



European Network Against Racism  
Réseau européen contre le racisme

## FORGOTTEN WOMEN:

# The impact of Islamophobia on Muslim women in the Netherlands



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## Executive summary

### **Forgotten women: the impact of Islamophobia on Muslim women**

ENAR's project "Forgotten Women: the impact of Islamophobia on Muslim women" aims to document the disproportionate impact of Islamophobia on women and to strengthen alliances between the anti-racism and feminist movements in order to better address the intersectional discrimination affecting Muslim women or those perceived as such. It has taken place between 2015 and 2016 in 8 countries, chosen to get a representative picture of the situation of Muslim women in the European Union: Belgium, Denmark, France, Germany, Italy, Netherlands, Sweden and the United Kingdom.

The aim of the report on the Netherlands is to gain insight into the unique experiences of Muslim women with Islamophobia in the Netherlands, particularly in the context of employment and racist speech and violence. Therefore the main questions that guide this report are:

- 1) What is the labour market position of Muslim women?
- 2) How does labour market discrimination affect Muslim women?
- 3) To what extent are Muslim women protected against labour market discrimination under (inter)national legal provisions and through existing policies?
- 4) What are the recent developments in racist speech and violence against Muslims and how do these affect Muslim women?
- 5) To what extent are Muslim women protected against racist speech and violence under (inter)national legal provisions and through existing policies?

An estimated 80% of Muslims in the Netherlands have a Turkish, Moroccan, Afghani, Iraqi, Iranian or Somali background.

### ***Islamophobia is racism against Muslims***

ENAR defines Islamophobia as:

"Islamophobia is a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such."<sup>1</sup>

The Netherlands has a unique and long-standing relationship with Islam dating back to its colonial reign over territories known today as Indonesia. A racist ideology that inferiorised the local peoples was essential to the workings of the colonial empire. This history has left its traces in contemporary Dutch society, noticeable in mindsets, cultural traditions and divisions of power. The Dutch colonial history with Muslims generally goes unacknowledged, which adds to an incomplete understanding of current Islamophobia and the framing of Islam as a 'migration religion' that only arrived in the Netherlands in the 20<sup>th</sup> century. Throughout this report, ENAR's definition of Islamophobia is applied against the backdrop of a historical awareness of the colonial relationship between the Dutch and Islam.

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<sup>1</sup> ENAR.2015. *Briefing: Growing Islamophobia in Europe*. Brussels: European Network Against Racism.

## **Employment**

### ***The labour participation of second generation Muslim women is increasing, but is precarious***

Women with a Turkish-Dutch or Moroccan-Dutch background are more likely to be impacted by unemployment and precarious flexible labour relations compared to men with such a migration background and *autochtoon* Dutch men and women. Particularly lower educated and Moroccan-Dutch women experience difficulties in bridging the gap between graduation and entering the labour market.

However, the net labour participation of Muslim women has increased in the past decade. This development is said to be primarily due to an increase in labour participation of second generation women with a migration background. However, it is also this generation that is significantly impacted by the flexibilisation of the labour market. Working on fixed-term contracts makes them particularly vulnerable in times of economic downturn.

### ***Muslim women are affected by labour market discrimination on the basis of their ethnicity...***

Multiple studies using practical tests evidenced that the Dutch labour market is permeated by discrimination on the basis of ethnicity. Not all studies comment on a gender difference, or a small difference was found at the disadvantage of men. This implies that non-*autochtoon* Dutch women are affected by discrimination on the basis of ethnicity and are in a disadvantageous position compared to *autochtoon* Dutch men and women. There are no practical tests carried out that study discrimination on the basis of religion.

### ***...and on the basis of their Islamic dress***

However, the Equal Treatment Commission and the National Human Rights Institute have signalled for more than fifteen years a persistent stream of requests for their opinion on wearing the headscarf in the labour market, particularly during the phase of recruitment, selection and internship applications. The headscarf can also be a reason for an employer to terminate the labour relation, or may be a reason for being bullied and called derogatory names in the workplace. Discrimination on the basis of the headscarf occurs in both public and private sectors.

### ***The Dutch equal treatment framework is extensive, but policies aimed at combating (labour market) discrimination lack concrete and targeted actions concerned with the intersection of discrimination on the bases of gender, religion and ethnicity***

The current Minister of Social Affairs and Employment designed an extensive plan with concrete action points to combat labour market discrimination. Combined with the Emancipation Policy 2013-2016, promising initiatives have been developed, such as governmental support for the Diversity Charter. However, it remains optional for employers to sign this Charter. Moreover, the emphasis is placed on the economic value of diversity for a given company or organisation and thus implies a shift away from a social justice approach towards fighting institutional racism. Furthermore, the initiatives mentioned in these policies do not sufficiently acknowledge the unique labour market experiences of Muslim women wearing Islamic dress, nor do they include targeted actions aimed to combat and prevent discrimination against this group.

## **Racist speech and violence**

### ***Recorded incidents of Muslim discrimination have increased...***

In 2014, 230 incidents of discrimination against Muslims were recorded by the Dutch police, which is a stark increase from 2013 when 150 incidents were recorded. Civil society organisations and anti-discrimination bureaus state this is only the tip of the iceberg, as many incidents are not reported to the police or other institutions.

### ***...and civil society reports indicate an increase in attacks especially against Muslim women***

Civil society organisations and anti-discrimination bureaus signal that racist speech and violence is particularly directed towards women who are perceived to be Muslim by the perpetrator, because of their headscarf or face-veil. In police records of discriminatory incidents it is also noted that the headscarf frequently functions as a trigger for 'Muslim cursing' (*moslimschelden*) against Muslim women. In addition to verbal abuse, women wearing Islamic clothing have also reported experiencing physical assaults during which perpetrators attempted to pull off their Islamic clothing (face-veil or headscarf).

### ***The Dutch focus on violence in dependency relationships and its gender neutral approach cannot encompass violence against Muslim women occurring in Dutch public spaces***

In the Netherlands violence against women is not a separate policy issue. Instead the current government established an interdepartmental and gender-neutral approach to prevent and combat violence in relationships of dependency. Research has found that a gender-sensitive approach in projects to counter domestic violence is desirable, and the researchers also suggest that other areas of violence prevention could benefit from a gender-sensitive analysis and approach. With the emphasis on violence in relationships of dependency and an overall gender-neutral approach, it becomes difficult to address the issue of racist speech and violence against Muslim women as it predominantly occurs in public spaces and is perpetrated by someone unfamiliar to the victim.

### ***Special attention should be paid to the position of undocumented Muslim women***

Approximately 100,000 undocumented people who have been made undocumented under national immigration and refugee regulations live in the Netherlands. Anti-immigrant and anti-refugee sentiments are not uncommon in the Netherlands. Furthermore, undocumented people need to find employment in the informal labour market. Hence undocumented Muslim women may be at risk of experiencing racist speech, violence and labour exploitation, without being able to seek protection from formal institutions such as the police. The EU Victims' Directive 2012/29 could help to establish safe ways for undocumented Muslim women to report an Islamophobic incident. However, despite the announcement of national plans to create a safe way for undocumented persons to report crimes to the police in 2015, the National Support Centre for the Undocumented has noticed that most municipalities have not taken action to make these plans concrete.

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## 1. Introduction

ENAR's project "Forgotten Women: the impact of Islamophobia on Muslim women" aims to document the disproportionate impact of Islamophobia on women and to strengthen alliances between the anti-racism and feminist movements in order to better address the intersectional discrimination affecting Muslim women or those perceived as such. Through a unique and innovative joint effort between the anti-racist (ENAR) and feminist movements, this project is a key step in a broader advocacy strategy that aims to encourage the Member States of the European Union to adopt specific national strategies to combat Islamophobia and to demonstrate the need to improve and strengthen the implementation of EU equality laws.

It has taken place between 2015 and 2016 in eight countries, chosen to get a representative picture of the situation of Muslim women in the European Union: Belgium, Denmark, France, Germany, Italy, Netherlands, Sweden and the United Kingdom. The aims of the project are:

- documenting the disproportionate impact of Islamophobia on Muslim women;
- providing analysis to improve the implementation of equality law in cases of discrimination against Muslim women and women perceived as such;
- countering stereotypes about Muslim women and promoting more positive messages;
- fostering partnerships and strengthening alliances between the anti-racist and feminist movements in order to better address the intersectional discrimination affecting Muslim women (gender, race, class, nationality, migration status and religion)
- disseminating the findings of the research in advocacy settings (European and national) communication activities and lawyers' workshops.

