

APPLICATION/REQUÊTE N° 11100/84

FRYSKE NASJONALE PARTIJ and others v/the NETHERLANDS

FRYSKE NASJONALE PARTIJ et autres c/PAYS-BAS

DECISION of 12 December 1985 on the admissibility of the application

DÉCISION du 12 décembre 1985 sur la recevabilité de la requête

Article 3 of the First Protocol: *This provision guarantees in principle the right to vote and the right to stand as candidate in general elections. The latter right is not restricted by a requirement that candidates enrol in a particular language.*

Competence ratione materiae: *The Convention does not, as such, guarantee linguistic freedom. In particular, it does not guarantee the right to use the language of one's choice in dealings with the authorities.*

Article 3 du Protocole additionnel: *Cette disposition garantit en principe le droit de vote et celui de se porter candidat aux élections législatives. Ce dernier droit n'est pas limité par l'obligation d'enregistrer les candidatures dans une langue déterminée.*

Compétence ratione materiae: *La Convention ne garantit pas, comme telle, la liberté linguistique. En particulier, elle ne garantit pas le droit de se servir de la langue de son choix dans les rapports avec l'administration.*

THE FACTS (Extracts)

(français : voir p. 243)

The facts of the case as they have been submitted by the applicants may be summarised as follows.

The first applicant is a Frisian political party with registered office at Ljouwert (Leeuwarden), the Netherlands.

The second applicant is a member of the Provincial Legislature (Gedeputeerde Staten) of Friesland for the first applicant. She was born in 1931 and resides at Boarnburgum, the Netherlands.

The third applicant was born in 1936, is a veterinary surgeon by profession and resides at Beetsterweach, the Netherlands. He was put forward as a candidate by the second applicant for the August 1983 elections of the First Chamber of the States General (Eerste Kamer der Staten-Generaal).

In the proceedings before the Commission the applicants are represented by Mr. T.Y. de Boer, a notary holding office at Damwâld, the Netherlands.

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On 28 July 1983, the second applicant, a member of the Provincial legislature and leader of the first applicant's political group therein submitted a list of candidates, including the third applicant, for the election of the members of the First Chamber of the States General to the provincial governor (Commissaris der Koningin) of Friesland.

On 2 August 1983, the chairman of the central polling office (centraal stem-bureau) of the Electoral Registration Council for the election of the members of the First Chamber, informed the second applicant that on the list of candidates submitted by her, the names and addresses of several candidates had not been listed in Dutch. The second applicant was given the possibility to remedy this shortcoming on 3, 4 or 5 August 1983 at the Ministry of Home Affairs (Ministerie van Binnenlandse Zaken), The Hague.

The second applicant protested against this in a letter, in Frisian, to the Chairman of the Electoral Registration Council.

It appears that, on 8 August 1983, it came to the notice of the applicants, apparently via the radio and the press, that the candidates concerned had been struck off the list.

The second applicant thereupon appealed to the Council of State's Division for Jurisdiction on 9 August 1983.

By telegram of 10 August 1983, the President of the Council of State requested the second applicant to submit a translation into Dutch of her appeal before 12 August 1983.

The second applicant replied on 11 August 1983 that she did not intend to submit such a translation, whilst drawing attention to the fact that the Administrative Litigation Division of the Council of State (Afdeling voor geschillen van bestuur van de Raad van State) did accept letters in Frisian.

On 15 August 1983, the President of the Council of State's Division for Jurisdiction declared the second applicant's appeal inadmissible since she had failed to submit a translation into Dutch of her complaints.

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THE LAW (Extract)

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2. The applicants have complained that by preventing them from taking part in parliamentary elections the Netherlands authorities violated Article 3 of Protocol No. 1 to the Convention, which reads:

“The High Contracting parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

The Commission recalls that this provision guarantees in principle the right to vote and the right to stand as a candidate at the election of the legislative body (cf. No. 6850/74, Dec. 18.5.76, D.R. 5 p. 90).

The Commission notes that the applicants were not as such prevented from standing as candidates, but that problems arose concerning the language in which their registration for election should take place.

However, the Commission finds that nothing prevented the applicants from submitting a translation into Dutch of their request for registration of the name of the party and the list of candidates respectively. Moreover, neither Article 3 of Protocol No. 1 to the Convention, nor any other provision of the Convention guarantees the right to use a particular language for electoral purposes. Consequently, the Commission is of the opinion that the applicants may not claim that their right to stand as a candidate for election was limited by the requirement that registration could only take place in Dutch (cf. No. 10650/83, Dec. 17.5.85, D.R. 42 p. 212).

It follows that this part of the application must be rejected as manifestly ill-founded within the meaning of Article 27 para. 2 of the Convention.

3. The applicants have further complained that the refusal to allow them to use the Frisian language for administrative and political purposes constituted a violation of Articles 9 and 10 of the Convention.

According to Article 9 of the Convention everyone has the right to freedom of thought, conscience and religion. Article 10 of the Convention guarantees the right to freedom of expression, including freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

However, the Commission recalls that these provisions do not guarantee "linguistic freedom" as such. In particular, they do not guarantee the right to use the language of one's choice in administrative matters (cf. No. 2333/64, Dec. 15.7.65, Collection 16 pp. 58, 73).

The Commission further notes that the applicants have failed to demonstrate that they were also prevented from using the Frisian language for other purposes.

This part of the application must therefore be rejected under Article 27 para. 2 of the Convention as being incompatible *ratione materiae* with the provisions of the Convention.

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