

THE PLACE OF RELIGION IN EDUCATION IN THE NETHERLANDS

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1. Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools

I.1 Question: Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools. Is – and if affirmative please refer to the provisions in the law (add the text separately) – the teaching of religion in your country organised during school time in public educational institutions: in primary education, in secondary education.

I.2 Question: What choices amongst the religious education possibilities are offered in public educational institutions, e.g. catholic religion, Islamic teaching,

Answer:

On 1 August 1998 a new *Primary Education Act* (WPO) went into effect in the Netherlands, replacing former Education Acts. In 1993 ‘core objectives’ (*kerndoelen*) were established. Since 1 August 2006, under the terms of the revised Primary Education Act, Dutch primary schools must provide teaching in six curriculum areas. The attainment targets relate to, among other things, healthy living, social structures (including political studies) and *religious and ideological movements*.

According to current legislation, all primary schools (public and private) have to pay attention to the religious, philosophical and social current values in the Dutch society. Pupils (in public education) should learn to understand and to recognize the diversity of those values (see Article 46 of the WPO, the Primary Education Act). This command includes the obligation of primary schools to offer a subject called ‘religious and other spiritual movements’. State funded schools for lower secondary education are also obliged to pay attention to the different cultural and religious worldviews in the Dutch society.

In both cases, it concerns education with a strong cognitive perspective (i.e. ‘teaching about religion’). The most important aim is to get pupils acquainted with current religious and ideological movements. In case of public state schools this education should have no preference in favour of one specific religion or worldview. Schools are free to choose how they organise the teaching of cultures and worldviews, for instance as a part of ‘history’ or as a part of ‘society and culture’. Several public schools for secondary educations offer subjects like ‘religion/ worldviews’ and ‘philosophy’ as optional subjects. Students are free to choose one of those subjects, in addition to the compulsory core curriculum.

Since 1857 parents have the right of religious education or humanistic education on public primary schools. This is enshrined in article 50 and 51 of the Primary Education Act, which states that parents can request for education in their chosen religion or belief. Thus, parents whose children visit a non-denominational (public) primary school, may still ask for extra lessons religious or worldview education in line with their own religion or convictions. Provided that a sufficient amount of parents want a specific kind of religious education, such education is delivered by churches and religious organisations. In practice Catholic, Protestant, Humanistic, Islamic, and Jewish religious education is delivered at public state schools, at the request of the parents. This kind of religious education is paid by local authorities (the municipality). The instruction itself is beyond the responsibility of the public school. Teachers delivering this religious education do have to meet some qualifications, as well as a certificate of good character. For more information: see <http://www.gvoenhvo.nl/wat-is-gvo-en-hvo.html> and: <http://www.ikoslandelijk.nl/Basis.htm>

Muslim parents use this legal opportunity only in exceptional cases. Some municipalities (like Rotterdam), however, subsidize religious education. School authorities retain the power to choose which language courses are taught in, which has limited the development of Islamic religious instruction.

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Private state funded schools, i.e. denominational schools, offer religious education in line with their denominational basis (see appendix for more information about the legal basis of these schools). In primary education 17 religious types (denominations) are distinguished: Catholic, Protestant, four varieties of more conservative Protestant, Anthroposophic (Steiner); Orthodox Jewish, Liberal Jewish, Platonic, Rosicrucian, Orthodox Muslim, Liberal Muslim, Orthodox Hindu, Liberal Hindu, evangelical, and Hernhutter.³ At the secondary level there are currently six religious varieties: Catholic, Protestant, two varieties of more conservative Protestant, Muslim and Orthodox Jewish.

II. State funded denominational schools and state supervision

II.1. Question: Are there state funded denominational schools in your country? If affirmative, what is the numeric importance of state funded schools. If affirmative, what is the numeric importance of Islamic state funded schools. Please refer to statistical information on-line

II.2. Question: Are there non-state funded denominational schools in your country (private)? If affirmative, what is the numeric importance of private schools. If affirmative, what is the numeric importance of Islamic private schools. Please refer to statistical information on-line

II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.

