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STUDY ON DISCRIMINATION IN EDUCATION

Note by the Secretary-General

Pursuant to Economic and Social Council resolution 651 G (XXIV), the Secretary-General has the honour to submit to the Commission on Human Rights the following additional observations and suggestions of Governments concerning proposals by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities relating to the study on discrimination in education prepared by the Special Rapporteur of the Sub-Commission:

NETHERLANDS

Pursuant to resolution 651 (XXIV) of the Economic and Social Council the Netherlands Government hereby submits the following comments with regard to the proposals made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolutions B and C adopted by the Sub-Commission at its ninth session.

There are no comments or suggestions with regard to resolution B. The general principles outlined in resolution C have been incorporated in Netherlands legislation concerning matters of education and are applied in practice. The resolutions are therefore acceptable to the Netherlands Government, subject to the following observations.

Resolution C

Paragraph 4, I (c)

It is assumed that this paragraph is not meant to exclude separate educational systems for boys and girls. While there are separate educational institutions for both sexes in the Netherlands, there is no question of discrimination against any group.

Paragraph 4, II (1)

The wording of this paragraph might be too rigid. There is no compulsory education in the Netherlands for persons having no fixed residence, such as bargemen's children. However, these children are required to visit school if they stay in one place for more than two days. There is no compulsory education either for those persons who are, by medical certificate, declared unfit to receive normal education. For this category of physically or mentally handicapped, special educational institutions are available in the Netherlands.

Paragraph 4, II (2)

There is no discrimination in entrance requirements for public schools in the Netherlands. If a particular municipality has no public school, the local private institutions are not free to refuse entrance on any discriminating ground.

Paragraph 4, II (5)

Public education in the Netherlands fully respects the religious convictions of each person or group of persons. Religious education is available if desired. There are naturally a number of cases where no educational institutions are available consistent with the particular conviction of a particular group, for instance in the case of denominational minorities in relatively small communities. If, in such cases, persons of a particular denomination are admitted to a private educational institution of another denomination, there is no compulsion to receive the religious instruction of that institution. However, the denominational views and convictions adhered to in such an institution are obviously reflected in the educational programme and activities of that institution as a whole and not in religious instruction only. In those cases persons admitted to the institution,

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although remaining free to receive elsewhere instruction consistent with their own conviction (but then often at a considerable distance from their residence) cannot reasonably demand that special facilities be made available to them or that special teachers be appointed of a denomination other than that of the institution.

Paragraph 5 (a) (2) and (3)

These principles do not seem to be altogether relevant in the case of the Netherlands. The administration has adequate means available to eliminate unfair practices and discrimination.

Paragraph 5 (c)

There may be some doubt concerning sub-paragraph (3) which may lead to censorship. The Netherlands Constitution guarantees freedom to select educational material (art. 208). The implanting of religious convictions is, to a certain extent, inherent in private (denominational) education in the Netherlands.

Similarly, parents or legal guardians, and groups of persons, are free to educate their children, within certain limits, according to their own convictions, both through the public and the private system of education.

In conclusion it may be said that some paragraphs such as paragraph 5, and, indeed, resolution C as a whole, seem somewhat too specific and too theoretical. The text could perhaps be simplified and reduced to general principles in order to ensure world-wide relevance.