### 1.1 Methodology

The Forgotten Women project focuses on the position of Muslim women in the employment context and their experiences with racist speech and violence. Therefore, the main questions that guide this report are the following:

- 1) What is the labour market position of Muslim women?
- 2) How does labour market discrimination affect Muslim women?
- 3) To what extent are Muslim women protected against labour market discrimination under (inter)national legal provisions and through existing policies?
- 4) What are the recent developments in racist speech and violence against Muslims and how do these affect Muslim women?
- 5) To what extent are Muslim women protected against racist speech and violence under (inter)national legal provisions and through existing policies?

In order to answer the main research questions data have been collected in a variety of ways. Firstly, a literature review was conducted, including relevant publications by governmental and national research institutions as well as (inter)national watchdogs. Secondly, eight Muslim women were interviewed either individually or in a focus group setting. Thirdly, publications from civil society organisations were studied and key representatives from these organisations were interviewed. Lastly, a national roundtable was organised in Utrecht and attended by representatives from women's organisations, Muslim organisations, Muslim individuals and independent researchers in December 2015. The plenary discussions and feedback on the presentation of preliminary research findings have been a valuable source of information as well.

As a consequence, this report is a combination of a literature review and an analysis of collected empirical data. The results are interwoven and presented throughout the report. Therefore this project adds to existing data a distinct grassroots perspective with a clear focus on the intersecting dynamics of discrimination on the bases of religion and gender.

The research has been conducted and the report written in the period November 2015 – January 2016.

### *Scope of research*

ENAR's project highlights the intersection of discrimination on the bases of religion and gender. However, the author acknowledges that 'Muslim women' is a heterogeneous group. Muslim women may occupy different social positions pertaining to class, gender identity, sexuality, disability, age, 'race', ethnicity, and/or citizenship or (undocumented) immigration status. Therefore where possible the intersection between religion, gender and other axes of subjectivity is highlighted and discussed, whilst working within ENAR's research framework focusin on gender and religion.

Furthermore, this research cannot present a complete overview of Islamophobia and its gendered dynamics in the Dutch context. However, it is an attempt to highlight and think through some of the issues connected to the unique position of Muslim women and their experiences with Islamophobia in the Netherlands. It is hoped that this report will motivate research institutions, scholars and watchdogs to conduct further in-depth research, and that the current findings support grassroots and civil society organisations in their struggle against Islamophobia.

## **1.2 Terminology**

### *Islamophobia*

Several terms are central to ENAR's project. The first is Islamophobia. The Netherlands has a long history with Islam and Islamophobia, but this history is generally not part of mainstream political and public discussions. However, during its colonial reign over what is known today as Indonesia, the Netherlands engaged with a large Muslim population. Colonial practices included, amongst other aspects, the establishment of colonial settlements, extraction of spices and resources, enslavement, and trade in enslaved persons.<sup>2</sup> In order to colonise and subjugate the inhabitants, an ideology was developed based on the myth of 'race'.<sup>3</sup> Subsequently the inhabitants and their knowledge-, belief- and cultural systems were racialised and inferiorised. The Dutch colonial rule in the territories of contemporary Indonesia lasted for centuries, from the 16th/17th century until Indonesia's independence at the end of the 1940s.<sup>4</sup> Racist ideologies permeated and sustained the colonial empire and have left a legacy in terms of racist traditions, mindsets and divisions of power in the Netherlands of the 21st century. One such legacy is Islamophobia as a form of cultural racism that is generally unacknowledged. Cultural racism implies the ideology of

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<sup>2</sup>Baay R.2015. *Daar werd wat gruwelijks verricht. Slavernij in Nederlands-Indië*. Amsterdam: Uitgeverij Atheneum.

<sup>3</sup>See for example: Stoler A.L.1989. 'Rethinking colonial categories: European communities and the boundaries of rule'. *Comparative Studies in Society and History* 41 (1):134-161; Gouda F.1995. *Dutch culture overseas*. Amsterdam: Amsterdam University Press; Houben V.2009. 'Representations of Indisch in colonial Indonesia revisited'. In Fischer-Tiné H. and Gehrman S. (eds). *Empires and boundaries: Race, class and gender in colonial settings*. New York: Routledge.

<sup>4</sup>However, labour conditions resembling enslavement and forced labour continued. See Baay R.2015.

“the cultural inferiority of a group of people. Usually it is framed in terms of the inferior habits, beliefs, behaviors, or values of a group of people. It is close to biological racism in the sense that cultural racism naturalizes/essentializes the culture of the racialized/inferiorized people. The latter are often represented as fixed in a timeless space.”<sup>5</sup>

Cultural racism in the Netherlands is manifested when Islam is portrayed as being in opposition to and inferior to Dutch/Western culture on the basis of stereotypical and essentialised aspects of Islamic culture and religion. Consequently, Muslims become outsiders to the ‘native’ Dutch population.

Despite the historical connection between the Dutch and Islam and contemporary examples of racism against Muslims (such as recent attacks on mosques and refugee camps) Islamophobia is a highly controversial term in the Dutch political and public debate. A much used argument is that referring to Islamophobia means limiting the possibility to voice critique on Islamic religious and cultural practices, and that pointing out Islamophobia would mean a severe curtailment of the freedom of speech. Another argument is that Islamophobia is not a form of racism, because Islam is not a race but a religion. This reasoning is deeply flawed, as ‘race’ is a construction and not biologically existent. Also the emphasis on ‘phobia’ within the term is criticised, as this would imply that racism against Muslims could only encompass feelings of anxiety and emotions, instead of actions and behaviour as well. Consequently, a variety of terms navigate the Dutch public and political debate. Muslim discrimination, Muslim hatred and anti-Islamism are amongst the frequently used terms to refer to negative feelings, actions and behaviour towards Muslims and Islam.

ENAR defines Islamophobia as:

“a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such.”<sup>6</sup>

The definition provided by ENAR thus includes feelings and emotions as well as behaviour and actions. Throughout this report, when Islamophobia is written, ENAR’s understanding and definition of this term is meant. Added is an historical awareness of the long-standing relationship between Islam and the Dutch, as well as of the colonial legacy in terms of cultural racism against Muslims in the Netherlands today. Furthermore, it is explicitly acknowledged that referring to Islamophobia is different from censorship and that critical discussions on religion and religious practices should still be possible. Pointing out Islamophobia in and of itself does not equal a curtailment of freedom of speech.

### *Muslims/Muslim women*

Next to the term ‘Islamophobia’, the terms ‘Muslims’ and ‘Muslim women’ are central to ENAR’s project. ENAR acknowledges that Islamophobia also affects women perceived as Muslim, but who might not identify themselves as such. Furthermore, the Netherlands does not register self-identified religious affiliation nor does it systematically disaggregate statistical data along these lines. Therefore

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<sup>5</sup> Grosfoguel R. and Mielants E. 2006. ‘The Long-durée entanglement between Islamophobia and racism in the modern/colonial capitalist/patriarchal world-system.’ *Human architecture: Journal of the sociology of self-knowledge* 1:4.

<sup>6</sup> ENAR. 2015. *Briefing: Growing Islamophobia in Europe*. Brussels: European Network Against Racism.

it is necessary to rely on sample surveys amongst groups that were selected on the basis of their national origin to arrive at an estimation of the size of the Muslim population in the Netherlands.

