

IFLA/FAIFE World Report: Libraries and Intellectual Freedom



The Netherlands

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Research about intellectual freedom in the Netherlands shows that especially the seventeenth century is studied. This was the time that the struggle was heavy, but in the Netherlands books and newspapers, also for foreign readers could rather easily be published. Nowadays, authors and journalists know their rights and can exercise them. The freedom of expression and the freedom of the press were far earlier established than the right of access to government information (after World War II). Recently, discussion has taken place about the application of the principle in the information society. There is an increase in requests for access to public information, on the government's policies and practices, including the public life of politicians. The long tradition of plurality of information and news sources seems endangered. In the recent decade, however, a number of newspapers have merged, as have smaller publishers, due to effects of the free market. Marginal groups of citizens may find it harder to have their voices heard and expressed in social and cultural settings. Libraries are struggling with an increasing number of publications, both in print and in digital form, to be acquired with the same or smaller budgets. Especially academic and research libraries have complained about the skyrocketing prices for magazines.

Population:	15,575,000 (1996)
GNP per capita:	US\$ 25,940 (1996)
Government / Constitution:	Constitutional and parliamentary monarchy
Main languages:	Dutch
Main religions:	Catholicism, Dutch Reformism
Literacy:	
Online:	42,79% (Sept. 2000)

As regards access to information, a wide network of 1150 public libraries is available for all citizens. The number of branches is in decline with some serious effects for rural areas and large city neighbourhoods. New ways of serving people and meeting their information needs are to be found, partly possibly by means of an integration of services and by using information technology. The government has supported the plan to connect all public libraries to the Internet in the year 2000. Both library staff and various user groups are trained to use new tools.

Specific Cases

Violations of intellectual freedom are rare, but some cases have come up regarding the liberty of authors to use existing persons in their novels and critiquing them. Furthermore, discussion has taken place about a re-edition of the Dutch translation of Hitler's *Mein Kampf*. In the Netherlands it is forbidden to sell the book.

In the history of libraries, politicians have sometimes expressed their surprise about the fact that a library had a copy of this book, and wished to withdraw it from the collection. Librarians had to clarify their policy of supporting the free flow of information and access to information and have these copies on stock for consultation only. (Example: Amsterdam in the eighties.)

Relevant legislation

The relevant legislation in the fields of freedom of expression, of access to information and of libraries is the following:

- The Constitution

prohibits censorship and allows everyone to make thoughts and feelings public, taking into account one's responsibilities according to the law.

A Committee will publish its report in 2000 on the possible and necessary adaptations of the Constitution in view of the effects of ICT and the information society. These subjects may include suggestions on the right to privacy and encryption.

- Law on Public Government

This law regulates the conditions for exercising the right of access to public information, i.e. government information. These include information within the public administration. This right is increasingly used by journalists with success. The government has developed policies to apply the principle of public access in a electronic environment. It has resulted in a cheap but not free offer for public libraries to have access to digital texts of Dutch laws on CD-ROM. In the same spirit of an 'Government, an Open Book', libraries are encouraged to teach media-education to various disadvantaged groups such as young people, women, migrants and the elderly.

- Law on Specific Cultural Policy (Public Libraries).

This law is the legal framework for public libraries. There are only two articles which refer to public libraries.

Article 11a is concerned with the contribution fee of young people. And reads:

For the loan of printed materials from the public libraries to persons below 18 years of age, a fee or other financial fee is required, if the provincial authority or the local authority, which maintains the public library, has decided to do so. The fee or financial contribution can only be half of the contribution fee which is required from persons of 18 years and older.

Article 11b is concerned with the efforts of the authorities at the national, provincial and local level to promote co-operation among public libraries. A Committee will report in 2000 on the structure of the public library network with possible impact on funding as well.

- Copyright Law (Public Lending Rights)

In this law there is a regulation about the contribution the public libraries have to pay for exercising lending rights, as effect of the EU Directive on Lending Rights. The amount is set through negotiation in which the Public Library Association participates. University and Research Libraries have their lending rights paid by the Ministry of Education, Culture and Science, under which also the public libraries resort. The way in which the public libraries deal with their contribution differs; either they pay the amount (becoming 0,10 Euro per loan) themselves, which is an implicit budget cut, or they charge the library users extra.

Library Association policies

In order to safeguard basic principles of public library services, which are lacking in legislation, the Public Library Association (NBLC) adopted as a form of self-regulation: The Charter for Public Libraries in the Netherlands 1990. The Charter contains 15 articles referring to basic principles of collections, access, networking, legislation, professional staff, funding, target groups, rights of users and international aspects. With reference to international treaties and other human rights instruments, and to the UNESCO Public Library Manifesto the public libraries proclaim their efforts for a free library service. They do not wish to create any barriers as a matter of principle. They encourage the public to use their services by offering free access to library premises where they can consult collections and obtain information. The effects of barriers are difficult to measure and require research over a long period of time. Public libraries share responsibility with the government (which provides their funds up to (80%) for identifying negative trends in the use of public libraries and for developing positive measures to remove barriers. They wish to retain the principle of providing a free service for young people. In the actual situation, due to decentralisation charges for children and adults may vary considerably and contravene the principle of equality as regards access to information.

A recent survey and discussion among public libraries shows that they still adhere to these principles, but feel the pressure of daily practice and government regulation to charge for services. Libraries are also divided about charge/no charge for Internet Access, mostly charging for half an hour, in order to regulate increasing demand as well as the lacking 20% of funding..

The Public Library Association has set up a Committee with other library organisations in order to join forces and defend the public character of their services, including access to information. Developments in the field of copyright may hinder efficient library services and prohibit access to relevant sources.

In various ways NBLC is active in supporting awareness of fundamental human rights related to public library services. A new development in services is the concept of public information or community information, which policy is based on the right of access to information. Furthermore, the International Day of the Right of the Child 20 November is supported by distribution of materials and programmes in public libraries in co-operation with a.o. UNICEF. NBLC also participates in a human rights education platform of the National UNESCO Committee, and joins forces on the distribution of relevant information and awareness raising campaigns, e.g. National Liberation Days 4-5 May.

In the international field, NBLC supports IFLA/FAIFE's activities and published the IFLA/FAIFE statement. It also commented and protested against the French authorities with regard to the censorship that had been established in some French public libraries by the local National Front administrations. NBLC gave a speech at a Paris meeting of concerned librarians.

Professional Code

The Netherlands Association of Librarians has held discussion on a professional code. The section for librarians in public libraries has adopted such a code in 1993. The field of Librarians and information workers is in continuous change, and so are the educational institutions for these professions.

Discussions on ethical questions pop up now and then on the library discussion list: Nedbib-L.