Answer:

As stated above, denominational schools in the Netherlands are fully public funded (see also the appendix). At primary and secondary level two thirds of the schools are privately run. In 2009 there were 6.882 primary schools in the Netherlands; 32% of these are public schools; 30% are Catholic schools and 26% are Protestant schools. For more detailed information, see:

<http://www.stamos.nl/index.bms?verb=showitem&item=3.24.3>

Further on, there were 657 secondary schools in 2009. 30,8% of these are Protestant schools; 20,9% are Reformed schools (more orthodox Protestant) and 28% are so called ‘Collaboration schools’ (Samenwerkingschool). This is an integrated cooperative providing for public (neutral) education and private denominational education within one and the same school.⁴ 1,3% of all secondary schools is Catholic and only 0,2% are public schools. For more detailed information, see:

<http://www.stamos.nl/index.bms?verb=showitem&item=5.24.3>

The amount of private, non-state funded schools in the Netherlands (whether denominational or not) is very small, international schools excluded. Only 0.04 % of all pupils in primary and secondary education visit a private, non-state funded school. Based on information of the Dutch Educational Inspectorate, in 2010 there are about 20 private schools for primary education and about 12 private schools for secondary education. For more information: see:

<http://www.onderwijsinspectie.nl/onderwijs/Particulier+onderwijs/B3-scholen>

The Dutch Constitution provides that independent schools will be funded by the same standards as public schools; this has been taken to mean that independent schools should be funded fully, provided that they provide a level of education corresponding to, but not identical with that in public schools. Section 5 and 6 of Article 23 (see appendix) describe the regulations concerning quality standards for denominational schools. Section 6 states that any conditions attached to funding independent schools must respect in particular the freedom of private schools to choose their teaching aids (that is: educational materials), and to appoint teachers as they see fit.

As a consequence, state funded denominational schools in the Netherlands do not have to meet additional requirements. In this respect, formally speaking, the authorities do not control the content or way of teaching in denominational schools. It would not be appropriate for government to include attitudinal or desired opinions among the required goals of schooling, even for public schools, which are required to respect each pupil religious or other convictions about life. Prescribing particular books or materials could lead in the same direction.⁵

³ Postma, Andries (1995), The Principle of Subsidiarity in Dutch Educational Law’. In: J. De Groof (ed.) *Subsidiarity and Education Aspects of Comparative Educational Law*. Acco: Leuven (Belgium), p. 128.

⁴ Vermeulen, B.P. (1998), Country report: Recent developments in Dutch legislation and case law on education’. In: *European Journal for Education Law and Policy* 2, Kluwer Law International 155-57.

⁵ Postma, A. (1995), ib id, p. 136.

However, denominational schools have to meet the same requirements as public state schools and the Constitution gives legislators the competence to impose quality standards in education. The government is responsible for the quality of education. In 1993, for instance, the Parliament established a series of national outcome standards, so-called 'core goals' (*kerndoelen*), for which schools are to be held accountable. And teachers in all state funded schools must have the necessary academic qualifications, as well as a certificate of good character. During the last decades, these requirements have been extended considerably. At the moment there is a large body of requirements (national outcome standards, aims and criteria) for state funded schools laid down in statutes and regulations.

We can conclude that in exchange for the full financial support that privately-run schools in the Netherlands receive, schools are restricted by many rules and requirements. It can also be concluded that there is a considerable tension between the responsibility of the government for educational quality on the one hand, and the freedom to organize teaching as the school wishes, on the other hand.

The Dutch Ministry of Education recognizes and finances 37 Islamic primary schools and one secondary school in Rotterdam, established in August 2000. The majority of the day in these schools must offer courses that follow the national curriculum, and a few hours per week may be allotted to religious lessons and ceremonies. In the beginning of 2007, all Dutch Islamic primary schools were provided with an official Islamic teaching curriculum for pupils ages 4 through.

III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (catholic) school

III.1. Question: Does the head of a state funded denominational (e.g. Catholic) school has the right to refuse pupils from other religious beliefs? Please refer to the provisions in the law.

III.2. Question: Does the head of a state funded denominational (e.g. Catholic) school the authority to limit the number of pupils from other religious beliefs (e.g. Muslim pupils) in order to support the specificity of the project?

Answer:

While government must accept the sincerity of a parent's choice for a particular religious or philosophical schooling, the obligation does not extend to publicly-subsidized independent (denominational) schools. The board responsible for each independent school or group of schools has the authority to admit or deny admittance.

