

Universal Periodic Review
(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

NETHERLANDS

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State party to this Convention [Ratification: 25/03/1996]	<i>Reservations to this Convention are not permitted</i>		Right to education
Convention on Technical and Vocational Education 1989	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	26/08/1992 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	15/05/2012 Acceptance	<i>17/07/2014 The Government of the Kingdom of the Netherlands objected to the reservation made by Malaysia, according to which 'the application</i>		Right to take part in cultural life

		<i>and implementation of this Convention shall be subject to, and in accordance with, the applicable domestic laws of Malaysia and the applicable administrative and policy measures of the government of Malaysia'.</i>		
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	09/10/2009 Accession	<i>Declaration of the European Community in application of Article 27(3) (c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.</i>		Right to take part in cultural life

II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The Constitution of the Kingdom of the Netherlands of 1983¹ does not enshrine the right to education of everyone, however key features of the Dutch education system are guaranteed in **Chapter 1, Fundamental Rights, under Article 23**: freedom of education, intended as the freedom to found schools (freedom of establishment), to organize the teaching in schools (freedom of organization of teaching) and to determine the principles on which they are based (freedom of conviction). Moreover, people have the right to found schools and to provide teaching based on religious, ideological or educational beliefs. The Constitution places public and private schools on an equal financial footing. This means that government expenditure on public education must be matched by spending on private education.

2. Article 23 states:

1. Education shall be the constant concern of the Government.
2. All persons shall be free to provide education, without prejudice to the authorities' right of supervision and, with regard to forms of education designated by law, their right to examine the competence and moral integrity of teachers, to be regulated by Act of Parliament.
3. Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.
4. The authorities shall ensure that primary education is provided in a sufficient number of public-authority schools in every municipality. Deviations from this provision may be permitted under rules to be established by Act of Parliament on condition that there is opportunity to receive the said form of education.
5. The standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools, to the freedom to provide education according to religious or other belief.
6. The requirements for primary education shall be such that the standards both of private schools fully financed from public funds and of public-authority schools are fully guaranteed. The relevant provisions shall respect in particular the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit.
7. Private primary schools that satisfy the conditions laid down by Act of Parliament shall be financed from public funds according to the same standards as public-authority schools. The conditions under which private secondary education and pre-university education shall receive contributions from public funds shall be laid down by Act of Parliament.
8. The Government shall submit annual reports on the state of education to the States General.

3. In July 2015, the State Secretary of Education mentioned that the effects of **Article 23 of the Constitution** on the freedom of education are a bit out of date. To this effect, a modern effect of this Article, in consultation with a number of different parties, is being worked on with the aim to offer the bill to the Lower House in early 2017.²

4. Moreover, according to **Article 1**: All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.

¹ Constitution of Netherlands, accessible at:

<http://www.unesco.org/education/edurights/media/docs/70bc60af539305921db477117e5505d6fb474ad4.pdf>

²Eurydice, Netherlands: National Reforms in School Education, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education [accessed on 01/08/16]

5. With regard to religion, **Article 6 (1)** provides that: Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.

1.2. Legislative Framework

6. The obligation to attend school is laid down in the **Compulsory Education Act 1969**. Every child must attend school full time from the first school day of the month following its fifth birthday; in fact, however, nearly all children attend school from the age of four. Children must attend school full time for **12 full school years** and, in any event, until the end of the school year in which they turn 16.³ In August 2007, the Compulsory Education Act was amended such that besides the obligation to attend school until the age of 16, pupils now also have the obligation to obtain a basic qualification. [...] Youngsters between the age of 16 and 18 who have finished compulsory education but have not yet obtained such a basic qualification now are obliged to attend school, either fulltime or in combination with a part-time job. This prolongation of compulsory education has been introduced to ensure that all youngsters make a good entry into the labour market.⁴

7. Since **1995**, the municipal authorities have been responsible for registering early school leavers under the age of 23 and coordinating regional policy on this matter. In **2001** the **Regional Registration Coordination (Early School Leavers) Bill** was adopted by Parliament. This bill contains amendments to educational legislation designed to prevent and tackle early school leaving in ordinary and special secondary schools, secondary vocation education and adult general secondary education. The main aim is for all young people to leave school with a basic qualification.⁵

8. With regard to pre-primary education, “the **Childcare Act** entered into force on 1 January 2005 giving childcare its own statutory framework, regulating among others supervision and the funding mechanism. In October 2010 an amendment to the Act introduced quality standards for playgroups, including requirements for staff qualifications (early childhood education workers), language of communication (e.g. Dutch), health and safety assessments, and participation of parents. The Act was renamed **Childcare and Quality Standards for Playgroups Act**.”⁶

9. The **Primary Education Act (WBO)** of 2 July 1981 and the **Secondary Education Act (WVO)** of 14 February 1963, along with their subsequent amendments, constitute the legal framework for primary and secondary education in the country. Special education and secondary special education have been regulated by the **Special Education Interim Act (ISOVSO)** since 1985. The duration of the Act was set at ten years, but it was extended by three years until 1 August 1998. [...] In August 1998, the **Primary Education Act (WBO)** and the **Special Education Interim Act (ISOVSO)** were converted into the **1998 Primary Education Act (WPO)** and the **Expertise Centres Act (WEC)**. Since then, primary education has covered mainstream primary education, special primary education as referred to in the 1998

³ National Report to the 48th International Conference on Education (ICE), IBE, p. 12, http://www.ibe.unesco.org/National_Reports/ICE_2008/netherlands_NR08.pdf,

⁴ National Report to the 48th International Conference on Education (ICE), IBE, p. 28.

