden/Ljouwert, Assen and Groningen) and the Arnhem-Leeuwarden/Ljouwert Court of Appeal (Leeuwarden/Ljouwert and elsewhere, including in Arnhem and Zwolle), provided the person wishing to use Frisian lives, resides or has his/her registered office in the province of Fryslân. Since the last monitoring cycle, several actions have been taken to remedy the shortage of Frisian interpreters in the judicial system; however, the situation remains critical in criminal proceedings. This is due to the fact that the three available C1-interpreters have indicated that they do not agree with the rate they receive for interpreting assignments in criminal proceedings and refuse to provide interpreting services in Frisian on that basis. This has resulted in certain court hearings taking place without qualified interpreters.

130. Furthermore, during the visit, the Advisory Committee was informed by its interlocutors that in criminal proceedings, prosecution is represented by judicial authorities from outside the province of Fryslân who can rarely speak and understand the Frisian language. At best, judges, clerks and prosecutors have

¹⁰² Mergers of the municipalities of Leeuwarden, Súdwest-Friesland and Waadhoeke took place in 2018, whereas the merger of North-East Friesland occurred in 2019.

¹⁰³ See the [Advisory Committee’s Thematic Commentary No. 3](#), para. 56.

a passive command of the Frisian language. As a consequence, according to these interlocutors, the right of the accused to use the Frisian language is not fully guaranteed. However, the Dutch authorities indicated that when a litigant has expressed the wish to exercise the right to speak Frisian, the case is scheduled, as far as possible, with a judge who passively masters the Frisian language. The authorities therefore consider that in practice it is often possible to use the Frisian language at a hearing without the intervention of an interpreter.

131. The Advisory Committee welcomes the authorities' efforts to remedy the shortage of Frisian-speaking interpreters overall. It considers, however, that uncertainty around the possibility to use Frisian-speaking interpreters in criminal proceedings and the fact that judges, clerks and prosecutors have – at best – a passive command of the Frisian language represent practical barriers to the effective implementation of the right to use Frisian in courts in the province of Fryslân.

Recommendation

132. The Advisory Committee encourages the authorities to find an effective solution to end the dispute concerning the rate of payment for interpreting services. The authorities should also motivate judges, clerks, and prosecutors to acquire an active knowledge of the Frisian language so as to guarantee the accused the right to use Frisian in criminal proceedings, as well as to ensure assistance of a qualified interpreter with a view to fully implementing the right to use the Frisian language in courts as guaranteed by the Use of Frisian Act. The authorities should also monitor the demand for Frisian interpretation in courts and provide Frisian language training programmes for new interpreters in line with the demand.

Article 11 of the Framework Convention

Minority language signs and topographical indications

133. In the Netherlands, the municipalities enjoy a great deal of autonomy with regard to the display of topographical signs: some may opt for signs in Dutch only, others for bilingual signs or for signs in Frisian only.¹⁰⁴ It is a competence of the municipality to adopt Frisian versions of place names, but this issue is currently giving rise to opposition, and even court action, in various parts of the municipality of Noardeast-Fryslân. A small number of village interest groups and some councillors who previously agreed to the amendment now have concerns about, for example, the costs involved. The municipal authorities emphasise that it is important to dispel prejudices and confusion surrounding Frisian place names. Because this is a municipal task, neither the provincial authority nor the central government have a role to play. The provincial authority does, however, provide some of the funding. As regards the display of signs in Frisian on business premises, municipalities cannot legally impose such a display but can stimulate private businesses to increase visibility of the Frisian language on their premises.¹⁰⁵

134. The Advisory Committee reiterates that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities, conveying the message that a given territory is shared in harmony by various population groups. Article 11.3 of the Framework Convention also requires that the display of signs in minority languages be given a clear and unambiguous legislative basis. It is not sufficient if this practice is granted as a matter of fact but unsupported by law.¹⁰⁶ Such display also needs to be supported with adequate finances through a dedicated budgetary line.

135. In this light, the Advisory Committee positively notes that bilingual signage has been extended to some of the recently merged municipalities. However, it regrets that not all municipalities from the Frisian-speaking area are in a position to implement this rule due to a lack of consensus in certain localities which go beyond the financial investment for bilingual signs. This contradicts the fact that Frisian is one of the two official languages in the province of Fryslân. With this understanding, the Advisory Committee considers that far more could be done to increase the visibility of the Frisian language in the public space, be it in topographical indications or inscriptions on public buildings, including bilingual signage on government buildings in the province of Fryslân. The Advisory Committee was informed during the visit that the province of Fryslân and the central government were in the process of concluding a visibility

¹⁰⁴ In the Frisian municipality of Noardeast-Fryslân, the municipal council adopted an amendment in 2020 to restore all Frisian toponyms as the only and official names, thereby dismissing the names in Dutch. For further information, see the [fourth state report](#), p. 19.

¹⁰⁵ As an example, the Leeuwarden/Ljouwert municipality, together with the City of Literature, promoted the Frisian language by making mirrors with Frisian poems for private companies like hotels (see [Wjerspegelje](#) project, in Dutch).

¹⁰⁶ See the [Advisory Committee's Thematic Commentary No. 3](#), para. 67.

agreement to make Frisian more visible *inter alia* in government communication and on government buildings. It welcomes recent progress achieved in this matter following the signature of an agreement between the provincial authorities and the government.¹⁰⁷

136. During its visit, the Advisory Committee found it striking that streets of the capital of Fryslân, Leeuwarden/Ljouwert, a city hosting all major institutions promoting Frisian language and culture, are not bilingual. Whilst the competency for this may lie with each municipality, the Advisory Committee considers that the Fryslân provincial authority and the Frisian “Language Captain” (*Taalskipper*) could exercise more pressure, including from a financial perspective, to have bilingual street names and topographical signs displayed. It finds it indeed surprising to expect financial support from the central authorities to help promoting Frisian language and culture, whilst the capital city of Fryslân and some other municipalities are themselves not promoting the display of topographical indications in Frisian.