This right was upheld in the case of a Jewish school which, on religious grounds, refused admission of a pupil to the school. The Maimonides-judgment of the Supreme Court stated that article 23 of the Dutch Constitution guaranteed a freedom for school boards to preserve a distinctive religious or philosophical character (*vrijheid van richting*), taking into account article 6 Constitution and article 9 ECHR. Unless there are special circumstances -which was not the case here-the parents of a child must meet the institution's standards of religious nature "and are not eligible for admission, even if those parents (...) have a strong preference and even though the institution concerned is the only one providing the education concerned".⁶ The ruling of the Maimonides lyceum was affirmed in a case concerning the Hoornbeek College in Amersfoort, a Dutch-Reformed educational institution of secondary vocational education. The school board refused a 16-year-old pupil enrolment because the parents didn't subscribe the identity of the school, due to a divergent view on Christian lifestyle. The disagreement focused on the fact that there was a television and an open Internet connection in the family home, that the parents thought differently about co-determination in the school and the biblical distinction between man and woman (the sister wore pants). The refusal of admission led to the case in which the Maimonides-judgment from 1988 was acknowledged.

The Court of Appeals in Amsterdam ruled that the policy was not consistent.⁷ The Court notes that other students were admitted in the past, while their parents also had another vision considering the identity of the school. The school stated in defense that it is not possible to start their own research into whether the questionnaire by the parents is filled in correctly and whether the parents during the admission interview are telling the truth, but the Court rejected this argument. In the first place, the

⁶ Maimonides case Dutch High Court, 22 jan. 1988, administratiefrechtelijke beslissingen, 1988, 96.

⁷ Court of Appeals Amsterdam 25 juli 2007, NJCM-Bulletin 2008, nr. 4, p. 498-506.

parents in this case demonstrated that in the past pupils were allowed, in which cases the school knew that there was a different conception of the identity. Apart from that, the Court argued that it is required that denominational schools, based on religious grounds, have a consistent admission policy, which they consistently maintain, having regard to the great value that they claim to this policy. The conclusions in the Hoornbeek judgement are far reaching. For example, the admission standards of religious nature extend apparently in principle also to the autonomous private living rules, for example by stating that girls should not wear pants and that families should not possess a television at home. Besides, it must be remembered that in the Hoornbeek-case there was no disagreement about the Reformed disposition of the parents. On the other hand, at the Maimonides-judgment the question was whether the competent authority of the Orthodox Jewish school had the right to refuse a student because in the view of the school board his mother was not Jewish, although the father of the boy was a former pupil of the school.

Also relevant in this matter is the General Equal Treatment Act (GETA), with an exception clause for denominational education: article 7, second paragraph, GETA provides that institutions for denominational education are entitled to the admission and participation requirements, which for the purposes of the institution are necessary for the achievement of its base, where these requirements should not lead to discrimination on the grounds of the mere fact of political adherence, race, gender, nationality, sexual orientation or marital status. The equal treatment Commission adheres to a strict criterion (following the Maimonides ruling). Religious schools are required to have a very clear and consistent policy aimed at preserving the religious identity of the school, f.i. concerning the appointment of teachers. If not, the school board may not rely on the exception clause.

An example was a case on admission to a Catholic School of a pupil who had not been baptized. The Commission stated that the policy “may be deemed appropriate for the achievement of the base, but is not consistently implemented and maintained”. Neither the website nor the school guide mentioned the fact that only baptised pupils were admitted. Although the school argued that they had followed a strengthened policy in recent years, there was no practical evidence of this claim. Moreover, because teachers did not have to meet the explicit requirement of being Catholic, and because it was not required that the Members of the Board were in majority Roman Catholic themselves, the Equal Treatment Commission concluded that there was a violation of the Equal Treatment Act.

