January 12, 2023

**Netherlands – Submission: the right to education – questionnaire Special Rapporteur**

**Submitting entity:** Ministry of Education, Culture and Science of the Kingdom of the Netherlands

1. **Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years.**
2. In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

In the Netherlands, education issues are not specifically approached through the lens of the human right to education, but through the lens of our Constitution. In the Netherlands, all children can go to school. It is mandatory from the age of 5 until the age of 16 (18). Most children attend school from the age of 4 and the number of pupils who do not attend school is very low (< 0,3%). In 2003, we abolished the requirements that a certain IQ was necessary to enter school. The result was that now even children with a very low IQ receive education adapted to their capabilities and needs.

1. How do you assess the 4 A’s framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practices? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?

The 4 A's framework of availability, accessibility, acceptability and adaptability works very good concerning realising the right to education.

1. The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?

In the Netherlands, education is available for all pupils in special or mainstream schools, also the school buildings and learning materials have our attention concerning the accessibility. For example, we translate all learning materials for pupils with visual impairments into braille and other formats. It is difficult for schools to refuse pupils, the acceptability is a major point on our agenda. Last but not least, the core objectives for schools are adapted for pupils with special needs.

1. Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention of the Rights of the Child? If yes, please provide examples. If not, please explain why not.

Education in primary and secondary education is free of charge. In the Netherlands, there is no difference between public and private education. Both are equally funded and the same law applies. So, all children have access to high quality education.

1. Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.

The right to education is a justiciable right in the Netherlands. Our Parliament is currently proposing a law in which the right to education will be explicitly embedded in our national legislation. This law amends the Compulsory Education Act 1969 and various sector laws in order to anchor the right to learn in legislation and to make the realisation of the right to education possible. The right to education – the child's right to education aimed at the fullest possible development of his personality, talents and mental and physical abilities will be now explicitly stated in the law. In addition, the bill adjusts the education legislation in such a way that the right to education can be used to really achieve education and development for every child. For example, the law enables flexible solutions in terms of teaching time, location and programme. The responsibilities of various stakeholders are also clarified and connected to each other. The aim of this bill is to offer every child in the Netherlands a form of education and development, appropriate to their own possibilities.

1. To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?

Non-discrimination is part of our Constitution. All children in the age of 5-(16) 18 are obliged to attend school.