Recommendation

137. The Advisory Committee calls on the authorities at all levels to increase their efforts in promoting the display of bilingual street signs and topographical indications in all municipalities of the province of Fryslân where Frisian is spoken, and to ensure sufficient finances to this effect.

Article 12 of the Framework Convention

Knowledge about the Frisian national minority, intercultural education and educational materials

138. The authorities indicated in their state report¹⁰⁸ that there is a lack of attractive physical or online teaching material in Frisian for use in history lessons at secondary schools in Fryslân. Furthermore, there are currently no teaching materials (online or otherwise) on Frisian culture and history for schools outside the province of Fryslân despite the fact that a relatively large number of persons belonging to the Frisian minority reside outside the province of Fryslân, notably in the province of Groningen. With the sponsoring of the Dutch government, a Dutch and Frisian history book, which will include an extensive part on the history of Fryslân, is under preparation and should be made available for all schools in the Netherlands.

139. The teaching of Frisian history and culture is also promoted through the digital teaching material for Frisian developed by the language promotion organisation *Afûk*, in collaboration with the educational support service *Cedin* and with the support of the Fryslân provincial authority. This online material is available in Frisian. It is, however, very limited, and not designed specifically for history teachers. Furthermore, the canon of Frisian history (*Kanon fan de Fryske skiednis*)¹⁰⁹ developed in 2008 is now outdated and not entirely suitable for use in today’s online learning environments. There is a lack of attractive physical or online teaching and learning materials in Frisian for history lessons at secondary schools in Fryslân.

140. In 2020, the Fryslân provincial authority and the ‘Creative Industries Fund NL’ awarded funding to 8D Games, Bureau Maalstroom, *Tresoar*, *Afûk* and *Fers* to develop the multilingual *Fryske digiTales*, which from 2021 onwards started providing access to an innovative digital library where users can discover traditional tales in Frisian and learn more about the Frisian cultural heritage. The future of the project is, however, uncertain due to a lack of stable funding.

141. Article 12 of the Framework Convention calls for concrete measures to promote knowledge about minority and majority languages. Language plays an important role in promoting integration, mutual respect among groups, and social solidarity. This implies not only providing language education for members of national minority communities, but also education about and of minority languages for the benefit of the majority language speakers and society as a whole.¹¹⁰ The Advisory Committee also recalls that states parties need to review regularly the curricula and educational materials for subjects such as history, religion and literature in order to ensure that the diversity of cultures and identities is reflected, and that respect and intercultural communication are promoted.¹¹¹ Furthermore, in order to develop minority language skills as an added value for their speakers, whether belonging to a minority or not, there must be continuity in

¹⁰⁷ “Signage in government buildings in Fryslân will from now on be bilingual. The same applies to the signs along national roads that inform about detours and work. Source: [Omrop Fryslân news article](#) from 25 April 2022.

¹⁰⁸ See the [fourth state report](#), p. 20.

¹⁰⁹ See [Regional canon of the Province of Fryslân](#).

¹¹⁰ See the [Advisory Committee’s Thematic Commentary No. 3](#), para. 79.

¹¹¹ See the OSCE High Commissioner on National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), pp. 54-57.

access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education.¹¹²

142. The Advisory Committee is of the view that some of the educational materials developed in the province of Fryslân could also be shared nationally so that all schools in the Netherlands could devote attention to Frisian history and culture as a matter of common practice.

Recommendation

143. The Advisory Committee calls on the authorities to raise awareness of all pupils and students about Frisian culture and history, including outside of the province of Fryslân; to develop general curricula, teaching and learning materials to this effect and, in the meantime, share the already existing materials with all schools across the Netherlands.

Article 14 of the Framework Convention

Teaching in and of the Frisian language in preschools

144. Frisian is present at all levels of education, from preschool to higher education. The Frisian Language Plan (*Taalplan Frysk*)¹¹³ regulates education strategies for every school. The plan is followed up by language co-ordinators who ensure the implementation of the multilingual trajectory from preschool to higher education, raise awareness among parents and teachers and strengthen the language policy in schools.

145. Childcare centres are not public services. Around 50% of day-care centres or playgroups in the province of Fryslân use Frisian as a medium of instruction or are bilingual. Childcare and early-childhood education providers emphasise that the population is shrinking overall in the province of Fryslân, which is leading to mergers and closures. Over the past few years, however, several local and regional childcare providers have made progress on the provision of bilingual childcare in towns and larger (predominantly Dutch-speaking) population centres in the province of Fryslân, in collaboration with the Centre for Frisian Language Childcare Provision (*Sintrum Frysktalige Berne-opfang* - SFBO). However, the SFBO has indicated that the supply is still unable to meet the needs of the children growing up there. Furthermore, in larger population centres, the services are not equally accessible to all parents. The SFBO suggested that municipal authorities could play a bigger role by ensuring that the availability and spread of bilingual childcare are taken into consideration when signing agreements with providers.

146. The Advisory Committee regrets that its previous recommendation to the authorities to “assess the need for providing for the possibility of Frisian language teaching in schools and preschools outside the Province of Fryslân”¹¹⁴ was not followed up. It notes that the SFBO indicated that implementing this recommendation would present practical difficulties, although such difficulties have not been spelt out in the state report.¹¹⁵ The Advisory Committee regrets that the demand among parents outside the province of Fryslân for preschool teaching in Frisian has not been studied. This could be explored with the assistance of municipal authorities which could collect information about preschool education using both Frisian and Dutch and the availability and spread of bilingual childcare, as well as parents’ needs. More generally, the Advisory Committee considers that the use of Frisian at preschool level should be further promoted. Moreover, it regrets that the Education Inspectorate has no mandate to monitor the use of Frisian in preschools, including in educational materials, due to the fact that education in Frisian in preschool is not compulsory. The Advisory Committee is of the view that the Fryslân provincial authorities needs to accelerate their efforts to promote the use of Frisian in preschools.