Limitation of the number of pupils in order to support the specificity the distinctive identity of the school

Schools are free to limit the admission of pupils, but only when certain, restricted criteria are met. In a case that met the Equal Treatment Commission, the Commission considered it generally legitimate for a school to take restrictive measures to confirm its basis as this is reflected in the policies of the school and the consistent implementation.⁸ In sum: schools have the right to refuse pupils, when they have clear rules and do apply these rules consistently. In a particular case, a Catholic secondary school favoured pupils from Catholic and Protestant elementary schools. The Commission considered that in respect of its basis, the board did not follow a very clear and consistent policy. Besides, it was argued that in daily practice the school paid little specific attention to its religious identity. The Commission noted that the admission policy of the school was not consistent with its aims. This policy resulted in the fact that certain groups of Catholic pupils were not admitted, namely Catholic pupils coming from a public elementary school. Moreover, the admission policy of the school was inconsistent, as non-Catholic pupils were also eligible for admission, in the case they came from a Catholic elementary school. As a result, Protestant pupils were given priority. The commission did not understand how the Catholic denomination of the school could be preserved, by favouring Protestant pupils from Protestant primary schools, over Catholic children from public elementary schools. The Commission “considers that the defendant can also choose another selection criterion rather than the signature of the elementary school where a pupil originated”.

Sometimes the law explicitly states that selection on denominational grounds is not permitted. If within a certain distance no opportunity exists to follow for public education (i.a a ‘regional monopoly’), admission to the (denominational) school cannot be refused on the basis of religious affiliation or belief, according to for instance article 58 of the Primary Education Act.

⁸ Decision 2003-134.

IV. Point of views of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (Catholic) schools for (a number of pupils requesting it) and alternative ethical course

IV.1. Question. Is there a legal obligation to organise, if parents ask for, classes of Islamic religion in denominational (Catholic) education funded by public authorities? a. for any pupil for whom a request has been made? b. from a minimum number of pupils for whom a request has been made?

IV.2. Question. Does the same obligation exist for the offer of (a) other religions and/or philosophical convictions, (b) an alternative class of conception of life, philosophy, ethics

IV.3. Question. Can you shortly mention the pro and contra standpoints that have been expressed concerning the respect of fundamental rights (among others, freedom of education and right to education) in relation with this obligation?

IV.4. Question. Reference to the legal basis, with Website address, and also if possible to the parliamentary preparation of texts.

Answer:

Because of the variation of denominational schools in the Netherlands (Catholic, Protestant, Reformed, Muslim, etc.), there is no necessity to offer parents of denominational schools a possibility for specific religious education, different from the one the school is based on. Denominational schools in the Netherlands offer religious education or religious instruction which is in line with their denominational basis. In case of 'Collaboration schools', two options are offered, e.g. Catholic or Protestant religious education and a more general ethical education, e.g. from a humanistic perspective.

Catholic and Protestants school boards are free to make their own admission policy. Many Catholic and Protestant schools have an open admission policy: they don't ask parents to endorse the Catholic or Protestant faith nor to subscribe the religious identity of the school. As a consequence, many Catholic and Protestant schools have numerous Islamic pupils, especially in urban areas. As far as is known, these schools do not offer Islamic religious education. In practice, religious education of these schools frequently has a broad character, but the schools do not provide specific religious education for religious minorities.

The only exception is – as far as we know- the Free University in Amsterdam. When it was founded in 1880, it had close links with the Dutch Reformed Church. Since then the University developed as an open, liberal Christian (Oecumenical) institution. Today, students and staff of all faiths and religious traditions are welcome. Driven by respect for one another's convictions and standpoints, the university offers students a range of religious facilities and services. These include the Student Chaplaincy, a meditation room and an Islamic prayer room. The faculty of Theology also offers master's courses in Islam.

V. Teaching of Islam in denominational (e.g. Catholic) schools at their own initiative

V.1. Question: Is there in your country a general guideline for teaching of Islam in denominational (e.g. Catholic) schools at their own initiative defined by (a) the Bishops' Conference, (b) another body, namely. . .

V.2. Question: If affirmative, does the guideline implies that (a) the teaching of other religions is organised when: one parent asks for, or a sufficient number of parents ask for (how many?), (b) only teaching of Islam is offered as alternative religion when one parent asks for or a sufficient number of parents ask for (how many?)