⁵ National Report to the 48th International Conference on Education (ICE), IBE, p. 12

⁶ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, p. 4,

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Netherlands.pdf

Primary Education Act, and special and secondary special education as referred to in the Expertise Centres Act. As of 1 August **1998**, secondary special education for students with learning and behavioural difficulties and for students with moderate learning difficulties is covered by the **Secondary Education Act (WVO)**. [...] The WPO and the WEC contain the objectives of primary education (attainment targets) and prescribe how teaching should be structured and organized (content, quality, school plan, funding, school prospectus, complaints procedure). Rules governing the special needs support structure (special needs plan, consortia) are also included.⁷

10. On 30 June 2006, the Minister of OCW concluded the ‘Agreement on the professionalization and support of staff in primary and secondary education with education sector employer’ and employees’ associations’. As a result of this agreement, as of 1 August 2006, primary and secondary school receive additional resources for the Professionalization and support of education staff. The agreement is mainly aimed at expanding the possibilities for further development for teachers and other education staff within the school.⁸

11. The **Adult and Vocational Education Act** entered into force on **1 January 1996**. As a result, existing legal regulations for adult education and vocational education were replaced by a single integral act. The most important acts in this field were the 1991 Adult Education Framework Act (KVE) and the Part-time Vocational Education Act (WCBO, 1993). The new Act was initially designed to bring greater cohesion to the various forms of adult and vocational education. One objective of the Act has been to improve the linkages between education and the labour market. A qualifications structure covers both vocational and adult education – in the first case, with a cohesive educational model and special emphasis on the cultivation of professional practice and, in the second place, with improved opportunities to continue on to vocational education.⁹

12. The **Education Inspection Act (WOT)**, entered into force on 1 September **2002**, applies to the primary, secondary, vocational and adult education sectors and enables the Inspectorate to operate professionally and independently and to give institutions pointers as to how they can improve standards on the basis of their own quality assurance systems. Under the Act, the Inspectorate has a statutory duty to promote the quality of education.¹⁰

13. Higher education is regulated by the **Higher Education and Research Act (WHW)** of 8 October **1992**, implemented from 1 September 1993 and subsequent amendments. This act encompasses general provisions, including the objectives of the institutions for higher education. The act also contains provisions in the areas of planning and funding, and provisions for collaboration among the various institutions and for the administration and structure of the institutions. According to the **Act on Accreditation of Higher Education of 2002**, all degree programmes offered by universities and universities of professional education are evaluated according to established criteria, and programmes that meet those criteria will be accredited, i.e. recognized. Only accredited programmes are eligible for government funding and students receive financial aid and graduate with a recognized degree only when taking or after completing an accredited degree programme.¹¹

⁷ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, op. cit., p. 2

⁸ National Report to the 48th International Conference on Education (ICE), IBE, p. 24

⁹ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, p. 4.

¹⁰ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, p. 3.

¹¹ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, pp. 3-4.

14. The Education Participation Act (WMO) of 3 December 1992 regulated participation in education with the exception of higher education. On 1 January 2007, the WMO was replaced by the **Participation in School Decision-making Act** (WMS), regulating participation in decision-making in primary and secondary schools, including special schools. The participation council's right to be informed has been strengthened and no important decisions can be taken without its assent or advice.¹²

15. The **Student Finance Act 2000** (WSF 2000) applies to students in higher education who are under the age of 34 and who began their studies before the age of 30. Every student enrolled on an accredited full-time course in higher education who satisfies the applicable conditions is entitled to a non-means-tested basic grant. Depending on their parents' income, students may be able to claim a supplementary grant in addition to the basic grant.¹³

16. The **Education Professions Act** (2006) (Wet op de beroepen in het onderwijs) regulates standards of competence for both teachers and other people working in education-related jobs in primary education and in secondary and adult and vocational education.¹⁴

17. The **Appropriate Education Act** entered into force on 1 August **2014**. It was introduced in the Netherlands on 1 August 2014, and imposes on schools a duty of care. Specifically, they are responsible for giving all students who require additional support a place in which they can obtain appropriate education.¹⁵

18. The **Compulsory Education Act** entered into force on 1 December **2012**. With the introduction of this Act, Aruba takes upon itself the responsibility to respect and safeguard the rights of every child, irrespective of their legal status. Every child aged 4 to 16 who lives in Aruba falls within the scope of this Act.¹⁶

19. A draft bill is made '**More Space for New Schools**'. This bill modifies the procedures for starting new publicly and privately run schools in primary and secondary education. So that schools better reflect the actual interest of students and parents. There will be more room for new initiatives, based on religion, but also for initiatives on pedagogical basis. The State Secretary proposes to base the assessment of new schools on the expected quality. This also meets the responsibility of the government to ensure the quality of education, as is laid down in Article 23 of the Constitution. In the current system, the expected quality plays no role in the decision whether a school receives funding. By creating more opportunities for new schools it is necessary to ensure that only the good schools go ahead. It is important that the quality of schools can be guaranteed. Therefore, the draft bill introduces a quality check prior to the start of a new school.¹⁷

¹² IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, p. 4.

¹³ IBE, World Data on Education, 7th ed., 2010-2011, The Netherlands, p. 4.

¹⁴ Eurydice, Netherlands: Legislation, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:Legislation#Legislation_early_childhood_education_and_care

¹⁵ List of issues in relation to the fourth periodic report of Kingdom of the Netherlands Addendum, Replies of Kingdom of the Netherlands to the list of issues, April 2015, p. 21, accessible at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNLD%2fO%2f4%2fAdd.1&Lang=en

¹⁶ List of issues in relation to the fourth periodic report of Kingdom of the Netherlands Addendum, Replies of Kingdom of the Netherlands to the list of issues, April 2015 p. 21

¹⁷ Eurydice, Netherlands: National Reforms in School Education.

1.3. Policy Framework

i) General information

National Education Agreement

20. Current education policy is aimed at raising the standard of education from good to outstanding.¹⁸ The Netherlands pursues a policy designed to enhance the knowledge and expertise of teachers, strengthen core subjects, increase the number of teaching hours, increase the focus on the acquisition of knowledge and skills, provide special facilities to excellent pupils and students, improve students' choice of courses and enhance the transparency of educational performance. With these goals in mind, the government and the social partners signed the National Education Agreement on 19 September 2013,¹⁹ addressing five crucial issues:

- the content and quality of education;
- recruiting and keeping the best teachers;
- terms of employment for teachers;
- the relationship between the government and the education field;
- education management and governance at every level.²⁰

21. The Netherlands invests extra in education. In 2013, the government added €650 million to the schools' lump sum contribution. For 2015 and on, this will be €600 million for education and research. The extra funding is intended to be used in areas such as more and better activities in the classroom, preventing students to repeat classes, appropriate teaching, and hands on teaching and technical education in vocational education. These measures are additional to those in the National Education Agreement.²¹

Top Talent Action plan 2014-2018

22. On 9 March 2014 the State Secretary for Education, Culture and Science presented the Top Talent Action Plan for 2014 – 2018 containing over 20 measures to stimulate and focus more on talent in primary and secondary education, for instance:

- a pupil will be given a distinction on their school-leaving certificate if they have an average mark in their leaving examination of 8/10 or higher;
- pupils will be able to study subjects at a higher level or complete the course more rapidly;
- schools can offer extra material or subjects;
- workplace-based assignments will count as classroom time;
- businesses will provide grants for gifted and talented pupils at secondary schools;
- better use of ICT;

¹⁸Eurydice, National Reforms in School Education: Netherlands.