Recommendation

147. The Advisory Committee again encourages the authorities at all levels to further promote the use of Frisian at preschool level in the province of Fryslân, to assess the need for preschool teaching in Frisian language outside the province of Fryslân and to proactively respond to the existing needs.

¹¹² See the [Advisory Committee's Thematic Commentary No. 3](#), para. 75.

¹¹³ For more information, consult the [Frisian Language Plan \(Taalplan Frysk\)](#) (in Dutch).

¹¹⁴ See the [Advisory Committee's Third Opinion on the Netherlands](#), para. 144.

¹¹⁵ See the [fourth state report](#), p. 23.

Teaching in and of the Frisian language in primary and secondary education

148. In the province of Fryslân, primary education and secondary education in Frisian are respectively guaranteed by the Primary Education Act (*WPO*) and the Secondary Education Act (*WVO*). The Administrative Agreement 2019-2023 holds the province accountable for teaching Frisian as a subject at primary and for the lower classes of secondary schools. The core objectives that must be offered are anchored in the *WPO* and the *WVO*. Currently, the teaching offer of Frisian in primary schools is between 30 and 60 minutes per week, depending on the language profile, and Frisian is used as a medium of instruction in 40–50% of primary schools and for a limited range of subjects.¹¹⁶

149. The Fryslân provincial authority and the Inspectorate of Education hold regular consultations between the institutions and individual officials. Certain arrangements incorporated into the Administrative Agreement on the Frisian Language and Culture are designed to ensure that the Inspectorate of Education monitors the teaching in and of Frisian. For example, the Inspectorate of Education has been tasked to conduct a special survey of Frisian in primary and secondary education every five years. It also reviews how school boards monitor and enhance the quality of the educational materials offered, including teaching materials for Frisian. The Inspectorate of Education may decide to perform a verification in schools to ascertain the quality of teaching in Frisian.

150. Although teaching Frisian is a legal obligation in the province of Fryslân, primary and secondary schools since 2014 could and can still can apply for full or partial exemptions if they have a justified reason to do so. The Fryslân provincial authority and the central government have adopted the common goal, enshrined in both the 2019–2023 Administrative Agreement on the Frisian Language and Culture and the Frisian Language Plan, that all primary and secondary schools in the Frisian language area¹¹⁷ should offer all attainment targets for Frisian at a satisfactory level by 2030 at the latest,¹¹⁸ and not focus exclusively on oral use of Frisian. This means that Frisian shall be part of the curricula in all schools as a subject, without possible justified exemptions, and become the widespread language of communication and instruction in the province of Fryslân. To that end, schools are assisted by a school support worker (*Skoalstjiper*). The achievement of this goal presupposes a gradual increase of the number of hours of teaching of and in Frisian in primary schools, as well as the number of secondary schools that offer Frisian.

151. The level to be offered will be determined using the Frisian Language Plan on the basis of profiles. The aim is that all schools should take further steps every four years, so that they will have all actually taught Frisian at the required level by 2030. In 2018, according to the *Taal Frysk* project,¹¹⁹ only 31.7% of primary schools in Fryslân had an A profile, 21.3% had a B profile with an exemption on writing and 5% had a G-profile with full exemptions. The rest fell under C-E profiles with partial exemptions. All trilingual (Dutch, English, Frisian) primary schools¹²⁰ had already met the statutory core objectives for Frisian.

152. To move further towards the 2030 goal of the Frisian Language Plan, at the end of 2020, the Fryslân provincial authority asked all education-related institutions receiving grants to draft and implement a joint plan to achieve the targets over the next policy period of 2021-2024. As a result, a broad range of institutions and organisations¹²¹ are currently working in a more focused way to help schools offer Frisian. They are taking a tailor-made approach, adapting it to the context in which each specific school operates. The plan is focused on the policy objectives of the central government and the provincial authority. In four-year time, each school must have gone up at least one level in terms of its *Taalplan Frysk* profile. Schools can use a grant scheme set up by Fryslân provincial authority for this purpose, enabling secondary schools

¹¹⁶ *Inspectie van Het Onderwijs* [Inspectorate of Education] (2017), [Inspection framework primary education 2017](#), Ministry of Education, Culture and Science.

¹¹⁷ The use of Frisian language is a legal obligation only in the so-called Frisian speaking areas which exclude for instance the Frisian (Wadden) Islands and the municipality of Weststellingwerf where other regional dialects/languages are spoken.

¹¹⁸ The Fryslân provincial authority has also drafted goals for other levels of education (early years education, secondary vocational education, higher professional education and special education).

¹¹⁹ In 2016-2018, the *Taalplan Frysk* project performed an initial survey of how Frisian is taught in primary and secondary schools in Fryslân. The provincial authority assigned each school a 'teaching profile' on this basis. Schools with an 'A profile' already offer Frisian at an adequate level according to the attainment targets; 27% of primary schools and 39% of secondary schools were assigned the A profile.

¹²⁰ Between 10% and 15% of primary schools in the province of Fryslân are officially certified as trilingual, even though some others might be already trilingual in practice but are not yet certified as such. In the province, six locations have trilingual secondary schools.

¹²¹ Such as *Cedin*, *Afûk*, NHL Stenden University of Applied Science, *Stifting Frysktalige Berne Opfang*, *Omrop Fryslân*, *Kunstwurk* and *SEMKO*.

to appoint Frisian teachers, for example.¹²² Other initiatives exist to contribute to achieving the ambitions set out in the Frisian Language Plan: *Omrop Fryslân* (see Article 9 above) developed a Frisian family vlog as a product for social media and television. The broadcaster hopes the vlog will link the use of Frisian at home and at school.

