

Council of Europe
Delegation for the Framework Convention
For the Protection of National Minorities

25th of February 2009

Council of Europe in Fryslân

Dear delegation of the Council of Europe,

I thank you for visiting our province Fryslân and for hearing all the organisations which are concerned with the protection of the Frisian language.

Tûmba is an agency for Equal Treatment. The mission of our agency is to combat all kinds of discrimination and to work on prevention of discrimination. We are an agency for this region, this province, and we are a member of a national organisation against discrimination, called "Artikel 1" (this name refers to article one of the Dutch constitution).

We focus on all kinds of discrimination; that means that we focus on race, colour, ethnic origins, religion, gender, sexual orientation, age, handicap and also language.

People can come to us with an experience of unequal treatment, with an experience with discrimination. Tûmba provides advice and gives support, and if requested, we will assist victims of discrimination in contacting the relevant authority responsible for investigating and addressing the complaint.

We also register the complaints. We use a national registration system which specifically is built for the complaints about discrimination. With this system we can easily inform the government and international organisations about the amounts or about the characters of the complaints. With this

information a lot of research can be done. Our information, for example, is given every year to the FRA, the Fundamental Rights Agency of the European Union.

We do not only register the complaints. I said so earlier. We also undertake action when possible. The first condition for taking action is that the complainer himself/ herself wants us to undertake action. When he/ she does not want us to do so, we only register the complaint. The main goal of undertaking action is to solve the problem. But, solving the problem is not always possible. For that reason, we sometimes support the complainer in the juridical courses to find justice.

Apart from supporting complaints and the registration of complaints, we also give awareness training at schools and for professionals.

We focus on different grounds for discrimination. Language is one of them, and specifically the Frisian language. People who feel unequally treated because they could not use the Frisian language, can report this to Tûmba.

Numbers of complaints registered by Tûmba:

Ground of discrimination	2005	2006	2007	2008
Antisemitism	5	5	7	6
Labour (contract)	0	0	0	1
Civil status	5	5	0	1
Gender	8	2	6	7
Religion	3	1	5	6
Handicap or illness	5	6	7	16
Race	51	48	49	77
Age	9	7	13	29
Philosophy of live	1	0	1	1
Nationality	2	1	5	6
Political conviction	4	1	2	1
Sexual orientation	3	6	8	6
Frisian language	1	2	1	3
Appearance aspects				2
Other	13	18	18	11

Total	110	102	122	173
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The amount of people who complain about not being tolerated to use the Frisian language is not large. On the contrary.

What do these numbers tell us?

- We know about discrimination on race, that a small amount of people really file a complaint (3% goes to an agency against discrimination and 8% to the police). We never did a comparative research about tolerance to the Frisian language and the preparedness of people to file complaint about discrimination on the ground of the Frisian language; so we don't know how big this 'top of the ice-mountain' is.
- Do people in Fryslân realise that they can file complaints about this issue? I think a lot of them don't realise that.
- What is the opinion of people about the tolerance for the Frisian language. How important is the issue for them? Do they want to 'fight' for their rights? I don't have information about it.

So there is a lot we don't know. And that effects the knowledge of the factors which influence the numbers and the meaning of the numbers.

The character of the complaints

I will mention two examples from 2008.

- A man phoned with al local agency for labour, called the CWI. That is an organisation linked to the authorities. He wanted to speak Frisian. But he was not allowed to do so. The Dutch law says that this kind of organisations, the semi-governmental agencies, has to allow people to speak Frisian. Tûmba wrote a letter to the agency for labour. They did not react. Again we wrote a letter. And again no reaction. We asked the "Nationale Ombudsman" (a national institute which is concerned with behaviour of governmental institutions) and they asked the CWI why they did not react and what their policy is on the issue Frisian language. The CWI apologised and they said that they had not formulated a policy on the Frisian language. Now, through this complaint, they promised to implement a policy with the aim that people in Fryslân can speak Frisian when they contact the local agencies. But a problem is that people often are contacting a national call centre when they dial the local telephone number. In this case the CWI will still ask people

to speak Dutch. When the client will answer that he/ she prefers to speak Frisian, the CWI will accept that and will contact the person with the local office in Fryslân. This will be the policy of this semi-governmental agency. They promised to make a protocol of it for the employees.