V.3. Question: There is no guideline and: (a) in fact, teaching of Islam is never proposed in Catholic schools, or (b) the teaching of Islam is organised in some schools, which have taken themselves the initiative. If possible, explain the importance of this option

Answer:

There is no guideline. In a document delivered by the Dutch Bishops Conference, titled *Animated and Confident, a policy memorandum with a view to a new dynamism and a shared vision of Catholic education* (2002)⁹, are some statements about how Catholic schools should deal with pupils with other

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http://www.katholiekederland.nl/documents/kn_698427_bezield%20en%20zelfbewust.pdf

religious beliefs (but there is no explicit reference to Islam or Islamic pupils). According to the document, it should be avoided that the catholic identity is imposed upon these pupils of other faiths. On the other hand, the Catholic identity should not be covered, because of (large numbers of) these pupils in the Catholic school. Religious instruction should not be 'a melting pot', in which differences between religions are 'neutralized'. Inter religious celebrations should be restrained, according to the document. Apart from the Free University (mentioned above), there are no examples known of teaching Islam in denominational (non-Islamic) schools.

VI. Religious symbols in public schools

VI.1. Question: Are religious symbols (e.g. crucifix) in public schools compulsory, allowed, or forbidden?

VI.2. Question: Is a teacher allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

VI.3. Question: Is a pupil allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

VI.4. Question: Who decides on the dress code in schools. Please refer to the law.

VI.5. Question: Can a pupil and/or a teacher be exempted from the dress code when she considers it her religious duty to wear the Islamic headscarf?

VI.6. Question: Who is the regulatory authority in this sphere?

VI.7. Question: What kind of disciplinary measures and proceedings are taken if the pupil or teacher fails to comply with the rules on dress codes?

VI.8. Question: Please describe the case-law in your country.

Answer:

Religious symbols

Article 23, section 3 of the Dutch constitution states that public education shall be regulated by law, paying due respect to each person's religion or belief (see appendix). Article 46 of the Dutch Primary Education Act, as an elaboration, states that "Public education contributes to the development of the pupils with attention for the religious, philosophical and social values which are present in the Dutch society and in recognition of the importance of the diversity of those values", and second: public schools are open to all children without discrimination of religion or belief. Third: public education is given with respect for everyone's religion or belief.

It is forbidden for teachers of public schools to convert pupils or trying to do so. Teachers in public schools can, in the name of the neutrality of public education, be required to refrain from starting class with a prayer. There are no specific rules on religious symbols. In a case that was brought before the Equal Treatment Commission (case 2000-51), two Islamic students of a public secondary school requested a classroom for prayer during breaks. The school board refused. The Commission argued that the provision of education in general also includes the use of premises for educational activities and related activities for and by the students. The law prohibits discrimination on the grounds of religious expressions, such as praying. The Commission believes that the neutral character of a public school does not imply that the law on equal treatment is violated. The deprivation of opportunities or space for prayer may be a case of direct discrimination. But the Commission also argued that neither the text nor the parliamentary history of the General Equal Treatment Law or any other law puts a *positive* obligation on the school board of a public school to provide a room for prayer. The governing board, also of a public school, has the pedagogical and organizational freedom to run the school in their own way, and therefore, to provide a room for prayer or not.

Wearing headscarves

The General Equal Treatment Act prohibits both direct and indirect discrimination. *Direct* discrimination is prohibited, unless the Act itself makes an exception. Indirect discrimination is permitted only if there are good reasons (an 'objective justification') for such discrimination. If a school refuses admission to students or refuses appointment to teachers, because of the religion of these persons, this is a case of direct discrimination. Denominational schools have the right to impose requirements which, having regard to the establishment's aim, are necessary for the fulfilment of its

principles (Section 7, subsection 2 of the Equal Treatment Act). This means that denominational schools may prohibit expressions in clothing of students or teachers, f.i. headscarves and niqaabs, that are viewed as incompatible with the school's religious principles.

The exception made for denominational education does not apply to public non-denominational schools. This means that public non-denominational (public) schools may not require that teachers and students do not wear headscarves. However, these schools are free to ask for an attitude of neutrality of the teachers in line with the public nature of these schools. If a teacher wears a headscarf this does not necessarily mean, however, that she is unable to teach in a manner that is in accordance with the public nature of the school (opinion 1999-18).

Indirect discrimination is at stake when the school does not admit students or does not appoint teachers, because of an apparently neutral rule, but which actually mainly affects the adherents of one specific religion.