¹⁹ Eurydice, Netherlands: Ongoing Reforms and Policy Developments, accessible at https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:Ongoing_Reforms_and_Policy_Developments

²⁰Eurydice, National Reforms in School Education: Netherlands.

²¹Eurydice, National Reforms in School Education: Netherlands.

- more effective transfer of information about gifted and talented pupils when they move from primary to secondary school;
- more effective teaching of gifted and talented pupils.²²

23. There is an improvement as a result of the increased focus on top talents. More and more teachers, put, in addition to supporting pupils with a (potential) learning disabilities, also extra attention to the top talents in their class. In primary education it rose from 85% (2014) to 98% (2016), in secondary education it rose from 52% (2014) to 76% (2016).²³

24. The number of top talents that is bored at school is almost halved in two years. More and more schools offer education tailored to their talented pupils. For example, pupils can follow a specific subject in which they succeed at a higher level in education, besides the pilot ‘Accelerated VWO’ (pre-university education) will be extended. These are the first results of the Top Talent Action plan 2014-2018. These measures for top talents match with aiming to improve the quality of education (for all pupils) and the development of tailor-made education for all pupils.²⁴

Technology pact

25. In May 2013 a technology pact (Techniekpact 2020) was concluded, based on partnership between businesses, unions and educational institutions. Collaboration is the key to popular and practical technical education that dovetails with labour market requirements. The technology pact brings together the business community, employers, workers, education (both private and government-funded), pupils and students, and regional and central government authorities – all of whom have a part to play. The aim of the technology pact is to make education more relevant to the world of technology and work through better cooperation between the government, education and the business community, and thus to reduce the shortage of qualified technical personnel.²⁵

ii) Education levels

➤ Early Childhood Education

26. Early childhood education and care (ECEC) policies aim to foster equity and increase the participation of students from disadvantaged backgrounds.²⁶ At the end of 2013 the government decided to bring the financing of playgroups within the scope of the **Childcare Act**. However,

²² Eurydice, Netherlands: National Reforms in School Education, accessible at https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Top_Talent_Action_Plan_2014_.E2.80.93_2018

²³ Eurydice, Netherlands: National Reforms in School Education, accessible at https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Top_Talent_Action_Plan_2014_.E2.80.93_2018

²⁴ Eurydice, National Reforms in School Education: Netherlands, accessible at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#National_Education_Agreement

²⁵ Eurydice, Netherlands: Reforms related to Transversal Skills and Employability, accessible at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:Reforms_related_to_Transversal_Skills_and_Employability#Technology_pact

²⁶ OECD, Education Policy Outlook: Netherlands, 2014, p6, available at: http://www.oecd.org/edu/EDUCATION%20POLICY%20OUTLOOK_NETHERLANDS_EN%20.pdf

in 2015, the Committee on the Rights of the Child recommended that sufficient financial resources for the development and expansion of childhood education.²⁷

27. From 1 January 2016, playgroups and childcare providers will have to meet the same quality requirements under the Childcare Act. This should remove any existing differences in quality between the two types of facility. From 1 January 2016 working parents will be eligible for childcare benefit not only if they use childcare facilities but also if they send their child to a playgroup. As of 1 January 2016 all childcare organisations and playgroups must be affiliated with the Childcare Disputes Committee.²⁸

28. On 17 November 2015 the Senate approved amendments to the **Childcare and Quality Standards for Playgroups Act** (WKO), proposed by social affairs and employment minister Lodewijk Asscher. One of the amendments will tighten up the screening of childcare staff and play workers. The government will introduce a mandatory register for all childcare workers, enabling ongoing, full screening of staff in jobs requiring a Certificate of Conduct (VOG). This should enhance the safety of young children and babies in childcare.

29. The government wants to improve the quality of child-minder in early childhood education and care by ongoing professional development. In the autumn of 2016 the government will present a comprehensive plan in which this proposal is developed further. This is mentioned in the government's response to the policy review 'Early childhood education and care' of Minister Asscher of Social Affairs and Employment. The government wants to explore whether care provided by family members must be excluded from the Childcare act and the childcare allowance.²⁹

➤ **Primary Education**

30. In 2014, the government and the primary education sector have reached an **agreement on primary education**. Annually there will be € 444 million available for better education. Schools in primary education will use the coming years more digital learning tools in class. The government and the primary education council made agreements about improving the quality of education and the way there are planning to do this. With the help of this agreement schools can better response to the differences between pupils.³⁰

31. Digital learning tools are important to better connect to the needs of the individual pupils. This applies for all kind of pupils. The objective of this agreement is that in 2020 nine out of ten schools use digital learning tools in their lessons. The primary education council, the ministry of Education and the ministry of Economic affairs together will improve the supply of digital learning tools.³¹

²⁷ CRC, Concluding Observations CRC/C/NDL/CO/4, June 2015, Para 51 (b).

²⁸ Eurydice, Netherlands: National Reforms in School Education/Legislation on Early Childhood education and care.

²⁹ Eurydice, Netherlands: National Reforms in School Education/Legislation on Early Childhood education and care.