The Muslim population in the Netherlands can roughly be divided into five groups. Firstly, the Turkish-Dutch and Moroccan-Dutch whose families arrived in the 1960s and 1970s as labour migrants. Currently migrants from Turkey and Morocco arrive in the Netherlands mostly for family reunification reasons. Approximately 87% of the Turkish-Dutch and 92% of the Moroccan-Dutch identify as Muslim, and together they make up around 70% of the Muslim population in the country.<sup>7</sup> Secondly, there are Muslims with a refugee background. Usually the four largest refugee groups reported on are Afghani-Dutch, Iraqi-Dutch, Iranian-Dutch and Somali-Dutch. These are generally named 'asylum migrants'. Most persons belonging to these groups arrived in the 1980s and 1990s, but since the 2000s and in recent years the number of asylum claims from these countries has risen again.<sup>8</sup> Respectively an estimated 85%, 61%, 34% and 93% of these groups identify as Muslim.<sup>9</sup> Together with the Turkish-Dutch and Moroccan-Dutch these six communities constitute 80% of the Muslim population in the country.<sup>10</sup> Thirdly, there are Muslims whose (family's) national background concerns a former Dutch colony such as Suriname and Indonesia. 10% of the Surinamese-Dutch population identifies as Muslim.<sup>11</sup> No estimations have been found for Indonesian-Dutch persons. Whereas people with a Surinamese background are considered non-western migrants, those with an Indonesian background are classified as western migrants by Statistics Netherlands, the national bureau concerned with statistical data collection on the Dutch population. Fourthly, there is a small group of approximately 13,000 *autochtoon* Dutch Muslims who are not separately discussed in any study.<sup>12</sup> Lastly, there are smaller groups of 'asylum migrants' who are usually not discussed in studies on Islam because of their size or because of their classification as 'western migrants' by Statistics Netherlands. These 'asylum migrants' can be Muslim refugees from former Yugoslavia, Pakistan, Egypt, Tunisia and Syria. However, the influx of refugees from Syria is currently growing, so in future publications by Dutch research institutions they might be considered one of the larger refugee groups in the Netherlands.

This report focuses mainly on the first two groups and has to leave aside the other three groups due to a lack of information.<sup>13</sup> However, this is not without consequences. Such a one-sided focus contributes to the framing of Islam as alien to the Netherlands and as a religion that arrived with migrants only in the second-half of the 20th century.<sup>14</sup> Thus such a framing cannot accommodate the fact that the Dutch colonial empire did include millions of Muslims, nor does it do justice to the reality that second and third generation Muslims have been born and raised in the Netherlands. In this respect, Islam is no longer a migration religion. Studies that emphasise the migration background of Muslims run the risk of unwillingly contributing to a problematic framing of Islam as alien to Dutch

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<sup>7</sup>FORUM.2012. *Muslims in the Netherlands 2012*. Utrecht: FORUM:8.

<sup>8</sup> CBS.2014. *Jaarrapport integratie 2014*. Den Haag: CBS:28.

<sup>9</sup> SCP.2012. *Muslim in Nederland*. SCP:Den Haag:86.

<sup>10</sup> Ibid:11.

<sup>11</sup> FORUM.2012:8.

<sup>12</sup> SCP.2012:11.

<sup>13</sup> There are some studies that include a discussion of asylum migrants, but usually the four largest non-western migrant groups are the subjects of research (being the Turkish-Dutch, Moroccan-Dutch, Surinamese-Dutch and Antillean-Dutch communities). Hence this report predominantly discusses the Turkish-Dutch and Moroccan-Dutch socio-economic position and adds information on asylum migrants where possible.

<sup>14</sup> See for an elaborate critical reflection on 'counting Muslims' Martijn de Koning in SCP.2012:160.

culture and population. As such these studies may contribute to the racialisation of Islam in the Dutch context.

#### *Allochtoon-autochtoon*

Lastly, it is relevant to discuss the terms *allochtoon-autochtoon* as these are applied by Statistical Netherlands and used in Dutch formal publications.<sup>15</sup> *Allochtoon* refers to persons with a migration background. A first generation *allochtoon* is a person born abroad. A second generation *allochtoon* is a person born in the Netherlands with at least one parent born abroad. A further differentiation is made between Western and non-Western *allochtonen*. Western *allochtoon* applies to those with a migration background from European countries, North America, Oceania, Indonesia and Japan. Non-Western *allochtoon* applies to persons with a migration background from Latin America, Africa, Turkey and Asia (excluding Indonesia and Japan). *Autochtoon* refers to the ethnically, majority white, Dutch population and to persons with one or more grandparent(s) born abroad, the so-called third generation. According to Statistics Netherlands the differentiation between western/non-western *allochtoon* is based on the socio-economic level and cultural position of a certain group. A group resembling the Dutch population in socio-economic and cultural terms will be considered as belonging to the category Western *allochtoon*.

The distinction between *allochtoon* and *autochtoon* is widely criticised in the Netherlands. The categorisation of people on the basis of their socio-economic and cultural standards as Western or non-Western “can be seen as a very subjective way of categorising people as it lacks an objective basis, it is imprecise and it is not useful for combating discrimination”.<sup>16</sup> Furthermore, it is also “a clear expression of everyday institutional racism”.

Throughout this report the usage of the word *allochtoon* is avoided as much as possible so as not to unnecessarily reproduce unhelpful and racist categories. Instead, the migration background is mentioned, such as ‘Turkish-Dutch’. This is also done in some official national research reports, as well as by some national politicians and civil society organisations. However, instead of opting for native or indigenous Dutch the category *autochtoon* Dutch is used in this report when describing statistical data on this group that was collected by Statistical Netherlands. This is done because Statistical Netherlands includes the ‘third-generation’ in the category *autochtoon*, and thus it would not be accurate to replace *autochtoon* by indigenous or native. The lack of data on the basis of self-identification and the general usage of *allochtoon-autochtoon* in the Netherlands makes it difficult to find the right language to talk about Muslims in a way that does not already imply that they are in an outsider-relationship to the Dutch population.

### **1.3 Structure**

This report is structured as follows. The chapter “Snapshots of Inequality” discusses several socio-economic indicators and figures on discrimination to introduce the position of women and Muslims in the Netherlands. Subsequently, the chapter “Temperature Test” offers a brief description of the way in which public and political thinking about Muslim women in the Netherlands has developed

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<sup>15</sup> CBS. 2000. *Hoe doet CBS dat nou? Standaarddefinitie allochtonen*. CBS Index 10.

<sup>16</sup> ENAR. 2013. *Racism and related discriminatory practices in employment in the Netherlands*. ENAR Shadow Report 2012-2013:16.

over the past years. In the next two chapters the position and experiences of Muslim women in the context of employment and racist speech and violence is examined. The report concludes with several recommendations directed to the national government, Muslim organisations, women's organisations, trade unions and future researchers.

## 2. Snapshots of inequality

This section provides headline findings and data pertaining to gender and religion. It introduces the main elements of gendered socio-economic positions, discrimination and violence. Key issues with regard to both the socio-economic position of Muslims and discrimination, racist speech and violence against Muslims are then discussed.

### 2.1. Gender

By 2015 the Netherlands has approximately 17 million registered inhabitants.<sup>17</sup> 50.5% thereof are gendered as woman, and 49.5% as man.

#### 2.1.1. Employment/unemployment

The net labour participation of women was 59.8% and 73.4% of men in the third quarter of 2015.<sup>18</sup> Since 2005 the number of working women has increased, namely from 3.4 million in 2005 to 3.8 in 2015.<sup>19</sup> Still there is a noticeable gender difference in unemployment rates, with 9.7% of women unemployed versus 7.2% of men.<sup>20</sup> Furthermore, there is a group of 3.8 million people neither working nor looking for a job or available for it (due to illness for example).<sup>21</sup> The majority of this group is registered as woman, accounting for 2.2 million members.

Since the economic crises of 2008, unemployment rates amongst men and women have increased. At first the employment position of men was strongly affected, as men tend to be overrepresented in sectors sensitive to economic conjunctures such as construction and ICT sectors.<sup>22</sup> However, women are increasingly affected by job losses.<sup>23</sup> Budget cuts in public and service sectors in which predominantly women work, such as the healthcare sector, are said to be a primary cause.<sup>24</sup> In particular, branches like home care and childcare experience large budget cuts.<sup>25</sup> These branches mainly employ lower and middle educated women. More job losses in the healthcare sector are forecasted until at least 2017.<sup>26</sup>

#### 2.1.2. Labour inequalities

More men than women work fulltime. In 2013 26% of women worked fulltime compared to 80% of men. 74% of working women worked 35 hours or less. For women there is a strong correlation

<sup>17</sup> StatLine, *Bevolking; kerncijfers*, <http://statline.cbs.nl/Statweb/publication/?VW=T&DM=SLNL&PA=37296ned&D1=0-2,19-51&D2=I&HD=151126-1440&HDR=G1&STB=T>, accessed 26 November 2015.

<sup>18</sup> Statline, *Arbeidsdeelname; kerncijfers*, <http://statline.cbs.nl/Statweb/publication/?DM=SLNL&PA=71738NED&D1=24-26&D2=1-2&D3=0&D4=0&D5=a&HDR=G3,G2,T,G1&STB=G4&VW=T>, accessed 5 January 2016. Net labour participation is the percentage of employed labour force in the Netherlands. Labour force includes those who do have paid work for a minimum of 12-hours a week and those who do not have paid work, but have recently looked for it and are immediately available. Usually the age-category is 15-75 years, however this graph refers to 15 to 65-year-olds.