The law imposes stringent conditions on the objective justification which makes indirect discrimination permissible. First of all the aim of the rule must be sufficiently important and non-discriminatory. Secondly, such a rule must be appropriate and necessary to achieve that aim. This means that the rule will actually serve to achieve the aim and that the rule in question must be reasonably proportionate to the aim. Moreover, it must be clear that the aim cannot be achieved with another rule, which is less injurious to the affected group. This means that the school must prove that it is impossible to make another rule which does harm adherents of one specific religion. Only when all these conditions have been satisfied then an objective justification can be said to exist.

Recently, much attention has been paid to schools prohibiting their pupils from wearing veils covering the entire face - known as niqaabs - or headscarves.¹⁰ The school board may formulate a dress code, but must be aware that some clothing regulations may harm/ disadvantage adherents of a specific religion. Prohibiting niqaabs, headscarves and other headgear worn for religious reasons (such as a turban) may be at odds with equal treatment legislation, because such a prohibition results in discrimination on the grounds of religion. Unlike wearing a baseball cap or a balaclava, wearing a headscarf, turban or niqaab is a manifestation of religion and a prohibition will in particular affect the adherents of the religion in question. This means that in such cases there is indirect discrimination on the grounds of religion (Section 1, subsection c of the Equal Treatment Act). This is not affected by the fact that not all adherents of the religion consider this manifestation as an obligation. Because the courts and the Equal Treatment Commission (so the Supreme Court has ruled) may not review differences of opinion on theological doctrines, they will only examine whether a manifestation *may* constitute a manifestation of religion. In principle, therefore, it is not permitted to prohibit headscarves and niqaabs. There are some exceptions to this general rule.

A school board is allowed to make requirements on clothing. Dress codes and codes of conduct are even quite ordinary. But if those rules restrict religious expressions, they are only allowed if there are serious interests at stake. It is, for example, in cases where the rights and freedoms of others are at stake. In cases where by the way they wear their clothes pupils hamper the learning process, the school may lay down restrictions.

In education (non-verbal) communication plays a major role. Pupils and teachers must be able to talk with each other and see each others facial expressions. That is why fully face covering accessories, such as a chador or a burqa can be prohibited by the school. Safety in schools can benefit from certain clothing requirements. Schools may continue to draw up, for example, pupils dress codes in order to be able to identify students or fraud in examinations and examinations.

The Equal Treatment Commission has examined clothing regulations by these criteria more than once. Recently, it discussed a case in which a school prohibited students to wear a niqaab.

The reason for the ban the school put forward was that a niqaab was an obstacle to good communication. Another reason was that students wearing a niqaab could not be identified. As a

¹⁰10 The next paragraphs are derived from the Commission on Equal Treatment, www.cgb.nl

consequence, unauthorized persons could enter the school building. The Commission concluded that in this case discrimination was justified (opinion 2003-40). In another case, however, the Commission held that the school had insufficient arguments to substantiate its allegation that wearing a niqaab caused a problem (opinion 2000-63). These opinions are available on the web site (www.cgb.nl).

In a case of the Equal Treatment Commission on admission to a Catholic school, there was a ban for students to wear clothing, which could be associated with non-Catholic or non-Christian religious beliefs, such as a headscarf. This ban was included in the school guide in the school rules, and pupils had received a copy. The Equal Treatment Commission concludes the dress code was necessary to maintain the specific religious identity of the school) and was also founded on a consistent, statutory policy.

In 2005, the issue on burqas surfaced when Parliament adopted a resolution urging the Government to ban the public wearing of face coverings. However, the integration minister stated that a comprehensive ban was not possible under the law—instead, he said that the ban may be permissible in case-specific scenarios such as in public schools¹¹.

VII. After-school education in private religious institutions. Islamic instruction organised after the school hours (age 6-18)

VII.1. Question: Is there any form of Islamic teaching (for children and youngsters of age 6-18) in your country organised after school time in private religious institutions:

VII.2. Question: Is there any form of Islamic teaching in your country organised in primary education age (6-12)

VII.3. Question: Is there any form of Islamic teaching in your country organised in secondary education age (12-18)

VII.4. Question: How many such institutions are there in your country providing Islamic instruction organised after the school hours?

VII.5. Question: How many children take part in the activities of Islamic instruction organised after the school hours?