³⁰ Eurydice, Netherlands: National Reforms in School Education, July 2014, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Agreement_Primary_Education

³¹ Eurydice, Netherlands: National Reforms in School Education, July 2014, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Agreement_Primary_Education

33. Teachers with a secondary school teaching qualification will also be able to teach their specialist subject at primary school. This means that talented children will be introduced to subjects like physics at a younger age and that pupils will be better prepared for the transition to secondary school. The measures were due to be introduced on 1 August 2016.³²

34. In July 2013 the government presented an action plan for English in the primary school curriculum. It is considered vital for pupils to get an early introduction to English in order to acquire a good foundation in the subject. Under the action plan, primary schools will offer other foreign languages (German and French) at an earlier stage in the primary school curriculum, besides English, which is compulsory. It is intended that early foreign language teaching (VVTO) will be offered by about 1,000 primary schools. Before taking this step, a primary school and the teacher in question must establish that the teacher has sufficient competence to teach English at the required level. The government is continuing to invest in start-up grants for early foreign language learning. Schools can apply for these grants, for instance for in-service courses for teachers.³³ From 1 August 2015, primary schools are in fact permitted to set aside 15% of their classroom time to using one of these languages as a medium of instruction. Not only pupils then learn English, for instance, as a subject on the curriculum; they also take other subjects, such as history, biology or PE, through the medium of English.³⁴

35. Always with regards to the curriculum, there is great public support for music education. 85% of the parents find it important that their children come into contact with music at schools. However, only 11% of the schools feel that their teachers are professional enough to give music education. Besides, teachers often do not feel competent enough to give music education. [...] The Minister of Education, Culture and Science makes € 25 million available till 2020, for schools to improve the professionalism of their teachers. [...] With the extra amount of money available schools can train their teachers and they can work together with parties in the field of music (like schools of music, brass bands, orchestras and pop venues). From autumn 2015 schools can apply for this funding at the 'Fonds voor Cultuurparticipatie' (fund for participation in culture).³⁵

➤ Vocational and Secondary Education

36. The government and the Secondary Education Council have concluded a basic agreement on future-proof secondary education. This provides for an annual maximum budget of €369 million, the bulk of which will be spent on maintaining and enhancing teachers' knowledge and skills. **The sectoral agreements** are derived from the National Education Agreement of September 2013. The basic agreement is based on the following principles:

- Challenging, contemporary education that makes the most of pupils' talents

³² Eurydice, Netherlands: National Reforms in School Education.

³³ Eurydice, Netherlands: National Reforms in School Education, 2013, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#English_in_the_primary_school_curriculum

³⁴ Eurydice, Netherlands: National Reforms in School Education, June 2014, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Teaching_in_foreign_languages_in_primary_school

³⁵ Eurydice, Netherlands: National Reforms in School Education, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Music_education_for_all_pupils_in_schools

- Use of modern teaching materials by teachers. Digital resources make it possible to tailor education to the individual pupil and create personalised learning resources. To this end, the Secondary Education Council and the Ministries of Education, Culture & Science and of Economic Affairs are jointly working on the ‘Education and ICT Breakthrough Project’, creating curriculum content in association with market parties and developers.
- Professionalism at school. Sustained efforts will be made to promote the professional development of teachers, school leaders and managers.
- More teachers with master’s degrees: by 2020, at least half of all secondary school teachers should have master’s degrees. Schools must also do more to recruit and retain teachers with master’s degrees.
- Continuing teacher education: more funding will be made available to ensure that teachers are qualified and competent to deal with individual pupil differences.
- Abolishing mediocrity: besides sustaining their efforts to reduce the number of poor and failing schools, the Secondary Education Council and the government want to help mediocre schools to perform better. ³⁶

37. The **Vocational Professionalism Agenda** (2011-15) aims to strengthen the focus on resilience to adapt to changes in the labour market.³⁷ The implementation of this plan is at full speed. At the end of 2013 the basis was established for quality agreements with secondary vocational education institutions in the areas of professionalization, academic success and practical training. These commitments are designed to support the goal of high-quality, challenging education. [...] On 1 January 2014, the tax credits employers receive for providing work experience places was replaced by a more targeted subsidy scheme. The statutory duties of the current 17 sector-based Centres of Expertise for Vocational Education and Business are largely to be transferred to the Foundation for Cooperation in Vocational Education, Training and the Labour Market (SBB). This foundation will be tasked with creating the qualification files and accrediting the companies offering learning on the job positions. The government’s policy on improving the quality of secondary vocational education was enshrined in its **2011 Focus on Expertise action plan for secondary vocational education**. In line with this, most four-year MBO courses will be shortened to three years and include more classroom hours. This should make the route from secondary vocational education to higher professional education more attractive in relation to general secondary education. The introduction of the measure has been postponed until the start of the 2014/2015 school year.³⁸

38. Young people who register for an MBO course at levels 2, 3 or 4 and meet the **admission** requirements will have the automatic right to admission. Institutions will no longer be allowed to reject them on unclear or insufficient grounds. Education minister Jet Bussemaker proposed

³⁶ Eurydice, Netherlands: National Reforms in School Education, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#Sectoral_agreement_on_secondary_education

³⁷ OECD, Education Policy Outlook: Netherlands, 2014, p. 4.

³⁸ Eurydice, Netherlands, National Reforms in Vocational Education and Training and Adult Learning, 2014, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_Vocational_Education_and_Training_and_Adult_Learning#Vocational_education_and_training

a bill to this effect and published it online for public consultation in August 2015. The proposal also stipulates a fixed national registration date for secondary vocational education and entitles future MBO students to advice on the most suitable course of study.³⁹

39. It is now mandatory for all secondary vocational schools to have a **proper complaints procedure in place**. The Cabinet has adopted the proposal by education minister Jet Bussemaker to enshrine the right of complaint in law. The law will make it easier for MBO students to lodge a complaint, giving them a stronger position than in the past. A key element of good-quality education is openness to feedback, complaints and suggestions for improvement from students and parents. However, a number of MBO institutions are still failing to deal with complaints effectively or listen to students and parents. The new law will force these schools to take complaints seriously. The right of complaint in primary, secondary and higher education is already enshrined in law. It is now being expanded to include secondary vocational education. This means that all institutions (both publicly and privately funded) must have a complaints procedure in place, so that students' complaints about the quality of education or improper conduct by the competent authority or its staff are duly dealt with. The right of complaint also applies to prospective students, former students and examination candidates. The text of the proposed legislation and of the Council of State's advisory opinion will be made public when the bill is submitted to the House of Representatives.⁴⁰