<sup>19</sup> CBS.2015. *Meer vrouwen werken*, <http://www.cbs.nl/nl-NL/menu/themas/dossiers/vrouwen-en-mannen/publicaties/artikelen/archief/2015/meer-werkende-vrouwen.htm>, accessed 5 January 2016.

<sup>20</sup> Statline, *Arbeidsdeelname; kerncijfers*. Unemployed labour force is defined by CBS as those who do not have paid work, but have recently looked for it and are immediately available. For this graph the age category 15-65 years is used.

<sup>21</sup> CBS.2015. *Aantal werkenden licht afgenomen*, <http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/artikelen/archief/2015/aantal-werkenden-licht-afgenomen.htm> accessed 5 January 2016.

<sup>22</sup> SCP/CBS.2014a. *Emancipatiemonitor 2014*. Den Haag: SCP/CBS:63.

<sup>23</sup> CBS.2015.

<sup>24</sup> SCP/CBS.2014a:227.

<sup>25</sup> CBS.2014. *Voorzichtig herstel arbeidsmarkt in het tweede kwartaal*, <http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/artikelen/archief/2014/2014-056-pb.htm>, accessed 5 January 2016.

<sup>26</sup> UWV.2015. *Zorg sectorbeschrijving*. Amsterdam: UWV.

between fulltime employment and level of education, meaning that higher educated women are likely to find employment for more hours a week compared to their lower educated counterparts. For men there is no such significant correlation.

Despite increased and higher educational attainment of women and several decades of emancipation policies, women remain underrepresented amongst higher levels of occupation and top positions. Whereas 45-50% of employed women work on lower to middle occupation levels, 43% work on the highest occupation level.<sup>27</sup> This level is characterised by complex problem resolving and decision-making tasks. However, 43% is a noticeable increase from 37% in 2003. Furthermore, 9% of employed female labour force supervises a team of more than 5 employees versus 17% of their male counterparts.<sup>28</sup> This is partially explained by the fact that more women than men work part-time.

By the end of 2014, respectively 9.6% and 11.2% of the Boards of Directors and Supervisory Boards of Dutch companies were women.<sup>29</sup> This is a small increase from 7.4% and 9.8% in 2012, but it falls short of meeting the non-binding target of 30% set by the government in its Emancipation Policy 2013-2016.<sup>30</sup> The figures of the private sector contrast starkly with those of the public and semi-public sectors. For the largest non-profit organisations focusing on socio-economic issues such as pension funds, 36% of the Boards of Directors and 30% of the Supervisory Boards are women.<sup>31</sup> Furthermore, 28% of the top civil servants are women.<sup>32</sup> However, the Netherlands ranks fourth amongst European countries with the lowest percentage of women professors.<sup>33</sup> Only 17.1% of academic professors are women.

Next to labour participation and level of occupation, an important marker of gender inequality in the Netherlands is the gender pay gap. Women earn an hourly wage that is 18.6% less than the average hourly wage for men.<sup>34</sup> This difference can be partially explained by factors such as occupation level and sector. However, when corrected for these elements there remains a noticeable gender pay gap that can signal discrimination. In 2012 this corrected difference is 4% in the public sector and 8% in the private sector.

### 2.1.3. Finances

Women are less economically independent than men.<sup>35</sup> Economic independence is therefore an important element of the Emancipation Policy 2013-2016 of the current government.<sup>36</sup> In 2014, 48.4% of women were economically independent compared to 65.7% of men.<sup>37</sup> In 2000 these figures

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<sup>27</sup> SCP/CBS.2014a:77. It should be noted that for this graph SCP/CBS have defined the age category for labour force to be 20-65 years (see n 2).

<sup>28</sup> Ibid:113.

<sup>29</sup> Pouwels B. and Hendrikse W.2015. *Topvrouwen in de wachtkamer*. Zeist: Commissie Monitoring Talent naar de Top:9.

<sup>30</sup> *Hoofdlijnenbrief Emancipatiebeleid 2013-2016*. 10 May 2016, Den Haag.

<sup>31</sup> SCP/CBS.2014a:119.

<sup>32</sup> Ibid:123.

<sup>33</sup> Landelijk Netwerk Vrouwelijke Hoogleraren.2015. *Monitor vrouwelijke hoogleraren 2015*. Utrecht:LNvH:16.

<sup>34</sup> *Midterm Review Emancipatie*, 1 November 2014.

<sup>35</sup> Economic independence is a policy term and equals 70% of Dutch minimum monthly income for a single person. For 2016 this is €972,70.

<sup>36</sup> *Hoofdlijnenbrief Emancipatiebeleid 2013-2016*.

<sup>37</sup> StatLine, *Personen naar economische zelfstandigheid en financiële onafhankelijkheid*, <http://statline.cbs.nl/Statweb/publication/?DM=SLNL&PA=81208NED&D1=7&D2=a&D3=0,8-17&D4=a&HDR=G3,T&STB=G2,G1&VW=T>, accessed 5 January 2016.

were respectively 39.1% and 71%. By 2007, there was a stark increase for women (45.8%) and a small decrease for men (70%). Still a gender difference remains, which correlates with the higher percentage of women working part-time. However, since the economic crisis of 2008 a smaller group of men is able to retain economic independence.

Furthermore, there are noticeable gender differences amongst recipients of state benefits. In 2013, 4.6% of women received welfare (*bijstandsuitkering*) compared to 3.4% of men.<sup>38</sup> One in five single mothers received welfare, compared to one in twenty single fathers. In addition, since 2009 the amount of women receiving unemployment benefits (*WW-uitkering*) has steadily risen.<sup>39</sup> This increase is due to growing numbers of job losses in the sectors where predominantly women work, such as the healthcare sector. In 2015, for the first time since 1992, more women than men received unemployment benefits.<sup>40</sup>

Lastly, since 2007 poverty is continuously increasing in the Netherlands.<sup>41</sup> In 2014, 9.6% of women live in poverty compared to 8,8% of men.<sup>42</sup> This gender difference is not surprising since it is predominantly households in which a woman is the primary income earner that live on a low income, namely 52.7% in 2014.<sup>43</sup> Over the period 2000 – 2009 this percentage shrank from 56% to 52.7%, but has remained relatively stable since 2009. Furthermore, particularly single mothers with minors run the risk of facing poverty: 25% of them are poor compared to 12% of single fathers with minors.<sup>44</sup>

#### 2.1.4. Discrimination

Women frequently experience discrimination in employment.<sup>45</sup> They feel especially discriminated against with regard to unequal pay and pregnancy.

The National Human Rights Institute is an official but non-binding advisory board that issues opinions on equal treatment legislation and the state of human rights legislation and protection in the Netherlands. In October 2012, the Equal Treatment Commission merged into this Institute. In the Institute's annual reports for 2013 and 2014 it noted continuing discrimination on the basis of gender with regard to pregnancy, with women's contracts not being renewed or female applicants being rejected.<sup>46</sup> In 2014, 44% of requests for an opinion on situations possibly concerning unlawful discrimination on the basis of gender related to disputes over pregnancy.<sup>47</sup>

#### *Gender-based violence*

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<sup>38</sup> SCP/CBS.2014a:80.

<sup>39</sup> CBS.2015. *Meer WW naar vrouwen dan mannen*, <http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/artikelen/archief/2015/meer-ww-naar-vrouwen-dan-mannen.htm>, accessed 5 January 2016.

<sup>40</sup> Ibid.

<sup>41</sup> SCP/CBS.2014b. *Armoedesignalement 2014*. Den Haag: SCP/CBS:10.

<sup>42</sup> CBS.2015. *Armoede en sociale uitsluiting 2015*. Den Haag: CBS:44. Poverty in this publication is defined using the low-income threshold of Statistics Netherlands (CBS). For 2014 this is €1020 a month for a single person. CBS.2015:7.

<sup>43</sup> Ibid:45.

<sup>44</sup> SCP/CBS.2014b:65. Poverty in this publication is defined using the not-much-but-sufficient-criterion. For 2013 this equals €1061. SCP/CBS.2014b:55-56.

<sup>45</sup> SCP.2014a. *Ervaren discriminatie in Nederland*. Den Haag:SCP:89.