153. Although a shortage of teachers across the Netherlands is a broader trend, Fryslân's primary schools in particular face a shortage of Frisian language teachers and teachers being able to teach other subjects in Frisian. By 2025, this shortage could amount to 35 full-time employees (FTEs) across the province of Fryslân.¹²³ To tackle the specific shortage of Frisian teachers in primary and secondary schools, the provincial authority will, among other things, seek to attract more students to train as Frisian teachers at NHL Stenden Leeuwarden, where a pilot project has been launched enabling students to graduate with teaching qualifications in both Dutch and Frisian. The first three students graduated in 2020. As of 2021, NHL Stenden is offering a new Frisian course for teachers. It has developed the '*Klasse Frysk "WOW Frysk!"*' course, in collaboration with educational support service Cedin and with funding from the Fryslân provincial authority. The course gives primary school teachers qualified to teach Frisian practical tips on how to plan Frisian lessons. Extra courses have now been scheduled to meet the demand.

154. In order to counterbalance the lack of teachers, the Ministry of Education, Culture and Science has suggested that a possible solution could be Frisian teachers serving more than one school. In addition, over the past year, the education ministers, together with the education sector, have set up a national task force to boost efforts to tackle the abovementioned general shortage of teachers. They consider it important that teacher training courses are better tailored to the needs of the target group, and that teachers themselves are also more involved in these efforts.¹²⁴ As of the 2021-2024 policy period, the Fryslân provincial authority has made it easier for students to train as grade one or two Frisian teachers by providing NHL Stenden with a grant. This funding has been used both to make the range of courses offered more attractive (including by allowing a combination with primary teacher training) and to introduce a grant scheme that enables working teachers to obtain a teaching qualification for Frisian.

155. Whilst Frisian interlocutors of the Advisory Committee acknowledge that the process of achieving the 2030 goal of the Frisian Language Plan may be slightly accelerated by the new approach by the provincial authority, they also underlined that the extent to which this acceleration occurs depends on extra financial resources. In this context, they expressed fears that the structural cuts foreseen not only in the budget of the province but more generally at the country level may have as of 2024 a negative impact, and may result with even more closures of primary schools.¹²⁵ They consider that Frisian should be taught as a subject at least three hours per week in primary and secondary schools to ensure sufficient linguistic competence by pupils and students. Frisian interlocutors also consider that the current teaching offer of Frisian in primary schools and the use of Frisian as a medium of instruction is too low. Furthermore, they underlined that, since 2006, a distinction has been established between the Frisian core objectives (FCOs) and the Dutch core objectives set in the law.¹²⁶ While 12 detailed points are developed regarding Dutch, the FCOs were reduced to only six points, affecting reading, writing, speaking and linguistic skills in Frisian.

156. There are also concerns among persons belonging to the Frisian minority about the number of students taking Frisian as part of their school leaving examinations. Though such numbers are rising gradually, overall they remain low (from 110 in 2017 to 156 in 2022). *Afûk*, *Omrop Fryslân* and SJB media have therefore launched a campaign to inspire secondary school pupils to take final exams in Frisian.¹²⁷

¹²² In October 2020, the Fryslân provincial authority announced that at least 17 secondary schools and secondary vocational schools in the province had taught more hours of Frisian in the 2019/2020 academic year than the year before.

¹²³ An estimated 9,1% of teacher vacancies cannot be filled in. See [maps on the website of the Ministry of Education, Culture and Science](#) and additional information from a [teacher's association's website](#).

¹²⁴ See news item on the government website (2 July 2020), [Task force om aanpak lerarentekort te verstevigen](#).

¹²⁵ Due to fewer born children, in the past ten years, the number of students has fallen by 17% in the province of Fryslân, which is more affected than the rest of the country. The drop in pupils starts in primary education, but after a few years also affects the number of pupils in secondary education and ultimately secondary and higher vocational education. Schools get less income and need fewer classrooms and teachers. The number of primary schools in Fryslân has decreased by more than 100 since 2009. A few secondary schools have also had to close their doors. Source: [Onderwijs in Fryslân](#), Frisian Social Planning Office (*Fries Sociaal Bureau*), 22 September 2022.

¹²⁶ For a more detailed analysis, see Bayat Z., Kircher R. & Van de Velde H. (2022): [Minority language rights to education in international, regional, and domestic regulations and practices: the case of Frisian in the Netherlands, Current Issues in Language Planning](#).

¹²⁷ [Kampanje om mear learlingen foar eksamen Frysk te krijen](#), published by Omrop Fryslân on 11 February 2021.

157. The Inspectorate of Education, and several interlocutors met during the visit, confirmed that the lack of suitable teachers is the greatest challenge for Frisian. In primary schools, not all teachers are qualified and competent to teach Frisian. Frisian is too small a subject in secondary schools and many have only one Frisian teacher and, in the event of illness, lessons are therefore cancelled. The Inspectorate of Education advises school boards to take on more qualified teachers. In a report issued in 2019,¹²⁸ the Inspectorate of Education also concluded that primary school governors feel no compulsion to make any efforts in support of Frisian. Half of the governors surveyed said they had “no ambitions” to expand the teaching in and of Frisian. Their main concerns were staff policy, school premises and mergers.