➤ Higher Education

40. The Quality in Diversity in Higher Education Act (2013) advances the deadline for applications to enter higher education to May 1st and sets study checks to help prospective students make informed decisions about their future education. Also, all higher education institutions have signed performance agreements with goals set for 2015, and they will be evaluated on the basis of these agreements.⁴¹

41. Education policy in the Netherlands is focused more on improving the quality of higher education than on increasing the share of people completing higher education, which is already at 43.1%. In 2012, **performance agreements** have been made with all funded universities of applied sciences and academic universities on improving the quality and student success rates, promoting institutional profiling and greater differentiation of teaching programs, and strengthening valorisation. A midterm review of the performance agreements was carried out in 2014, which showed positive results. All of the universities of applied sciences and academic universities made progress in achieving their intentions to strengthening institutional profiling and greater differentiation of teaching programs. The development of Centres of Expertise for Vocational Education, Training and the Labour market, in which education and research institutes and businesses work together, is also on track. The performance agreements are helping the institutions in setting up institution strategies and to internally discuss profiling and

³⁹Eurydice, Netherlands, National Reforms in Vocational Education and Training and Adult Learning, August 2015, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_Vocational_Education_and_Training_and_Adult_Learning#Right_to_MBO_admission_for_future_students

⁴⁰Eurydice, Netherlands, National Reforms in Vocational Education and Training and Adult Learning, June 2015, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_Vocational_Education_and_Training_and_Adult_Learning#Further_improvement_in_the_position_of_secondary_vocational_education_.28MBO.29_students

⁴¹ OECD, Education Policy Outlook: Netherlands, 2014, p. 8.

education quality. In 2016, an evaluation will be held to determine whether the performance agreements have been realized.⁴²

42. Higher education institutions are to recruit thousands of new teachers, students will be given more scope to shape their own studies, and universities will focus more on teaching. These are the key points of the **Strategic Agenda for Higher Education 2015-2025** proposed by education minister Jet Bussemaker in July 2015. The quality of higher education will be a categorical priority over the next few years. A large part (60%) of the savings resulting from the new student loan system will be available for recruiting extra teaching staff. There will be smaller classes, more individual attention for students and a more challenging curriculum.⁴³

43. The Senate accepted the bill for **reforms in student finance** (studievoorschot). The student finance will exist from September 2015 and consists of a scholarship for students, a loan and a tuition fees credit. The right on a basic grant for all students in higher education, regardless of their parents' income, will expire for new students (from August 2015). The basic grant for students in vocational education and training continues to exist.⁴⁴

➤ **Life Long Learning**

44. A total of 19 institutions of higher professional education (HBO) are going to develop part-time courses. For many years, working people who wanted to retrain or update their skills have found that most of the available part-time courses in higher professional education too closely resemble the full-time equivalent: insufficient account is taken of previously acquired knowledge and skills, and of candidates' working hours. However, HBO institutions are now being given greater scope to tailor their education provision more closely to students' and employers' requirements. They have teamed up with the business community to align part-time higher professional education with the needs of working people by offering independent modules, classes in the workplace and a greater degree of customisation. This is the thrust of the progress report sent to parliament in late October 2015 by education minister Jet Bussemaker.⁴⁵

iv) Education content and quality

➤ **Quality**

45. The **Promotion of Excellence programme** (2009-14) aims (through non-monetary initiatives) to encourage schools to become outstanding; to promote peer-learning from outstanding schools through the Schools Learn from One Another programme; and to promote

⁴² National Reform Programme 2015: Netherlands, p28, accessible at:

http://ec.europa.eu/europe2020/pdf/csr2015/nrp2015_netherlands_en.pdf

⁴³ Eurydice, Netherlands: National Reforms in Higher Education, available at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_Higher_Education

⁴⁴ With this reform the Cabinet will free up more than € 1 billion in order to invest it in higher education. Students whose parents make less than €46,000 per year will obtain a scholarship. The supplementary grant may run to €365 per month for students whose parents make less than €30,000 per year. For parents who make more than this amount of salary, the supplementary grant for students is less (decreasing). Students of parents that have several children who study, can also receive a supplementary grant when parents have a higher income (than mentioned before). - Eurodyce, Netherlands: National Reforms in Higher Education.

professionalism among teachers.⁴⁶ Since 2012 primary and secondary schools that distinguish themselves by providing top-quality education may be officially designated as ‘outstanding’. The designation is based not only on educational outcomes but also on pupil achievement that is not directly expressed through high marks. The best schools get the best out of their pupils. Besides enabling pupils to achieve outstanding results, they provide extra coaching for those who need it or create extra challenges for gifted and talented pupils.⁴⁷ Furthermore, the government aims to improve accountability of schools through a student monitoring system and compulsory primary education student assessment.⁴⁸

46. As part of the government programme for 2012-2016, the Inspectorate is introducing “**differentiated inspection**”, by extending the supervision framework (formerly applied only for schools deemed weak or very weak) to include schools that have had moderate, average or good results for some time, but have not demonstrated clear drive to improve performance. Quality indicators will be included to boost motivation in schools and help schools with good results to further raise student achievement.⁴⁹

47. Multi-annual voluntary agreements (2012-15) draw from the initiative Drive to Reduce Dropout Rates (2006), which aims to improve student outcomes through various initiatives to reduce the proportion of early school leavers.⁵⁰

48. There is a continuing decline in the number of early school leavers. In school year 2001/2002 there were about 71.000 early school leavers in the Netherlands. Fourteen years later this number has dropped to 24.451. This means that the objective of the government is achieved, which was 25.000 early school leavers in 2016. Despite this result, the target is sharpened to 20.000 early school leavers in 2021.⁵¹ The Committee on the Rights of the Child raised its concerns of the drop-out rates and encouraged measures to target the root cause and recommended adopting targeted policies to support and reinstate such children in the education system. .”⁵²

49. Regarding safety at schools, in the Concluding Observations of the United Nations Committee on the Rights of the Child (June 2015) welcomed the State party’s efforts aimed at combatting child violence and abuse, but was concerned about the absence of legal provisions prohibiting corporal punishment of children in the home, alternative care settings, day care and schools in the Caribbean Netherlands. It also asked to ensure that the State party’s legislation addresses all forms of violence, explicitly prohibits corporal punishment in all settings and includes measures to raise awareness of positive, non-violent and participatory forms of child-rearing throughout the Kingdom, in particular in Aruba as well as in the Caribbean Netherlands.

