

**Universal Periodic Review
(13th session, 21 May - 1 June 2012)**

Contribution of UNESCO

NETHERLANDS

I. Background and framework

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

A. Table

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	25/03/1966	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	22/11/1984			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Not ratified			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	09/10/2009			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

A. Normative Framework

i. Constitutional framework

1. The Constitution of the Kingdom of the Netherlands of 2002 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.

ii. Legislative framework

2. 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.

3. With regard to pre-primary education, the *Basic Childcare Provision* entered into force in 2004. *Childcare Act* entered into force on 1 January 2005. The new Act regulates the quality and funding of childcare.

4. Primary education is regulated by the *Primary Education Act 1998*.

5. The legal framework of secondary education is provided by the *Secondary Education Act* (WVO), which funding system has been renewed since January, 1st 2006.

¹ Sources:

- Constitution of the Kingdom of the Netherlands of 2002: http://english.minbzk.nl/subjects/constitution-and/@4800/the_constitution_of
- World Data on Education, sixth edition, 2006-07, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/WESTERN_EUROPE/Net_herlands/Netherlands.pdf
- Organization of the education system in the Netherlands 2008/09, Eurydice, http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full_reports/NL_EN.pdf
- National Report to 48th International Conference on Education (ICE), IBE, http://www.ibe.unesco.org/National_Reports/ICE_2008/netherlands_NR08.pdf
- EFA Global Monitoring Report 2010, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

6. 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.

7. On 1 January 1996, the *Adult and Vocational Education Act* (WEB) came into force.

8. Higher education is regulated by the *Higher Education and Research Act* (WHW) of 8 October 1992, implemented from 1 September 1993 and amended in 2002, 2003 and 2004.

B. Cooperation

9. The Netherlands did not report to UNESCO within the framework of the seventh consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2000-2005).

10. The Netherlands did not report within the framework of the fourth consultation of Member States on the measures taken for the implementation of the *UNESCO’s Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* (1974) (covering the period 2005-2008).

C. Achievements, best practices, challenges and constraints

11. In the Netherlands, 1.5 million adults (including 1 million native Dutch speakers) are classified as functionally illiterate, implying that they are not equipped to process basic information

2. Right to take part in cultural life

A. Normative Framework

i. Constitutional framework

12. The constitution of the Netherlands adopted in June 2002 refers in Article 22(3) that the authorities shall promote social and cultural development and leisure activities.²

ii. Legislative framework

13. It includes the following acts: Monument Act (1988); Spatial Planning Act/Space Document (1965/2004); By-law for the restoration and maintenance of monuments in

² Constitution of the Kingdom of the Netherlands [Netherlands], June 2002, available at: <http://www.unhcr.org/refworld/docid/3ae6b5730.html> [accessed 30 August 2011]

Noord-Holland (2001), Monuments By-Law for Zuid-Holland (1989); Belvedere Document (1999); Architecture Policy Document (2001-2004); Culture Document (2001-2004); Culture Document (2005-2008); Nature Conservancy Act (1998 revised in 2004); Nature Conservation Act (1982); The Flora and Fauna Act (1992/2002); Nature 2000 Protected areas; National parks, National Ecological Network; National “Nature Objectives Plan”; Agenda for a dynamic Rural area/Long Term Program for a Dynamic Rural Area; Development oriented landscape strategy. A revision of the Spatial Planning Act and the Monument Act is in preparation. There is no specific planning legislation to protect cultural World Heritage.

B. Institutional framework

14. Includes the following institutions: Ministry of Education, Culture and Science (OCW); Netherlands Department for Conservation (RDMZ); The National Service for Archaeological Heritage (ROB); Provincial Centre for Monuments Conservation, Provincial Monuments Houses/Heritage Houses, Government Building Agency, Ministry of Housing, Spatial Planning and the Environment (VROM); National Contact Monuments Foundation; institutes and private organisations working within the field of conservation and site management.

15. Concerning the 2005 Convention on the Protection and Promotion of the diversity of Cultural Expressions, the Netherlands has designated a point of contact to be responsible for sharing information on the Convention and promoting it within its territory. In addition to acting as communication channels through which this information can be disseminated to relevant Ministries and public agencies, the point of contact can also respond to queries about the Convention from the general public.

C. Policy measures

16. The Netherland’s main cultural policy targets are outlined in the policy memorandum *Art for Life's Sake* published in 2007 in which it is stressed that policy measures regarding monuments and architecture should be directed at improvement in the quality of the environment, not at individual buildings. Spatial quality can be realised by integrating and strengthening economic, ecological and socio-cultural values in spatial planning. In order to realise this vision, the Action Programme on *Spatial Planning and Culture* [Actieprogramma Ruimte en Cultuur], a joint initiative by 7 ministries, was launched in 2005. Cultural heritage policies and practices accordingly focus more on the public and the possible uses of artefacts, than on the artefacts themselves.³

D. Cooperation

17. The Netherlands is very active in promoting and implementing the 1972 World Heritage Convention and to support this, established at UNESCO a Funds-in-Trust. It provides expert advice and cooperates with other states of the region.

E. Work with civil society

³ <http://www.culturalpolicies.net/web/netherlands.php?aid=41>

18. The private sector, local communities and NGOs are involved in the definition of heritage safeguarding policies and measures and in conservation efforts.

F. Achievements, best practices, challenges and constraints

19. Education and international exchange of information on cultural heritage could be enhanced.

3. Freedom of opinion and expression

A. Achievements, best practices, challenges and constraints

i. Legislative framework

20. The Netherlands has a long tradition of protecting freedom of expression and press freedom, provided for by Article 7 of the Constitution. However, religious extremism and subsequent intolerance has emerged as an issue in recent years, following several high profile incidents in the past decade. This may have an impact on the overall level of press freedom and freedom of expression if left without attention.

ii. Self-regulation

21. Two options – apart from complaining to the medium itself – are available for people with complaints about the press: the court or the Journalism Council (Raad voor de Journalistiek). Filing a suit is possible in the case of an unlawful act like slander, libel, insult, etc.; all other complaints can be brought before the independent Journalism Council, established in 1960 by the Dutch Association of Journalists (NVJ). In Dutch journalism several professional codes have been formulated over the years, which are used by the Council to evaluate complaints. The Councils' verdicts and arguments in turn generate jurisprudence for the codes. Because of freedom of speech this Council is not able to force anyone to render account over their publications, or to impose any sanctions (like rectifications).

22. The Dutch press does not have a national press ombudsman like Sweden, but several national and regional newspapers employ their own ombudsman who investigates complaints of readers and who writes critically about newspapers' policy. Some national TV news programmes and channels also have their own ombudsman.

III. Recommendations

1. Right to education

23. The Netherlands should be encouraged to report to UNESCO within the framework of the eighth consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2006-2011).

2. Freedom of opinion and expression

24. UNESCO recommends an open and democratic discussion among different stakeholders should be encouraged to address the effect of extremism on freedom of

expression in the country.