VII.6. Question: How is the pedagogical quality of Islamic instruction organised after the school hours safeguarded?

VII.7. Question: How would you characterize the public debate about this form of Islamic instruction organised after the school hours?

Answer:

There are Koranic schools active in the Netherlands, mainly in the (larger) cities. There is however no systematic research into Koranic schools in the Netherlands. We think this is partly due to the not so well-cut definition of a Koranic school. Recently, an attempt to investigate on behalf of the government, got stuck because the mosques refused to cooperate.

A research report from 2004¹² indicates that a large majority of Turks and Moroccans are in favour of Islamic teaching in Koranic schools. The report states that ‘the actual range of children visiting

¹¹ A bill on face covering clothing in education is still to be submitted.

¹² Palet, K, Ter Wal, J. (2004). *Moslim in Nederland. Een onderzoek naar de religieuze betrokkenheid van Turken en Marokkanen*. Sociaal Cultureel Planbureau, The Hague (the Netherlands).

religious [Koranic] schools was estimated from 20% to 25% of all Turkish and Moroccan children'. Research from 2008¹³ in Rotterdam indicates that the pedagogical quality of education provided in mosques is not adequate. There is for instance no connection between education provided in regular (state funded) schools and religious instruction in mosques. The Inspectorate has no jurisdiction concerning the quality of religious instruction. There might be a criminal investigation if religious instruction is violating the law (that is: inciting hatred).

The debate around religious instruction in mosques is characterized by suspicion and incidents. Youth Health Care of the Health Service in The Hague (YHC) for instance began early 2009 a systematic inquiry of signs of child abuse during Koran lessons.¹⁴ The reason for this was the striking number of signals of such abuse in late 2008 during regular targeted prevention research. The municipality used two tracks to stop the abuse: first by actions aimed at individual children and families, secondly by urging governing boards of the mosques to stop the abuse. For some parents, this led to action, such as switching to another mosque or raising questions about the behaviour of the teacher. The municipality has however noted that despite the calls and promised measures, still signals are coming from different districts. Following the investigation of the Director of the Public Health Service, the Public Prosecutor conducted a criminal investigation (with no results, so far).

Recently, there are indications¹⁵ that providing religious Islamic instruction in public schools is not a success; parents still prefer religious instruction provided by the mosques, although the discussion concerning abuse of children and a possible 'breeding ground' for radicalization is still present.

VIII. Additional comments

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¹³ Pels, T, Gruijter, de, M, Lahri, F. (2008). *Jongeren en hun Islam. Jongeren over hun ondersteuning als moslim in Nederland*. Verwey Jonker instituut, Utrecht (the Netherlands), p.88.

¹⁴ See Aanhangsel Handelingen II, 2009-2010. nr. 1232 (questions asked by members of parliament)

¹⁵ http://www.eo.nl/programma/ditisedag/2009-2010/page/Islamles_op_school_verliest_het_van_koranschool/articles/article.esp?article=12502412

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Appendix: Article 23 of the Dutch Constitution, ‘Freedom of Education’

Freedom of education, included in the 23rd article of the Dutch Constitution, has been a basic civic right in the Netherlands for one and a half century now. This freedom allows denominational organisations to found schools based on their own system of beliefs. Private schools that satisfy the conditions laid down by law are financed from public funds according to the same standards as public-authority schools.

Article 23 of the Constitution (last amended in 2002) provides that:

Section 1: “Education shall be the constant concern of the Government.

Section 2: All persons shall be free to provide education, without prejudice to the authorities’ right of supervision and, with regard to legally-designated forms of education, its right to examine the competence and moral integrity of teachers, to be regulated by law.

Section 3: Education provided by public subsidies shall be regulated by law, paying due respect to each person’s religion or belief.

Section 4. The authorities shall ensure that primary education is provided in a sufficient number of public schools in every municipality. Deviations from this provision may be permitted under rules to be established by law on condition that there is opportunity to receive the said form of education.

Section 5. The standards required of schools financed either in part or in full from public funds shall be regulated by law, with due regard, in the case of private schools, to the freedom to provide education according to religious or other belief.

Section 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.

Section 7. Private primary schools that satisfy the conditions laid down by law 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 law.

Section 8. The Government shall submit annual reports on the state of education to Parliament”