<sup>46</sup> CRM.2013. *Mensenrechten in Nederland 2013*. Utrecht: College voor de Rechten van de Mens; CRM.2015. *Mensenrechten in Nederland 2014*. Utrecht: College voor de Rechten van de Mens.

<sup>47</sup> CRM.2014. *Jaarverslag 2014*. Utrecht: College voor de Rechten van de Mens:36.

Gender-based violence is defined as violence that is directed against a woman because she is a woman or that affects women disproportionately.<sup>48</sup> In the Netherlands the focus is mainly on violence in dependency relationships, including professional-client relationships as well as violence in the domestic sphere. 75% of cases of domestic violence reported to the police in 2012 concerned women as victims.<sup>49</sup> Furthermore, in 2014 half of the murdered women were assassinated by an (ex-)partner whereas murdered men are more likely to be killed by a friend or other familiar person.<sup>50</sup> Physical abuse is also more likely to occur in the domestic sphere. Three out of 10 cases of physical abuses affecting women are committed by the (ex-) partner or a family member.<sup>51</sup>

Additionally, in 2013, 0.15% of women experienced sexual violence compared to 0.07% of men.<sup>52</sup> In cases of sexual violence it is likely that the perpetrator is also familiar (but not necessarily related) to the victim.<sup>53</sup> Sex offences recorded by the police declined by 7% between 2011 and 2013.<sup>54</sup>

Violence and threats in the workplace occur as well. In 2013, 37% of women experienced violence at work versus 29% of men.<sup>55</sup> The higher percentage amongst women is partially explained by the fact that women tend to work more than men in service sectors where they are often in contact with clients who may turn violent or verbally abusive, such as the hospitality industry or healthcare sector.

## 2.2. Islam/Muslims

### 2.2.1. Demography

As was stated in the Introduction, the Netherlands does not systematically record self-identified religious affiliation, nor does it disaggregate data along these lines. 80% of Muslims in the Netherlands are either of Moroccan or Turkish descent and have a labour migration background in the family, or came as refugees from Afghanistan, Iran, Iraq or Somalia. As there are no data available on Muslims' socio-economic position, it is necessary to extrapolate on the basis of these national origins.

Statistics Netherlands estimates that in 2014, 4.9% of the Dutch adult population was Muslim.<sup>56</sup> The PEW Research Centre estimated in 2010 that the Muslim population in the Netherlands including minors was 6%, which would be around 1 million persons.<sup>57</sup>

### 2.2.2. Generations

The average age of the Turkish-Dutch and Moroccan-Dutch first generation is 45 years old.<sup>58</sup> The second generations are on average 18 and 15 years old respectively. 95% of the third generation of

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<sup>48</sup> This follows Article 3d of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>49</sup> SCP/CBS.2014a:165.

<sup>50</sup> CBS.2015. *Ruim helpt van vermoorde vrouwen door ex of partner omgebracht*, <http://www.cbs.nl/nl-NL/menu/themas/dossiers/vrouwen-en-mannen/publicaties/artikelen/archief/2015/ruim-helpt-van-vermoorde-vrouwen-door-ex-of-partner-omgebracht.htm>, accessed 5 January 2016.

<sup>51</sup> SCP/CBS.2014a:156.

<sup>52</sup> Ibid:152.

<sup>53</sup> Ibid:162.

<sup>54</sup> Ibid:156.

<sup>55</sup> Ibid:158.

<sup>56</sup> CBS.2015. *Religieuze betrokkenheid van bevolkingsgroepen 2010-2014*. Den Haag: CBS:8.

<sup>57</sup> PEW Research Centre, [http://globalreligiousfutures.org/countries/netherlands/religious\\_demography#/?affiliations\\_religion\\_id=0&affiliations\\_year=2010](http://globalreligiousfutures.org/countries/netherlands/religious_demography#/?affiliations_religion_id=0&affiliations_year=2010), accessed 28 November 2015.

the Turkish-Dutch and Moroccan-Dutch is under the age of 15 and is usually not separately discussed in official socio-economic studies.<sup>59</sup> The first generation of asylum migrants is younger: 35 years for Afghani-Dutch, 37 for Iraqi-Dutch, 41 for Iranian-Dutch and 29 for the Somali-Dutch. Their second generation is respectively aged 7, 9, 12 and 7. Whereas 30% of the total Dutch population is under the age of 25, the share of young persons amongst asylum migrants is larger.<sup>60</sup> This is especially true for the Afghani-Dutch and Somali-Dutch as around 50% of these communities are under 25.<sup>61</sup> Due to the young age of the second generation of asylum migrants, much of the data discussed on their socio-economic position applies to the first generation.

### 2.2.3. Islamic veiling in the Netherlands

Approximately 58% and 79% of the first generation Turkish-Dutch and Moroccan-Dutch women, respectively, wear a headscarf.<sup>62</sup> Amongst the second generation this is 20% and 38% respectively. The percentage of asylum migrant women wearing a headscarf is 38% for the Iraqi-Dutch, 21% for the Afghani-Dutch, 13% for the Iranian-Dutch and 80% of the Somali-Dutch.<sup>63</sup> Face-covering clothing is worn by a very small amount of women: it is estimated that 100 women wear a face-veil frequently and 400 women occasionally.<sup>64</sup>

### 2.2.4. Employment/unemployment

Across all groups the net labour participation of men is higher than of women. By 2012, 64% and 56% of the Turkish-Dutch and Moroccan-Dutch men have a paid position for a minimum of 12-hours a week compared to 40% and 35% of the women.<sup>65</sup> Amongst the asylum migrants we see that 54%, 46%, 68% and 34% of the Afghani-Dutch, Iraqi-Dutch, Iranian-Dutch and Somali-Dutch men respectively are employed.<sup>66</sup> For women the figures are, in the same sequence of national origin, 24%, 30%, 51% and 14%. Amongst *autochtoon* Dutch men 76% are employed compared to 63% of women. We thus see that amongst all the migrant groups, the Iranian group has the highest net labour participation rate and the smallest gender difference. The Somali group has the smallest labour participation rate for both men and women.

By 2012 the unemployment rate for Turkish-Dutch women (18%) was 1.5 times as high as the unemployment rate for Turkish-Dutch men (12%).<sup>67</sup> Amongst the Moroccan-Dutch community the difference between women (21%) and men (19%) is smaller. There is no gender difference in the unemployment rate of *autochtoon* Dutch (5%) that year. However, the unemployment rates for asylum migrant women are higher than for men. Namely, in 2009 26% of Afghani-Dutch men were

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<sup>58</sup> CBS.2014:26.

<sup>59</sup> CBS.2010. *Verkenning niet-westerse derde generatie*. Den Haag: CBS:10. This study is an exception on the general lack of information on the socio-economic position of the third generation.

<sup>60</sup> SCP.2011. *Vluchtelingengroepen in Nederland*. Den Haag: SCP:11.

<sup>61</sup> Ibid.

<sup>62</sup> SCP.2012:16; The practice of wearing a veil or not is not necessarily indicative for a degree of religious conviction. There is a wide variety of reasons why women may choose to wear a veil. See for example Fadil N.2011. Not-/unveiling as an ethical practice. *Feminist Review* 98 (1):83-109 or Lorasdağı B.K.2009. The headscarf and 'resistance identity-building': A case study on headscarf-wearing in Amsterdam. *Women's Studies International Forum* 32:453-462.

<sup>63</sup> Ibid:90.

<sup>64</sup> Moors A.2009a. *Gezichtssluiers. Draagsters en debatten*. Amsterdam: Universiteit van Amsterdam:28.

<sup>65</sup> SCP.2014b. *Jaarrapport integratie 2013*. Den Haag: SCP:38. In the relevant chapter of this publication the age-category for labour force is 15-65 years.

<sup>66</sup> Ibid: attachment B2.5.

<sup>67</sup> Ibid:43.

unemployed compared to 32% of Afghani-Dutch women.<sup>68</sup> For the Iraqi-Dutch men and women these figures are respectively 24% and 42% and for the Iranian-Dutch 19% and 22%. The unemployment rate for Somali-Dutch men and women is more or less equal with 33% and 32%. In addition, the proportion of those who are not part of the work force as they are not looking for work or are not available for it (due to illness, study or parenting for example) is 27% for *autochtoon* Dutch.<sup>69</sup> For Turkish-Dutch and Moroccan-Dutch the figures are 39% and 43% respectively. Amongst Afghani-Dutch this is 47%, 51% of Iraqi-Dutch, 31% of Iranian-Dutch and 59% of the Somali-Dutch. The Iranian group is therefore least likely to be unemployed or not looking for a job, whereas it is the opposite for the Somali group. Furthermore we see that amongst all migrant groups unemployment rates for women are higher than for men.