158. In February 2021, *DINGtiid* published a report commissioned by the Fryslân provincial authority, recommending what the monitoring of Frisian as a subject should focus on. The provincial authority believes it should have this responsibility. *DINGtiid*, however, advises that the power to monitor Frisian as a subject in primary and secondary schools should remain in the hands of the central government (and thus the Inspectorate of Education), and not be transferred to the provincial authority. *DINGtiid* concludes, on the basis of discussions with several stakeholders, that the trend in terms of monitoring Frisian in education is a positive one, with a consensus on advancing Frisian in schools. *DINGtiid* also concludes that the existing official attribution of responsibility is good. Monitoring has improved in recent years, but to optimise it, further improvements are needed, both of regulators and policy-makers. This would not require any transfer of authority from the Inspectorate of Education to the provincial authority.¹²⁹

159. The Advisory Committee reiterates that it is essential that teachers working in minority languages are trained in sufficient numbers and that such training is of adequate quality, preparing teachers for all levels of education and ensuring access to minority language teaching at all levels of education. To this effect, measures for enabling effective access to minority language education – designed in close consultation with minority representatives – should be devised taking particular situations into account. The demand for such education should be regularly monitored, and any thresholds should be reduced so as to not pose an obstacle to access to such education.¹³⁰

160. While the Advisory Committee understands that the lack of minority language teachers has to be seen in the context of a general shortage of qualified teachers and the attractiveness of the profession as such, and while it appreciates additional efforts to remedy this situation made by the central and provincial authorities and the universities concerned, it considers that positive measures to make this profession more attractive could be envisaged, such as setting low thresholds for opening Frisian language courses, removing obstacles to choosing Frisian as a subject in final exams, increasing advertisement of Frisian language teacher vacancies, providing even more financial and professional incentives for Frisian and non-Frisian students to pursue a teaching career or training in Frisian for teachers of other subjects.

161. The Advisory Committee observes that the school curricula in the Netherlands give a lot of latitude to schools to use regional or minority languages as a medium of instruction or as a subject. Although Frisian is present at all levels of education, the Advisory Committee notes with regret that there are recurrent shortcomings in teaching Frisian and in Frisian, despite the Frisian Language Plan.

162. The Advisory Committee notes with satisfaction the constant monitoring by the Inspectorate of Education of the implementation of the *Taalplan Frysk*, which helped to identify shortcomings such as the low number of students choosing Frisian for the school leaving exams. The Advisory Committee considers important to pursue this regular monitoring to identify as early as possible, anticipate and remedy any possible delays in the full implementation of the objectives set by the Frisian Language Plan, including possible delays which may result from announced budget cuts.

Recommendation

163. The Advisory Committee urges the authorities, in consultation with Frisian minority representatives, to take positive measures, including to ensure sufficient finances to this effect, to remedy the shortage of teachers in and of Frisian in primary and secondary education and to make this profession more attractive. The authorities should also provide all necessary support to the Education Inspectorate in its task of monitoring the teaching in and of Frisian.

¹²⁸ Thematic report (July 2019) [Sizzen is neat, maar dwaan is in ding. Fries in het primair en voortgezet onderwijs](#) (Sizzen is neat, but fool is in thing. Frisian in primary and secondary education), Education Inspectorate (in Dutch).

¹²⁹ Report (February 2021) [Advys skoalynspeksje Frysk: besteande rolferdieling is goed](#), *DINGtiid* (in Dutch).

¹³⁰ See the [Advisory Committee's Thematic Commentary No. 3](#), paras 51, 71, 76 and 91.

Multilingual education

164. Interlocutors of the Advisory Committee raised concerns about the potential medium- and long-term negative effects that the current pedagogical approach switching from a monolingual to a multilingual education could have on Frisian language learning at university level in particular, expressing fears that the level of Frisian may suffer from multilingual education that may favour the study of foreign languages (English, German, French, Spanish, Italian, etc.) to the detriment of Frisian. In this respect, a full-time professor of Frisian language and literature at the University of Groningen highlighted during the visit the importance of literacy in passing on Frisian to future generations and the fact that education curricula must therefore devote sufficient attention to this.¹³¹ Since the visit, this full-time professor of Frisian – who has in the meantime retired – has been replaced by an interim professor (two days a week), pending the recruitment of a new professor, which will take place, according to the authorities, in a few years.¹³²

165. Whilst generally welcoming the expansion of multilingualism among students in the Netherlands as one of the means to enhance intercultural understanding,¹³³ the Advisory Committee is of the view that safeguards should be introduced to ensure that the Frisian language – as one of the two official languages in the province of Fryslân – does not suffer from this approach. Bearing in mind that past experiences have clearly shown the benefit of a full-time professorship for Frisian, the Advisory Committee considers that the speedy appointment of a new full-time professor would be an important step. Having students graduating from higher education in Frisian is also a guarantee to have future qualified Frisian language teachers to implement education-related objectives of the Administrative Agreement on the Frisian Language and Culture.

Recommendation

166. The Advisory Committee calls on the authorities to comprehensively assess the effects on Frisian language learning in the framework of the multilingual pedagogical approach at the higher education level and to ensure that the generalisation of multilingual education does not result in lowering the level of proficiency of Frisian in practice. Furthermore, the authorities should consider, together with relevant universities, steps to secure teaching, study and research in and of Frisian language at university level.

Article 15 of the Framework Convention

Effective participation in public life: consultation mechanism with Frisian minority organisations

167. The Ministry of the Interior and Kingdom Relations co-ordinates the efforts of other ministries in The Hague, and is the first point of contact on the Frisian language both for the ministries concerned and for the provincial authority. The ministries, however, all retain their own responsibilities. The Ministry of the Interior is also responsible for helping to implement the Administrative Agreement on the Frisian Language and Culture, in so far as the arrangements agreed lie within its area of responsibility.

168. The House of Representatives and Frisian minority organisations have asked for concentrating responsibility for the Frisian language and culture in a single ministry. The central authorities indicated in their state report¹³⁴ that they do not believe it would be wise to make one ministry responsible for the different aspects of the Frisian language, arguing that language does not exist in isolation and that it would require a too high level of expertise. According to the central authorities, it is important that any policy on Frisian is aligned with developments in education, culture, healthcare and the justice system.