⁴⁶ OECD, Education Policy Outlook: Netherlands, 2014, p. 10.

⁴⁷ Eurydice, Netherlands: National Reforms in School Education.

⁴⁸ OECD, Education Policy Outlook: Netherlands, 2014, p. 4

⁴⁹ OECD, Education Policy Outlook: Netherlands, 2014, p. 12.

⁵⁰ OECD, Education Policy Outlook: Netherlands, 2014, p.

4, http://www.oecd.org/edu/EDUCATION%20POLICY%20OUTLOOK_NETHERLANDS_EN%20.pdf

⁵¹ Eurydice, Netherlands: National Reforms in School Education.

⁵² Eurydice, Netherlands: National Reforms in School Education, February 2016, accessible at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education [accessed on 01/08/16]

The Committee also recommended that efforts to combat bullying in schools by effectively implementing its legislation and policies in this regard.⁵³

50. On this subject, the State Secretary of education, the Primary Education Council and the Secondary Education Council have made an agreement on a joint approach to tackle bullying. The education laws will explicitly mention the responsibility of schools to give social safety. The councils support schools through the action plan 'Social safety at schools' in creating a socially safe environment for their students. The obligation for schools to choose a method that has been proven effective expires, on condition that schools can demonstrate that their approach works and that the children benefit from it. It is important to stimulate the awareness of schools to tackle bullying. Schools will also provide a point of contact within the school for students and parents in situations of bullying. [...] The proposal to amend the sector laws (on education) will soon go for advice to the Council of State. It is intended that the new agreements enter into force from school year 2015/2016.⁵⁴

51. It should also be noted that the Netherlands found 27% of students had been sexually harassed by school personnel.⁵⁵

v) Curriculum

52. The business community, universities and institutions of higher professional education had been complaining about young people's lack of proficiency in arithmetic. In response, a testing was introduced to ensure that pupils in secondary education and secondary vocational education keep their arithmetic skills up-to-date. In 2010 the House of Representatives decided to introduce a mandatory arithmetic attainment for pupils doing their school-leaving examinations. Provisional data for the first half of 2015 show that secondary school pupils achieved higher scores on the arithmetic attainment test than in 2014. The average mark was 6.1 out of 10, 0.2 higher than in the previous year. Starting in the 2015/2016 school year, most pupils in secondary and secondary vocational education will need to pass the arithmetic attainment test in order to get their school-leaving certificate. In the first year that this new requirement is in force, pupils will need a score of 5 out of 10 to pass. Currently, over 87% of secondary school pupils achieve this mark, and almost 64% get a 6 or higher.⁵⁶

53. Music education is being increased through the additional funds made available by the Minister of Education, Culture and Science (€25 million available till 2020, for schools to improve the professionalism of their teachers). 15 schools in primary education started training their teachers in how to give music education. Since autumn 2015 schools could apply for this funding at the 'Fonds voor Cultuurparticipatie' (fund for participation in culture).⁵⁷

⁵³ CRC, Concluding Observations, June 2015, accessible at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=829&Lang=en

⁵⁴ Eurydice, Netherlands: National Reforms in School Education.

⁵⁵ EFA Global Monitoring, 2015, p. 178, accessible at:

<http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

⁵⁶ Eurydice, Netherlands: National Reforms in Higher Education.

⁵⁷ Eurydice, Netherlands: National Reforms in Higher Education.

54. Key targets have been set in primary and secondary schools to teach pupils about respectful contact; these are supplemented with an extract encouraging pupils to be respectful regarding sexuality and diversity in society (including sexual diversity). This should stimulate schools to pay attention to healthy sexual development and increase students' knowledge about sexual self-determination. In addition, it will be investigated how the topic is integrated in education and how expertise in this field can be increased (OCW 2013). According to a recent policy letter, the initiatives are successful. In addition, in April 2015, a day has been organised for (future) teachers and school managers to share knowledge and good practices regarding sex education and sexual diversity. This has been the start of longer term activities to exchange and increase expertise on these topics (VWS 2015).⁵⁸

55. Despite this, in June 2015, the Committee on the Rights of the Child recommends that the adoption of a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections; and furthermore that the incidence of drug, alcohol and tobacco use by children and adolescents is addressed by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.⁵⁹

56. The Committee was also concerned with significant numbers of overweight and obese children and recommended the provision of nutrition education.⁶⁰

➤ **Language of Instruction**

57. In the Netherlands, children from non-Dutch backgrounds may be taught in languages other than Dutch in grades 1 to 4 to facilitate their learning in all subjects.⁶¹

vi) Education Management

➤ **Teachers**

58. Multiple policies have been put in place to develop teacher quality, including the **Teachers' Programme 2013-2020**. The main points of the programme are:

- 1) attracting high performing students into teacher training programmes
- 2) improving teacher pre-service training programmes

⁵⁸ The Policy on Gender Equality in the Netherlands, 2015, p. 17-18, accessible at: [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519227/IPOL_IDA\(2015\)519227_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519227/IPOL_IDA(2015)519227_EN.pdf) [accessed 01/08/2016]

⁵⁹ CRC, Concluding Observations CRC/C/NDL/CO/4, June 2015, para. 47, accessible at: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NLD/INT_CRC_COC_NLD_20805_E.pdf

⁶⁰ CRC, Concluding Observations CRC/C/NDL/CO/4, June 2015, para. 43.

⁶¹ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 96.