- A women writes Tûmba an email about a friend of her who couldn't continue her work because she spoke Frisian. The office doesn't want their employees to speak Frisian in private phone-calls to family and friends, nor with colleagues during the break. For this reason the labour-contract of the employee was not renewed. Tûmba asked the women who did file complaint to ask the person herself, the victim, to complain, because we cannot undertake action without permission of the concerning person. Unfortunately she didn't want to file a complaint, because she did not want to think about it anymore. That is what we often hear; unequal treatment and discrimination is a very negative experience and most of the people do not want to pay attention to it. It is a very common and comprehensible strategy to deal with it.

But, what could we have done when, in this case the concerned person had filed complaint about her employer? Does the office has the liberty to forbid the Frisian language in informal situations, although it is localised in Fryslân? That is an interesting question. Can an office forbid an employee to speak Frisian when she talks in informal to a colleague? Or with her family when she has to phone her home? It is the native language of this region. I think not. We have a law against unequal treatment, the Wet Gelijke Behandeling. But in this law, the Frisian language is not mentioned; so this law does not arrange the protection for being allowed to speak Frisian in an informal situation at work, when the firm is located in Fryslân. This protection is, in my opinion, an issue for discussion.

In the beginning of 2008 four organisations came together. These organisations were: the Konsultatyf Orgaan foar it Europeesk Hânfest, de Ried fan de Fryske Beweging, the province Fryslân and Tûmba. We decided that all complaints about discrimination on the Frisian language will be registered and treated by Tûmba. The complaints that are addressed to the other three organisations, will be send to Tûmba. Three times a year we'll meet each other. At this moment we are working on an initiative to provide to the people the possibility to complain; to give publicity and

information about it, for example on our internet sites. We want to have a reliable notion of the experiences of people with unequal treatment in using the Frisian language. To get this notion, it is necessary to give continuously media-attention to the possibility of filing complaint about an experience. We have to inform people about 1. what is unequal treatment on the ground of the Frisian language and 2. where people can file a complaint.

Looking at financing our task of registration and supporting people when they want to undertake action against the unequal treatment, we see that these tasks are financed by the national government. The government even formulated a law in which this financials for these tasks are arranged. It is a law for services against discrimination, such as Tûmba. It is a new law; it is not even sanctioned yet. This law is very good. I am very glad with it, of course. But at two points the reach of this law is - in my opinion - not large enough. First: some juridical rules about discrimination, unequal treatment or allied juridical rules for example the rules about the Frisian language, fall beyond the reach of this law. And secondly the task of our organisation to give publicity about filing complaint and to raise awareness is also falling beyond the reach of this law and has to be financed with other money (and sometimes it is not easy to find money).

But the main point of today is the question whether the equal treatment on the ground of the Frisian language is well enough protected.

Summarised, I see two challenges/ two questions:

- How can we get a reliable notion of the experiences of people with unequal treatment in using the Frisian language?
- What can be done when people are discriminated on the Frisian language caused by private actors, for example an office who doesn't renew the labour-contract of an employee? Do we want to include the Frisian language as a discrimination-ground in the Dutch laws about discrimination? At this moment it is not included.

At the end of my contribution I want to tell a little story about another initiative of Tûmba. About minorities and about having the freedom of giving a new born child the name you want to give the child. Recently a minister of Morocco said that people of the ethnic minority Berbers, a people originally coming from the Rif-mountains in Morocco, are not allowed to give their children a name which is originally a Berber-name.

Only official Arabic Moroccan names are allowed; not only for the people who are living in Morocco, but also for the migrants living elsewhere. A lot of Berbers live in the Netherlands. The coincident is that “Berber” is a Frisian name for a woman. Twenty Frisian women who are listening to the name Berber, wrote a letter to the minister of Morocco. And they asked the minister to give the people from the ethnic minority Berbers the freedom to choose a name for their child, whether it is an Arabic or a Berber name. Tûmba received very positive reactions from Moroccan Berbers, who were astonished about this letter of solidarity from the Frisian Berbers.

Thank you for listening. I hope I gave you interesting information for the Council of Europe, with kind regards,

Brenda Ottjes