169. The province of Fryslân has no institutionalised consultative mechanisms for Frisian minority organisations. It does, however, regularly initiates *ad hoc* consultations with civil society actors in the field of Frisian language and culture. As an example, NGOs, including representatives of *Jongfryske Mienskip*, were consulted on their expectations for the 2019-2023 Administrative Agreement at the beginning of the negotiation process between the national and the provincial governments, even though some NGOs representing the Frisian minority felt insufficiently involved in the further stages of its preparation. The provincial authority also seeks to engage young people in decision-making processes on topics other than

¹³¹ Literacy need not only be taught in schools. The design and distribution of digital learning tools for writing, such as spellcheckers and predictive text tools, can also play an important role. Digital tools have been developed with the support of the provincial authority and other parties. They include the Frisian spellchecker for Microsoft, Swiftkey and Gboard for mobile phones, and the [online dictionary](#). See also [Afûk tools](#) (in Dutch).

¹³² See the [letter addressed by Dingtiid to the Board of the University of Groningen](#) (in Dutch).

¹³³ See the [Advisory Committee's Thematic Commentary No. 3](#), para. 79.

¹³⁴ See the [fourth state report](#), p. 13.

language at all levels. It does so in part through its contacts with *Tienskip*, an organisation set up for and by young people promoting youth participation in local politics.¹³⁵

170. Whilst reporting that they usually have good access to decision-makers at provincial level and are consulted on an *ad hoc* and thematic basis by the province of Fryslân, NGOs working on Frisian issues regretted that there is no institutionalised consultative mechanism where such NGOs could regularly meet, interact and bring issues which might go beyond cultural and linguistic aspects to the province of Fryslân's agenda. Furthermore, as regards the national level, there is hardly any access for these NGOs to the ministry in charge of co-ordinating Frisian minority issues. Some Frisian interlocutors mentioned the need for a specific platform within the governmental structure, through which Frisian minority interests could be better heard at state level (see also Article 6 above regarding a similar request made by representatives of Roma and Sinti, *Woowagenbewoners*, Jewish community and Papiamentu speaking community).

171. The Advisory Committee reiterates that effective consultation mechanisms are an additional way to enable persons belonging to national minorities to take part in decision-making processes. Consultative bodies should have a clear legal status and the obligation to consult them should be entrenched in law. Furthermore, the involvement in decision-making processes should be of a regular and permanent nature. Due attention should be paid to ensuring that consultative bodies are inclusive and representative. Appointment procedures should be transparent and designed in close consultation with national minority representatives. Consultative bodies should also regularly address issues of concern to persons belonging to national minorities living outside areas with traditional or substantial minority populations.¹³⁶

172. Given the importance of the right to effective participation, the Advisory Committee reiterates its point of view expressed in its Third Opinion¹³⁷ that the authorities at all levels should consider holding more regular meetings with, or setting up a platform not only at the provincial level but also at the central level, where all NGOs working on Frisian issues could interact and address issues relevant to persons belonging to the Frisian minority, including women and youth related matters or issues beyond cultural and linguistic aspects.

Recommendation

173. The Advisory Committee calls on the central authorities to set up a formal, permanent and inclusive consultative platform at state level where Frisian non-governmental organisations could regularly meet and address issues relevant to persons belonging to the Frisian minority, including women and youth and regardless of their place of residence, and issues beyond cultural and linguistic aspects.

Effective participation in socio-economic life: access to health care institutions

174. The province of Fryslân committed itself to implement an integral language policy in the social care sector. The Administrative Agreement on the Frisian Language and Culture includes agreements concerning Frisian in healthcare. The choice to use the Frisian language lies with each healthcare institution. Frisian language policy rules which include the requirement that citizens residing in the province of Fryslân must be able to speak the Frisian language in contact with healthcare providers have been drawn up in a large number of municipalities, but not in all concerned municipalities.

175. Interlocutors of the Advisory Committee highlighted a clear distinction between care at institutions that are financed by the central government and care and support that is financed by the municipalities. The healthcare institutions financed by the government do not have a language policy, whereas in those financed by the municipalities policy rules have been drawn up by most municipalities and have been included into the tender for the social domain. This often includes the requirement that citizens must be able to speak their own language in contact with healthcare providers. In order to contribute to improving the situation, in 2020, *Afûk* launched an online course for Frisian in the healthcare sector and an e-learning course to help care workers understand Frisian, and explaining Frisian terms used in the health and care sector. The 'Frisian in care settings' project (*Frysk yn 'e soarch*) also contributes to ensuring the use of Frisian in maternity care, baby and toddler clinics, hospitals, nursing homes, general practitioners, emergency control centres and home help provided under the Social Support Act.

¹³⁵ See [Tienskip](#) website.

¹³⁶ See the [Advisory Committee's 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, paras 10 and 109-112.

¹³⁷ See [Advisory Committee's Third Opinion on the Netherlands](#), para. 158.

176. The Advisory Committee reiterates that “[i]n order to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life, comprehensive and long-term strategies should be designed and implemented. [...] Adequate resources need to be provided in a timely manner at all levels of operation, especially locally. Furthermore, the implementation of such policies should be carefully monitored, and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time”.¹³⁸

177. The Advisory Committee considers detrimental that not all healthcare institutions in the province of Fryslân have a Frisian language policy. The Advisory Committee is of the view that the government, which is funding some of these institutions, could use incentives to improve this situation. The Frisian ‘Language Captain’ could be given the task to regular monitor the situation in the province of Fryslân.