- 3) providing attractive and flexible development pathways
- 4) developing support for teachers at the start of their careers
- 5) developing schools as learning organisations by engaging teachers, school leaders and school boards
- 6) helping all teachers maintain and develop their skills and qualifications
- 7) sustaining a strong professional organization that represents teachers⁶²

59. According to the Dutch Inspectorate of Education, teacher training and development could be improved to develop skills to adapt to diverse students' needs. ⁶³ The State Secretary of Education mentions this (February 2016) in his **plan to reduce the number of unqualified teachers** in the class. Teachers are not sufficiently enough encouraged by their superiors to obtain the right qualifications within the stipulated time. Schools boards are often not sufficiently aware of the legal limits and conditions prevailing around the appointment of teachers. For example, young teachers are entirely focused on teaching, so that completing their education/training goes down the drain. Sometimes teachers, without the right qualifications, are also asked to fill the gaps in the schedule of a school. From 2016 school boards will map data per school on the qualifications and competences (of the teachers). In this way it is visible for all parties to see how many lessons are given by unqualified teachers. With this information schools can also improve their own situation. In 2016 and 2017 the Inspectorate of Education will investigate at 200 departments if these boards meet the legal requirements for appointments. ⁶⁴

60. In fact, in June 2015, the Committee of the Rights of the Child recommended that the Netherlands should take necessary measures to improve the quality of education, and provide **quality training for teachers**, in order to address differences in development among pupils appropriately.⁶⁵

vii) Inclusive education

➤ Gender equality

61. The government stimulates initiatives to stimulate young people to choose less traditionally, that is to stimulate girls to choose more often a technical education and boys to choose more often an education in care.⁶⁶

62. In May 2013, the Minister of Education, Culture and Science presented the Government's **Emancipation Policy Memorandum** for the period 2013-2016. The Memorandum covers both women's emancipation and LGBT rights. In the Memorandum, the Minister explained

⁶² OECD, Education Policy Outlook: Netherlands, 2014, p. 11.

http://www.oecd.org/edu/EDUCATION%20POLICY%20OUTLOOK_NETHERLANDS_EN%20.pdf

⁶³ OECD, Education Policy Outlook: Netherlands, 2014, p10.

http://www.oecd.org/edu/EDUCATION%20POLICY%20OUTLOOK_NETHERLANDS_EN%20.pdf

⁶⁴ Eurydice, Netherlands: National Reforms in School Education, accessible at:

https://webgate.ec.europa.eu/fpfs/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_School_Education#State_Secretary_tackles_unqualified_teaching

⁶⁵ CRC, Concluding Observations CRC/C/NDL/CO/4, June 2015, Paras 36, 37 and 51 (d).

⁶⁶ The Policy on Gender Equality in the Netherlands, 2015, p. 21.

that she wants women's emancipation to be placed back on the political agenda, as 'women's emancipation needs constant maintenance'.⁶⁷

63. Another important policy goal has been to improve the position of migrant women. Their participation rate is considerably lower than that of the native population. The position of migrant women proves to be a complicated issue; on average, they have a low level of education and a poor working knowledge of the Dutch language. As a result, they are rather isolated. There have been several policy measures targeted at this group, and the participation rate is increasing, albeit slowly.⁶⁸

➤ **Disadvantaged groups**

64. The **Appropriate Education Act** (Inclusive Education Act) will come into effect on 1 August 2014. The Act will impose a duty of care on schools to offer all pupils, with a disability or behavioural problems, an appropriate place. Under the old system, parents themselves had to find an appropriate school if their child required extra assistance or facilities. As of 1 August 2014 they can enrol their child in the school of their choice and it will be the school's responsibility to arrange an appropriate place for the child: within the school, at another mainstream school or at a special school. Mainstream schools and special schools (categories 3 and 4) have formed regional consortia to ensure that all children can be placed at the school that best meets their needs.

65. From 2018 the regional consortia for appropriate education (secondary education) will have the possibility and space to determine whether practical training or learning support is the best fitting education for the child. Schools will do this based on the local situation, vision and criteria. From 2016 practical training and learning support will be completely part of this new system for appropriate education. So that schools are able to deliver more customized decisions. In the first years pupils still be referred based on the old rules. To promote teacher and parent participation in the support plan, the school consortia will have their own participation council. The support plan will be included in the inspections of the Education Inspectorate.⁶⁹

66. Furthermore, in the Netherlands, disadvantaged students are identified so that learning support can be funded. As a result, the primary schools with the highest proportion of disadvantaged students have on average about 58% more teachers and support staff (Ladd and Fiske, 2009). Programme for International Student Assessment (PISA) tests show that the Netherlands combines high levels of performance alongside equity in education opportunities (OECD, 2014g).⁷⁰

67. In June 2015, the Committee on the Rights of the Child nevertheless is concerned that even if under the Inclusive Education Act schools cannot turn a student down, it seems unclear in what school the child will be ultimately placed. It also raised concerns that a high number of children with disabilities or learning and behavioural difficulties have spent significant time out of school in earlier years and there is no information on the number in the present school year. The Committee therefore urges that **human rights-based approach to disability is**

⁶⁷ Gunder Werner Institute, Feminism and Gender Democracy, available at: <http://www.gwi-boell.de/en/2011/05/06/netherlands> [accessed 01/08/2016]

⁶⁸ The Policy on Gender Equality in the Netherlands, 2015, p. 7.

⁶⁹ Eurydice, Netherlands: National Reforms in School Education.

⁷⁰ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 258.

adopted and a **comprehensive strategy for the inclusion of children with disabilities** set up.
71 Furthermore, the Committee recommends that the Netherlands ensures **that children leaving institutions and foster care system** are provided with sufficient education, skill and opportunities for independent living. 72

2. COOPERATION

68. The Netherlands is **party** to the 1960 UNESCO Convention against Discrimination in Education since 25/03/1996.

69. The Netherlands **did not report** to UNESCO on the measures taken for the implementation of the Convention against Discrimination in Education (1960) within the framework of the:

- **Seventh Consultation** of Member States (period covering 2000-2005)
- **Eighth Consultation** of Member States (period covering 2006-2011)

70. The Netherlands **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

71. The Netherlands reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- the **First Consultation** of Member States (1993)
- the **Second Consultation** of Member States (2011).

72. The Netherlands are **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

73. Press freedom and freedom of expression are protected by the Constitution⁷³ in Article 7, which also states that “no one shall require prior permission to publish thoughts or opinions through the press, without prejudice to the responsibility of every person under the law.”