The current rise in youth unemployment, especially amongst migrant groups, has gained considerable attention in the Netherlands. By 2015, 21.5% of non-western migrant youth (aged 15-25) are unemployed, compared to 8.8% of *autochtoon* Dutch youth.<sup>70</sup> In 2012, 26% of the Turkish-Dutch youth were unemployed and a striking 37% of Moroccan-Dutch youth.<sup>71</sup> Amongst asylum migrants the percentages are the same or higher. In 2009, 40% of the Somali-Dutch youth was unemployed, compared to 30% of the Afghani-Dutch and Iraqi-Dutch and 27% of the Iranian-Dutch youth.<sup>72</sup>

Lastly, working on flexible labour contracts is more common amongst migrant communities than amongst *autochtoon* Dutch. By 2012, 19% and 16% of *autochtoon* Dutch women and men had flexible employment compared to 29% of Turkish-Dutch women and men, and 30% and 22% of Moroccan-Dutch women and men.<sup>73</sup> Amongst asylum migrants the rates are even higher, with 44% and 29% of Iraqi-Dutch women and men, and 25% and 19% of Iranian-Dutch women and men working on flexible contracts in 2009.<sup>74</sup> Interestingly, amongst the Somali-Dutch and Afghani-Dutch women the gender dynamics are inverted and less women work on flexible contracts. Namely 37% and 44% of the Somali-Dutch women and men, and 27% and 32% of the Afghani-Dutch women and men had flexible employment in 2009.<sup>75</sup>

### 2.2.5. Labour inequalities

Since the abolition of the Act for the Stimulation of Labour Market Participation by minorities (SAMEN) over ten years ago, there are no figures on the proportion of migrants in top positions in the Dutch private sector. Based on research with 34 large companies and interviews with experts, national newspaper *De Volkskrant* estimates that 1-2% of these top positions are occupied by someone with a non-western migration background.<sup>76</sup>

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<sup>68</sup> SCP.2011:109.

<sup>69</sup> SCP.2014b:49.

<sup>70</sup> KIS.2015. *Factsheet jeugdwerkloosheid naar herkomst 2010-2015*. Utrecht:KIS.

<sup>71</sup> SCP.2014b:43.

<sup>72</sup> SCP.2011:109.

<sup>73</sup> SCP.2014b:43; Flexible employment includes fixed-term contracts or contracts without a set amount of hours (e.g. zero-hours contracts).

<sup>74</sup> SCP.2011:122.

<sup>75</sup> Ibid.

<sup>76</sup> Dekker W.2013. 'Nauwelijks allochtonen in top van bedrijfsleven.' *De Volkskrant*, 27 December.

<http://www.volkskrant.nl/archief/nauwelijks-allochtonen-in-top-van-bedrijfsleven~a3568096/>, accessed 7 January 2015.

The average occupation level of *autochtoon* Dutch is higher than all migrant groups. Namely, 3.09 versus 2.47 for Turkish-Dutch and 2.52 for Moroccan-Dutch.<sup>77</sup> More women than men of these groups work on higher occupation levels. 20% and 23% of Turkish-Dutch and Moroccan-Dutch women versus 14% and 17% of the men.<sup>78</sup> Amongst *autochtoon* Dutch there is almost no gender difference (33-34%). Despite a lower net labour participation rate of women of these groups, we nevertheless see that those who participate do so on a higher occupational level. Asylum migrants generally hold positions that are below their educational level and for which they have not been trained in their country of origin.<sup>79</sup>

Second generation non-western migrants earn 28% less than *autochtoon* Dutch.<sup>80</sup> This is said to be due to differences in age and educational attainment. First generation non-western migrants earn 20% less than their *autochtoon* Dutch counterparts. Contrary to the second generation this difference cannot be fully explained by personal and employment background characteristics. When corrected for those characteristics, there remains a pay gap of 8%.

#### 2.2.6. Finances

Across all groups, women are less economically independent than men. For *autochtoon* Dutch 77% of men and 56% of women were economically independent by 2012.<sup>81</sup> For Turkish-Dutch and Moroccan-Dutch men and women the figures are 55% versus 29% and 50% versus 28% respectively. In addition 40% of Afghani-Dutch and Iraqi-Dutch men are economically independent compared to 15% of the women. Economic independence is lowest for both genders amongst Somali-Dutch men and women: 19% and 8%. In contrast, the gender difference is smallest for Iranian-Dutch with 49% of men and 34% of women being economically independent.

Again across all groups more women receive state benefits than men. 8% of Turkish-Dutch men and 12% of women receive welfare (*bijstand*), and 13% and 16% of Moroccan-Dutch men and women respectively.<sup>82</sup> Amongst *autochtoon* Dutch men and women the difference is less than 1% (1.7% versus 2.4%). The second generation is less dependent on welfare than the first generation, but since 2008 the share of the second generation of both groups receiving welfare doubled. This is due to the fact that the economic crises had a particularly strong and negative effect on the second generation, which will be discussed further in the succeeding chapters of this report. The share of asylum migrants living on welfare is considerably higher, which is not surprising given their low net labour participation and higher rates of unemployment. The share of Iranian-Dutch men and women receiving welfare is smallest (19% and 21% respectively) and largest amongst the Somali-Dutch men and women (43% and 57%) in 2012.<sup>83</sup> Furthermore 20% and 29% of Afghani-Dutch men and women respectively receive welfare. Amongst Iraqi-Dutch men and women this is 31% and 38%. Dependence on welfare decreases when the time of residence in the Netherlands increases. Next to this, 5% and

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<sup>77</sup> SCP.2012. *Op achterstand*. Den Haag: SCP:29. Occupational level is measured on a scale from 1-5 with 1 being elementary jobs and 5 academic jobs.

<sup>78</sup> SCP.2014b:53.

<sup>79</sup> SCP.2011:122.

<sup>80</sup> CBS.2010. *Lager loon tweede generatie niet-westerse allochtonen volledig te verklaren*. <http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/artikelen/archief/2010/2010-3267-wm.htm>, accessed 4 December 2015.

<sup>81</sup> CBS.2014: attachment Inkomen. This is for the ages 20-65 years.

<sup>82</sup> CBS.2014:58.

<sup>83</sup> SCP.2014b:68.

3% of the Turkish-Dutch men and women received unemployment benefits (*WW-uitkering*) in 2013.<sup>84</sup> Amongst Moroccan-Dutch men and women this is 4% and 3%. There is small difference between *autochtoon* Dutch men and women: 3.7% and 3.3%. The share of asylum migrants receiving welfare was between 2 and 3% in 2012.<sup>85</sup>

With the exception of the Iranian-Dutch community (19%), a large proportion of asylum migrants lives in poverty.<sup>86</sup> Namely 32% of the Afghani-Dutch, 36% of Iraqi-Dutch and an alarming 53% of the Somali-Dutch live below the not-much-but-sufficient criterion. Furthermore, 20% of Turkish-Dutch and 23% of Moroccan-Dutch live in poverty. In comparison, 5% of *autochtoon* Dutch are poor.

### 2.2.7. Socio-economic position of Muslim women in the Netherlands

Overall we thus see considerable differences between *autochtoon* Dutch and those with a migration background and according to migration history (labour migration versus refugees). In-group gender differences are evident across almost all elements of socio-economic position discussed in this chapter. This leads to the conclusion that gender inequality is persistent amongst all communities, but to differing degrees pertaining (but not limited) to national origin, migration background, age and class. As it is estimated that the vast majority of the groups discussed identifies as Muslim and together make up 80% of Muslims in the Netherlands, we can say that a majority of Muslim women occupies a structurally disadvantaged position in Dutch society.

### 2.2.8. Discrimination

The Netherlands Institute for Social Research published in 2014 an insightful report on experiences of discrimination amongst the Dutch population. It found that 46% of Muslims had experienced being discriminated against on the basis of their religion in the twelve months prior to the research.<sup>87</sup> 3% of Christian participants of this research reported having felt discriminated against on the basis of their religion. Furthermore, 65% of Muslims said they had felt discriminated against on the basis of religion or other grounds.<sup>88</sup> When including those who were not sure whether their experience constituted discrimination, the figure reaches 75%.