Recommendation

178. The Advisory Committee encourages the state authorities to strengthen the possibility to use Frisian language in healthcare institutions, including through financial incentives, and give the Frisian “Language Captain” the task to regularly monitor the situation.

Article 16 of the Framework Convention

Territorial and administrative reform

179. On 1 January 2019, the Frisian municipalities of Dongeradeel, Ferwerderadiel and Kollumerland and Nieuwkruisland merged to form the municipality of Noardeast-Fryslân.¹³⁹ Since then, there have been no boundary changes in the province of Fryslân, which now consists of 18 municipalities, out of which 13 are part of the Frisian language area and have developed a Frisian language policy plan and adopted an ordinance to strengthen the position of Frisian, as required under the Use of Frisian Act. All administrations involved in the mergers also signed an administrative agreement on Frisian language policy. The provincial authority is monitoring the implementation of these agreements. The Dutch authorities indicated in the state report that no boundary changes are planned in the near future.¹⁴⁰

180. A Mercator study, published in October 2018, commissioned by *DINGtiid* in response to a request for advice from the province of Fryslân as to whether sufficient attention is paid to Frisian during municipal mergers, reveals that the Frisian language policy is more likely to be weakened than strengthened by municipal boundary changes.¹⁴¹ The study looked at the role of Frisian in the merger processes in four municipalities (Leeuwarden, Súdwest-Fryslân, Waadhoeke and Noardeast-Fryslân) where Frisian-speaking rural municipalities merged with more urban municipalities where Frisian is less present.¹⁴² According to this study, the Frisian language receives little attention in the sports, care and recreation policy of all four merged municipalities. The study also highlights that municipalities differ from each other in terms of vision on language policy,¹⁴³ and in terms of budgets available for implementing the policy and the number of full-time employees (FTEs) deployed to support a language officer.

181. All four merged municipalities covered by the Mercator study focus on multilingualism, because in addition to Frisian, they also take other language variants into account, such as Bildts, Stadsfries, Kollumers, but also languages spoken by immigrants. There are no concrete sanctions for non-compliance with the Language Charter and the Use of the Frisian Language Act, which means that language policy is sometimes perceived as something voluntary, although administrative agreements do help to take Frisian

¹³⁸ See the [Advisory Committee's Thematic Commentary No. 2](#), para. 49.

¹³⁹ A number of municipalities, such as Noardeast-Fryslân and Dantumadiel, provide public services together as a single administrative unit. Weststellingwerf, Ooststellingwerf and Opsterland municipal councils also collaborate under an arrangement governed by private law, but they have not officially merged their public services. In 2019, the Fryslân provincial authority launched a process of administrative reform whereby collaboration is becoming the norm, and in which the various municipal and provincial authorities intend to operate as a single entity.

¹⁴⁰ See the [fourth state report](#), p. 24.

¹⁴¹ Schukking A.F., Klinkenberg E.L. (July 2018), [De rol van het Frysk bij gemeentelijke herindelingen in Friesland](#), [The role of Frisian in municipal boundary changes in Friesland] Mercator - European Knowledge Centre for Multilingualism and Language Learning (in Dutch). See also the [fourth state report](#), p. 17.

¹⁴² As an example, the inhabitants of the former, very Frisian-minded municipality of Littenseradiel, are now divided into the new municipalities of Leeuwarden, Súdwest-Fryslân and Waadhoeke. The use of Frisian has also deteriorated among inhabitants of the old municipality of Wymbritseradiel, which found themselves in a similar situation as a result of the merger with Súdwest-Fryslân.

¹⁴³ Leeuwarden/Ljouwert, the capital of the province of Fryslân, is among the municipalities that do not promote street signs in Frisian.

language policy seriously. Financial support from the province also helps municipalities to raise Frisian to a higher level in terms of language policy. There is a need for persons belonging to the Frisian minority to also be able to use more systematically Frisian in care, sports and education activities.

182. Whilst officials at the provincial level met by the Advisory Committee explained that following past administrative reform involving mergers of municipalities in the province of Fryslân, administrative agreements on Frisian language policy had strengthened the position of Frisian in the merged municipalities, the Advisory Committee heard also concerns from Frisian organisations that municipal mergers can also lead in some cases to the deterioration of the Frisian language policy which risks weakening its use in the long term.

183. When considering reforms which aim to modify administrative boundaries, the authorities should consult persons belonging to national minorities so that they can consider the possible impact of such reforms on the enjoyment of their linguistic rights. In any case, no measures should be adopted that aim to reduce the proportion of the population in areas inhabited by persons belonging to national minorities or to limit the rights protected by the Framework Convention.¹⁴⁴

184. The Advisory Committee considers that there is a need to regularly assess the practical medium-term and long-term impact of municipal mergers in the province of Fryslân, in close consultation with persons belonging to the Frisian minority, so as to ensure that there is no lowering of standards in the implementation of the Frisian language policy resulting from municipal mergers. The Advisory Committee also considers that all 13 municipalities which are part of the Frisian language area need to develop a Frisian language policy plan and devote financial resources for its implementation with the help of the province of Fryslân. Both the assessment and the use of funds should be made public.

Recommendation

185. The Advisory Committee strongly encourages the authorities at all levels to regularly assess the practical impact of municipal mergers in the province of Fryslân, in close consultation with persons belonging to the Frisian minority, and ensure that all municipalities which are part of the Frisian language area develop a Frisian language policy plan and allocate sufficient financial resources for its implementation. Both the assessment and the use of funds should be made public.

