

**Resolution CM/ResCMN(2014)5  
on the implementation of the Framework Convention for the Protection of National Minorities  
by the Netherlands**

*(Adopted by the Committee of Ministers on 28 May 2014  
at the 1200th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;<sup>1</sup>

Having regard to the instrument of ratification submitted by the Netherlands on 16 February 2005;

Recalling that the Government of the Netherlands transmitted its State report in respect of the second monitoring cycle under the Framework Convention on 19 September 2012;

Having examined the Advisory Committee's second opinion on the Netherlands, adopted on 20 June 2013, and the written comments of the Government of the Netherlands, received on 20 December 2013;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of the Netherlands:

a) Positive developments

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

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

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

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

The Use of Frisian Act, which came into force in January 2014, recognises Frisian as the second national language of the Netherlands. This new Act will give an important stimulus to the use of the Frisian language in legal and administrative matters and will guarantee the right of everyone to use his or her own language (Dutch or Frisian) in communications with administrative bodies. A Frisian Language Policy administrative agreement was also concluded on 4 November 2013 between central government, the province of Fryslân and the relevant municipalities to safeguard the linguistic rights of this minority.

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<sup>1</sup> In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

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

b) Issues of concern

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

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

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

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

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

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

2. Adopts the following recommendations in respect of the Netherlands:

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

- provide better access to and raise public awareness of, among all groups and among the population as a whole, the legal remedies and institutions available to act against discrimination; continue to support such anti-discrimination bodies. In addition, targeted efforts must be made to raise the overall understanding of human rights, in particular through human rights education;
- take more resolute measures to encourage a spirit of tolerance and intercultural dialogue in society and prevent stigmatisation of any group; review integration policies so as to strengthen intercultural dialogue and mutual understanding among all persons living in the country; support the participatory structures facilitating dialogue with the representatives of ethnic minority groups;
- firmly condemn and sanction all manifestations of intolerance, including in political discourse and on the Internet, with due respect to the freedom of opinion and expression;
- improve dialogue at national and local levels with representatives of Roma and Sinti communities. Ensure equal access to education for persons belonging to the Roma and Sinti communities;
- continue efforts to provide adequate support and resources both at central and provincial levels to *Omrop Fryslân* in order to sustain adequate safeguards for the Frisian language in the media;
- continue efforts, in close consultation with the representatives of the Frisian minority, to safeguard the culture and the use of the Frisian language both in the provinces, in particular in the police and the

judiciary, as well as in the relations with the central administration, avoiding any measures, including through administrative reforms, that may restrict the use of the language;

- take more resolute measures to address the lack of qualified Frisian language teachers, in close consultation with representatives of the Frisian minority;

- enhance efforts to facilitate the effective and timely participation of persons belonging to the Frisian minority in all decision-making, including in administrative reform in the province of Fryslân.

3. Invites the Government of the Netherlands, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;

- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.