The experiences of Muslims discussed in this study are confirmed by other recent studies. For example, the annual survey on discrimination of the municipality of Rotterdam found that in 2014, 29% of the Muslim participants had been discriminated against.<sup>89</sup> This is an upsurge compared to 2013, when the figure was 14%. Furthermore, a significant increase in discrimination experienced by women is signalled. The authors connect this to the rise in discrimination on the basis of Islam, which would indicate that a growing group of Muslim women in Rotterdam experience discrimination.

In addition, figures on reports submitted to the Dutch police and Public Prosecution Service show that discrimination on the basis of religion overwhelmingly affects Muslims.<sup>90</sup> In 2010 and 2011,

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<sup>84</sup> CBS.2014:59.

<sup>85</sup> SCP.2014b:72.

<sup>86</sup> SCP.2014b:79. Poverty is here defined as living below the not-much-but-sufficient criterion. See n 28.

<sup>87</sup> SCP.2014b:76.

<sup>88</sup> Ibid:77.

<sup>89</sup> RADAR.2014. *Discriminatie in Rotterdam de resultaten an de Omnibusenquête 2014*. Rotterdam: RADAR.

<sup>90</sup> LECD.2014. *Cijfers in beeld 2014*. Amsterdam: LECD:26. There are no discrimination cases on the basis of religion in 2013. The LECD does not offer an explanation.

100% of the discrimination cases on the grounds of religion dealt with by the Public Prosecution concerned Islam. In 2012, this was 91% of those cases and in 2014, 75%. When we look at the figures of anti-discrimination bureaus we see that in 2014, 59% of the complaints about discrimination on the grounds of religion were submitted by Muslims. Next to this over the period 2010-2014, 53% of the opinions issued by the Equal Treatment Commission and later the National Institute for Human Rights on cases relating to discrimination on the basis of religion were in fact about Islam.<sup>91</sup> Not only official institutions collect data on Islamophobia; civil society organisations also register complaints and refer the victims to the police or anti-discrimination bureaus if the person is interested in further action. Since March 2015, [Stichting Platform Islamitische Organisaties Rijnmond](#) (SPIOR) in Rotterdam records complaints about Islamophobia and reported that by November 2015 they had already received 300 complaints.<sup>92</sup>

The aforementioned study by the National Institute for Social Research included only Turkish-Dutch and Moroccan-Dutch Muslims. Another study by the same Institute shows that amongst asylum migrants, Iranian-Dutch experience discrimination the most (39%) and Somali-Dutch the least (26%). 28% and 30% of Afghani-Dutch and Iraqi-Dutch have felt discriminated against.<sup>93</sup>

A large proportion of Muslims experience discrimination when looking for employment and in the workplace.<sup>94</sup> Discrimination in the context of labour of non-western migrants has gained much attention over the past years and resulted in multiple studies. In 2010, it was found that when similar CVs and application letters were sent to employers, the only difference being name or place of birth of the applicants, *autochtoon* Dutch had a 44% chance of being invited for a job interview compared to 37% for non-western migrants.<sup>95</sup> As part of current policies to tackle and gain further insight into labour market discrimination, the Minister of Social Affairs and Employment commissioned another research project. This study found that recruiters are less inclined to contract someone with a Turkish-Dutch or Moroccan-Dutch background, resulting in a 1.6 times higher chance for *autochtoon* Dutch to find employment through recruitment agencies.<sup>96</sup> This confirms studies published in 2011, which showed that two-thirds of recruitment agencies were willing to comply with requests from fictive employers to not select an applicant with a Turkish, Moroccan or Surinamese background.<sup>97</sup> Particularly the Moroccan-Dutch are disadvantaged in the Dutch labour market.<sup>98</sup> This is for example evidenced once more by another research into labour market discrimination in the city of The Hague, which demonstrated that the chance of *autochtoon* Dutch to find employment was 1.8 times higher than for Moroccan-Dutch.<sup>99</sup> Following the findings of these various reports we can say that the Dutch labour market is permeated by discrimination on the basis of national origin.

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<sup>91</sup> CRM.2015. *Rapportage aan de 87e zitting van het VN-Comité inzake de uitbanning van alle vormen van Rassendiscriminatie (CERD) ten behoeve van de behandeling van de 19e-21e rapporten van Nederland*. Utrecht: College voor de Rechten van de Mens:25. The Equal Treatment Commission merged into the National Institute for Human Rights in October 2012. Both give non-binding advice on equal treatment legislation and practices.

<sup>92</sup> Interview with Merel Hollander, SPIOR, 1 December 2015, Rotterdam-Amsterdam.

<sup>93</sup> SCP.2011:199.

<sup>94</sup> SCP.2014b; SCP.2011.

<sup>95</sup> SCP.2010. *Liever Mark dan Mohammed?* Den Haag: SCP.

<sup>96</sup> Panteia.2015. *Discriminatie in de wervings- en selectiefase*. Zoetermeer: Panteia.

<sup>97</sup> Loeters.E.2011. *De klant is koning*. Master thesis, Vrije Universiteit Amsterdam; Backer A.2011. *Uitzendbureaus, gekleurde doorgeefluiken?* Master thesis, Vrije Universiteit Amsterdam.

<sup>98</sup> See for example SCP.2007. *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007*. Den Haag: SCP en SCP.2014b.

<sup>99</sup> SCP.2015. *Op afkomst afgewezen*. Den Haag: SCP.

Related to labour market discrimination are obstacles in finding an internship position. Especially lower educational levels include the requirement to successfully complete an internship as an obligatory part of the degree. Furthermore, internships are an important first step towards paid employment. Therefore, the fact that one out of three Turkish-Dutch students and one out of four Moroccan-Dutch students said they had experienced discrimination when applying for an internship position compared to 2% of *autochtoon* Dutch generated some political attention.<sup>100</sup> In particular, attention has been drawn to Muslim women students who were rejected for an internship position because of their headscarf.<sup>101</sup>

Most studies on labour market discrimination on the basis of ethnicity or national background do not find a noticeable gender difference,<sup>102</sup> or a small difference to the detriment of men.<sup>103</sup> There are no studies looking into discrimination on the basis of religion in the labour market. Thus we do not have statistical figures on the degree of discrimination experienced by women wearing Islamic dress because of their clothing in the labour market. However it is clear that having a migration background puts one in a strongly disadvantaged position in the labour market. The previous discussion on the socio-economic position of women in general and Muslim women in particular also evidenced the structurally disadvantaged position of Muslim women. Furthermore, Muslim women wearing a headscarf experience considerably more discrimination on the basis of religion than women who do not wear a headscarf. Namely, 11% of Afghani-Dutch Muslim women not wearing a headscarf said they had experienced discrimination on the basis of religion compared to 73% of Afghani-Dutch who do wear a headscarf.<sup>104</sup> For Iraqi-Dutch these figures are 9% versus 45%, for Iranian-Dutch 8% versus 45%, for Somali-Dutch 20% versus 49%, for Moroccan-Dutch 15% versus 39% and for Turkish-Dutch 14% versus 55%. This makes it reasonable to assume that Muslim women with a migration background wearing Islamic clothing are likely to be negatively affected by direct and structural discrimination on multiple grounds simultaneously.

### 2.2.9. Racist speech and violence

In addition to labour market discrimination, Muslims of all migrant groups also frequently experience incidents in public spaces. Most incidents occur in and around shops (25%), closely followed by being yelled at or called derogatory names (22%).<sup>105</sup> Furthermore, 7%-9% of Muslims said they had been threatened or have had violence used against them.

In 2013 the police recorded 150 incidents targeting Muslims.<sup>106</sup> 115 of these concerned Muslim cursing, namely when 'Muslim' or 'Islam' is used in an accusatory manner accompanied by swearwords and directed at someone presumed to be Muslim. Such cursing is usually accompanied by aggressive statements that urge the victim 'to go back to their country'. Furthermore the

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<sup>100</sup> SCP.2014a:26-27.

<sup>101</sup> CRM.2015:4.

<sup>102</sup> Panteia.2015.

<sup>103</sup> SCP.2010.

<sup>104</sup> SCP.2012: attachment B8.1.

<sup>105</sup> SCP.2014a:77.