Articles 17 and 18 of the Framework Convention

Cross-border and international co-operation

186. The strengthening and further institutionalising of inter-Frisian contacts between the province of Fryslân and Frisian language areas in Germany is part of the Administrative Agreement on the Frisian Language and Culture. In practice, cross-border co-operation and transfrontier exchanges are frequent and Frisians in Fryslân have regular and diverse contacts with Frisians of Germany, *inter alia* through the Inter-Frisian Council that offers several civil society organisations the opportunity to hold exchanges on subjects like history, culture and language. The Fryske Akademy based in Leeuwarden/Ljouwert and the Frisian department at the University of Groningen have a range of contacts with institutions and organisations in Germany, such as the Nordfriisk Instituut (Bräist/Bredstedt), the Ostfriesische Landschaft (Aurich) and Kiel University.

187. Furthermore, the province of Fryslân is a member of the European Network for the Promotion of Linguistic Diversity (NPLD)¹⁴⁵ and actively uses the network to share knowledge of multilingualism and to create collaboration ties wherever possible. At the time of the visit, the province of Fryslân was in discussion with the NPLD to obtain a grant to ensure a follow-up to the exchange programme part of this project called 'Crossing borders with your own language' since the programme could not be implemented due to travel restrictions linked to the Covid-19 pandemic.¹⁴⁶

¹⁴⁴ See the [Advisory Committee's Thematic Commentary No. 3](#), para. 91.

¹⁴⁵ Until 1 December 2020, the NPLD was chaired by a member from Fryslân province executive.

¹⁴⁶ A follow-up in 2023 of the 'European Charter Classroom Activities Project' (ECCA), which will also involve representatives of the Welsh and the Basque communities, has now been agreed. In addition, the province of Fryslân will also take the lead of a new co-operation project called 'UniNet' between 15 academic institutions in Europe to stimulate developing strategic partnerships.

188. The Advisory Committee was informed that Pier21, which provides theatre show performance in Frisian, is working together with the Embassy of the Netherlands in Rome to increase co-operation between the Frisian and Italian language communities. Cultural and linguistic exchanges between Wales and Fryslân are also planned and will contribute to better put Frisian in the international perspective.

189. The Advisory Committee welcomes initiatives undertaken to promote Frisian language, culture and history through cross-border co-operation.¹⁴⁷

Recommendation

190. The Advisory Committee encourages the authorities to continue their active involvement and support to cross-border, international and inter-regional activities as regards persons belonging to the Frisian minority.

¹⁴⁷ For more details, see [fourth state report](#), p. 25.

III. CONCLUSIONS

191. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Netherlands.

192. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

- **In consultation with Frisian minority representatives, take positive measures, including to ensure sufficient finances to this effect, to remedy the shortage of teachers in and of Frisian in primary and secondary education and to make this profession more attractive. The authorities should also provide all necessary support to the Education Inspectorate in its task of monitoring the teaching in and of Frisian.**
- **Adopt a more flexible and inclusive approach towards the scope of application of the Framework Convention; enter into formal and constructive dialogue with representatives of Roma and Sinti and *Woonwagenbewoners* as regards their request for recognition as a national minority under the Framework Convention, as well as with Bonaire authorities and Papiamentu speaking community representatives on a possible extension of the application of the Framework Convention to persons belonging to the Papiamentu speaking community living in Bonaire. Until then, the authorities should follow an inclusive and pragmatic article-by-article approach on the implementation of the provisions of the Framework Convention *vis-à-vis* persons belonging to the abovementioned communities living in the European part of the Netherlands, in close consultation with their representatives.**
- **Explicitly include the grounds of 'language', 'skin colour' and 'ethnic origin' into the General Equal Treatment Act and raise awareness among the general population, including persons belonging to the Frisian minority and to communities most exposed to discrimination, of this legislation and the applicability of its provisions.**
- **Ensure a formal, effective and permanent consultative mechanism at the central level to liaise with representatives of Roma and Sinti and *Woonwagenbewoners* communities, as well as with representatives of other communities having made a similar request, and generally strengthen co-operation with their respective grassroots organisations.**
- **Combat and publicly condemn at the highest political level any instances of antisemitic and anti-Muslim discourse by public figures and actively support awareness raising measures against all forms of hatred in society, including antigypsyism. To this end, the authorities should further strengthen their efforts to prevent, investigate and prosecute effectively hate crime and hate speech, including on social media, as well as increase awareness of persons belonging to communities most exposed to hatred about various reporting possibilities and legal remedies.**

Further recommendations¹⁴⁸

- **Ensure that human rights and equal treatment legal provisions are effectively implemented in a coherent and co-ordinated manner and uniformly applied throughout the country, in particular for persons belonging to national minorities and persons belonging to communities most exposed to discrimination.**
- **Respect the Roma and Sinti and *Woonwagenbewoners*' way of life and notably enable them to access adequate accommodation, including caravan pitches, as an integral and valued part of the Dutch diverse society.**
- **Increase their efforts in promoting the display of bilingual street signs and topographical indications in all municipalities of the province of Fryslân where Frisian is spoken, and ensure sufficient finances to this effect.**

¹⁴⁸ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- **Raise awareness of all pupils and students about Frisian culture and history, including outside of the province of Fryslân; develop general curricula, teaching and learning materials to this effect and, in the meantime, share the already existing materials with all schools across the Netherlands.**
- **Comprehensively assess the effects on Frisian language learning in the framework of the multilingual pedagogical approach at the higher education level and ensure that the generalisation of multilingual education does not result in lowering the level of proficiency of Frisian in practice. Furthermore, the authorities should consider, together with relevant universities, steps to secure teaching, study and research in and of Frisian language at university level.**
- **Set up a formal, permanent and inclusive consultative platform at state level where Frisian non-governmental organisations could regularly meet and address issues relevant to persons belonging to the Frisian minority, including women and youth and regardless of their place of residence, and issues beyond cultural and linguistic aspects.**

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected, as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in Dutch and Frisian among many other languages.

This Opinion contains the evaluation of the Advisory Committee following its fourth country-visit to the Netherlands.

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