74. The right to access to information is explicitly mentioned in Article 110 of the Constitution⁷⁴. In addition, there is an Act on public access to information of public authorities, titled the ‘Wet Openbaarheid van Bestuur’⁷⁵. The Act allows any person to demand

⁷¹ CRC, Concluding Observations CRC/C/NDL/CO/4, June 2015, paras. 40 and 41.

⁷² CRC, Concluding Observations, June 2015, para. 39.

⁷³ https://www.constituteproject.org/constitution/Netherlands_2008?lang=en

⁷⁴ Ibid.

⁷⁵ <http://wetten.overheid.nl/BWBR0005252/2015-07-18>

information from public authorities, though respecting state security and privacy. In case the public authority rejects the demand, the applicant can appeal.

75. Defamation is criminalized according to Title XVI of the Penal Code⁷⁶, and can be punished with a fine or a term of imprisonment not exceeding two years (Article 261 – 266). If the defamation is made in regard of the public authorities, a public body or a public institution, a civil servant during or in connection with the lawful performance of his office, or the head or a member of the government of a friendly nation (Article 267), the terms of imprisonment can be increased by one third.

76. Media is further regulated in the Media Act 2008⁷⁷ and the Media Regulation 2008⁷⁸, regarding print media and the organization of the broadcasting system.

77. The Commission for the Media⁷⁹ supervises the implementation of the media legislation for both public and commercial broadcasting media. The Commission allocates broadcasting time to national, regional and local public media, and issues licenses for commercial stations.

78. Law of Criminal Procedure protects confidentiality of sources of journalists. Exceptions can be made in cases related to national security or to proceed with severe criminal crimes.

1. Media self-regulation:

79. The Press Council in the Netherlands is established and maintained by the foundation ‘Stichting Raad voor de Journalistiek’ (RVJ)⁸⁰, which functions independently from the state. It is charged with the examination of complaints against violations of good journalistic practice. The Netherlands Union of Journalists and the Netherlands Society of Chief-Editors are members, as well as representatives from both printed and broadcasting media. The board of the foundation appoints the members of the Press Council and also determines the regulations of the Press Council.

80. The main union for journalists, the Dutch Union for Journalists (NVJ)⁸¹, supports journalists in legal advice, insurance, safety and practical advice for journalists who travel to dangerous areas. Furthermore, ethical standards concerning journalism are included in the Code for Journalism⁸² of the NVJ as well as in the Code of the RVJ⁸³.

81. There is also a Union specifically representing investigative journalism, the VVOJ⁸⁴.

2. Safety of journalists:

⁷⁶ http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf

⁷⁷ <http://www.wipo.int/edocs/lexdocs/laws/nl/nl/nl076nl.pdf>

⁷⁸ <http://wetten.overheid.nl/BWBR0025040/2014-10-01>

⁷⁹ <http://www.cvdm.nl/>

⁸⁰ <https://www.rvdj.nl/>

⁸¹ <http://www.nvj.nl/home>

⁸² <https://www.nvj.nl/wat-wij-doen/dossiers/ethiek/code-voor-de-journalistiek>

⁸³ <http://www.rvdj.be/code-raad-voor-de-journalistiek>

⁸⁴ <http://www.vvoj.nl/>

82. UNESCO has recorded no killings of journalists since 2008.

III. RECOMMENDATIONS

83. Recommendations made within the framework of the second cycle of the Working Group on the Universal Periodic Review, considered in 9 July 2012 (21st session)⁸⁵:

98. The following recommendations will be examined by the Netherlands which will provide responses in due time, but no later than the twenty-second session of the Human Rights Council in September 2012:

98.38. Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, particularly women and children belonging to ethnic and religious minorities, including Muslims who still face multiple forms of discrimination with respect to education, health, employment and social and political participation.

98.64. Intensify its efforts to eliminate discrimination against migrants and other minority women, who still face multiple forms of discrimination with respect to education, health, employment and social and political participation.

98.98. Establish guidelines for training on human rights in primary and secondary education, with homogenous curricula in all the educational centres.

98.99. Facilitate enrolment of children with missing or incomplete documents, improve the safety situation at schools experiencing difficulties in that regard, and include human rights and child rights education in school curricula at all levels.

98.101. Consider reinstating the Turkish mother tongue lessons as part of the primary and secondary school curricula.

98.102. Strengthen efforts to promote access of persons with disabilities to education and labour market, their legislative protection, in particular through speeding up approval by the Parliament of the CRPD.

84. Analysis:

The Netherlands has taken significant measures to ensure the right to education and made efforts to address early school leaving with considerable results while promoting secondary vocational education and establishing a complaints procedure. The quality of education is also an issue which the State Secretary of Education is addressing through measures to reduce unqualified teachers. Although the Netherlands has taken measures to reduce bullying at school and implemented a law on safety policy at school, these measures should also be ensured in the Caribbean Netherlands. The Netherlands has taken measures to educate students on sexuality and diversity however sexual and reproductive health are not compulsory in the curriculum. Besides, obesity and overweight children are not adequately educated on nutrition education. Efforts towards Inclusive Education have been taken with the Appropriate Education Act however children with disabilities and behavioral difficulties nevertheless face

⁸⁵ Accessible at: http://www.upr-epu.com/files/76/A_HRC_1_Netherlands_E.pdf

uncertainties with regards to the school they can attend and there is a lack of a human rights-based approach to disability.

85. Specific Recommendations:

1. The Netherlands should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. The Netherlands should be encouraged to pursue its efforts in addressing child violence and reduce bullying at school
3. The Netherlands could be encouraged to take further step to ensure human rights, nutrition health and sexual health education for all.
4. The Netherlands should be encouraged to further adopt and implement a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities.

Cultural Rights

86. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), The Netherlands is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, The Netherlands is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

87. The Netherlands is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.⁸⁶

Freedom of scientific research and the right to benefit from scientific progress and its applications

⁸⁶ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

88. The Netherlands, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016 monitoring exercise (November 2016 - April 2017) is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The Netherlands is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. The Netherlands is invited to complete the online questionnaire which has been prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on issues of the promotion of respect for autonomy and independence of scientific researchers and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: <http://en.unesco.org/themes/ethics-science-and-technology>.