<sup>106</sup><sup>106</sup> Verwey-Jonkers Instituut.2014a. *Poldis rapportage 2013*. Utrecht: Verwey-Jonkers Instituut:58. Instead of Islamophobia the police uses Muslim discrimination (*moslimdiscriminatie*) to describe discrimination and violence against Muslims. Muslim discrimination is subdivided in Muslim cursing (*moslimschelden*) and intentional Muslim discrimination. Muslim cursing is described in the text above. Intentional Muslim discrimination includes intentional discrimination, threats, violence and damage inflicted on individuals and their properties, and Islamic buildings.

headscarf frequently features in such cursing. In 2014, records of Muslim discrimination further increased to 230.<sup>107</sup>

Racist speech occurs on the internet as well. Two special hotlines for internet discrimination (*Meldpunt Discriminatie Internet*, hereafter MDI and *Meldpunt Internet Discriminatie*, hereafter MiND) collect complaints of online discrimination, incitement to hatred and incitement to violence. MDI has existed for many years, but lost their funding recently. Nevertheless they continue their work. MiND was established two years ago. After receiving a complaint, they investigate whether the statement concerned is punishable by law and approach the owner of the webpage with a request to remove the statement, which is frequently complied with. When necessary, they report the punishable statement to the Dutch authorities.

The figures of MDI show that since 2008 discrimination against Muslims has been amongst the top three of online discrimination.<sup>108</sup> Until 2013, it was the second ground most targeted by online discrimination, after Antisemitism. In 2014, it was in the third place.<sup>109</sup> Discrimination against Moroccan-Dutch from 2008 until 2013 was the third most frequent form of Dutch internet discrimination. Discrimination against Dutch-Turkish has been in the 7th place since 2008. In 2014, 53% of the online statements against Muslims were punishable according to the Dutch Penal Code, for discrimination against Moroccan-Dutch this was 39% and against Turkish-Dutch 56%. The authors of the annual report in 2014 write that despite the fact that hatred against Muslims decreased slightly, the figures of early 2015 showed a different image.<sup>110</sup> Namely, a spike in online discrimination against Muslims and Moroccan-Dutch was reported following the Charlie Hebdo attack in France and increased media attention for IS.

Next to individuals, Islamic buildings are increasingly the targets of Islamophobic violence. Mosques are visible Islamic sites and have turned out to be particularly vulnerable to such attacks. Over the period 2013 – 2014 scholar Ineke van der Valk found that 68% of the mosques in the Netherlands had been attacked.<sup>111</sup> Incidents include attacks that broke windows due to stone-throwing, slurs and drawings made on the walls of mosques, animal remains placed next to a mosque, arson attacks, threatening messages (emails and letters) sent to the address of mosques and the placement of a fake bomb. Even though mosques have been targeted in the past years, Van der Valk concludes that the figure for 2013-2014 is particularly and alarmingly high.

Unfortunately, anti-Muslim incidents are not systematically disaggregated along lines of gender. This means that gender is mentioned but in passing, for example when it is stated that the headscarf is regularly mentioned in a hurtful way during incidents of Muslim cursing. However, the grassroots initiative *Meld Islamofobie* collected 89 complaints over the period January – June 2015 of which a striking 90% involved a Muslim woman as a victim.<sup>112</sup> Moreover, 98% of the women were identifiable

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<sup>107</sup> Verwey-Jonker Instituut. 2015. *Vierde rapportage racisme, antisemitisme en extreemrechts geweld in Nederland*. Utrecht: Verwey-Jonker Instituut: 13.

<sup>108</sup> MDI. 2014. *Jaarverslag 2013*. Amsterdam: Stichting Magenta: 15.

<sup>109</sup> MDI. 2015. *Jaarverslag 2014*. Amsterdam: Stichting Magenta: 14.

<sup>110</sup> *Ibid*: 17.

<sup>111</sup> Van der Valk I. 2015. *Monitor Moslimdiscriminatie*. Universiteit van Amsterdam: IMES Report Series: 101.

<sup>112</sup> Meld Islamofobie. 2015. *Rapport periode januari – juni 2015*: 5.

as Muslim because of their Islamic dress. 71% of the perpetrators were men, signalling a clear gender dynamic between perpetrator and victim.

### 3. Temperature test

This section offers a brief description of the way in which public and political thinking about Muslim women in the Netherlands has developed over the past years.

#### *Public opinion*

The Netherlands Institute for Social Research found that in 2014/2015, 44% of the research participants believe that the Western-European and Islamic ways of life are incompatible.<sup>113</sup> This percentage has remained relatively stable over the past decade, as in 2004, 45% of the respondents held this opinion. However, more people think that Muslims have respect for non-Muslims in 2014/15 (55%) than in 2004 (33%).<sup>114</sup> Nevertheless, in 2014, 61% of high school teachers report having witnessed Muslim discrimination in and around school.<sup>115</sup> In addition, 34% of Christian youth and 27% of non-religious youth have negative perceptions of Muslims in the Netherlands.<sup>116</sup> A negative image about Islam is connected to a disapproval of the perceived position and treatment of Muslim women. For example, in 2008/09 the Netherlands Institute for Social Research finds that 84% of *autochtoon* Dutch believed that Muslim men dominate women.<sup>117</sup> Furthermore, tensions between the West and the Muslim world are primarily perceived by Dutch respondents to be due to religious (49%) and cultural (29%) differences rather than to political conflicts (20%).<sup>118</sup> This illustrates a tendency amongst a part of the Dutch population to essentialise Islam throughout time and space, and perceive religion to be the prime cause for conflicts, social-economic inequality in the Netherlands and inequality between men and women.

#### *Political and public debates*

These figures should be read against the backdrop of an ongoing debate on Islam in the Netherlands. Islamic dress worn by Muslim women is one of the central themes in this debate, in particular the headscarf and the face-veil. Before 2003 it was predominantly parties on the left like the Greens and the Labour Party that mentioned the headscarf during parliamentary debates, in relation to a lack of participation of Muslim women in the labour market.<sup>119</sup> After 2003 the headscarf became fully politicised, with centre-right and right-wing populist parties stepping in and critique on multiculturalism swelling across the political left-right spectrum. Geert Wilders, leader of the right-wing Freedom Party (PVV) captured the public debate in 2009 by advocating for a special tax on headscarves. He condescendingly named this tax '*kopvoddentax*', with '*kopvod*' being a derogatory word for headscarf. The proposal was to introduce special permits to wear headscarves costing 1000 Euro per permit. Profits were to be re-directed to shelters for victims of domestic violence. By rhetorically connecting the headscarf to these shelters, Wilders associated the headscarf with violence against women. This further allowed him to avoid the framing of his own proposal as oppressive, and instead depicted it as a plan to 'save women'. Wilders's proposal was never

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<sup>113</sup> SCP.2015. *De sociale staat van Nederland 2015*. Den Haag: SCP:80.

<sup>114</sup> Ibid.

<sup>115</sup> Panteia.2015. *Muslimdiscriminatie in het voortgezet onderwijs*. Zoetermeer: Panteia:5.

<sup>116</sup> Verwey-Jonker Instituut. *Antisemitisme onder jongeren in Nederland*. Utrecht: Verwey-Jonker Instituut:29.

<sup>117</sup> SCP.2009. Jaarrapport Integratie 2009. Den Haag: SCP:272.

<sup>118</sup> Van der Valk.2015:20-21.

<sup>119</sup> Lettinga D.2009. 'Rethinking national constellations of citizenship: Situating the headscarf controversy in the Netherlands.' In Alghasi S. *Paradoxes of cultural recognition*. Surrey: Ashgate.

translated into policy, but it did capture the imagination of Dutch society and has been an important marker in the public framing of headscarves.

With regards to the face-veil, in 2003 a media hype emerged when three Moroccan-Dutch girls donning a face-veil were refused entry to their school. Two girls subsequently submitted a complaint to the Equal Treatment Commission (hereinafter ECT), an advisory board issuing non-binding opinions on equality legislation. Whereas the girls argued they were discriminated against on the ground of religion, the school said it prohibits all types of face-covering clothing because it prevents identification, hinders effective communication and is a clear obstacle to finding internship positions.<sup>120</sup> The ECT held the opinion that the school's reasons were legitimate and thus objectively justified the indirect discrimination against Muslim women caused by the regulations. ECT's opinion received substantial public support, from both left-wing and right-wing parties and Muslim organisations.<sup>121</sup> The Ministry of Education requested advice from the ECT on dress codes in educational institutions and subsequently published guidelines for clothing regulations in these spaces. Since 2003, educational institutions such as universities have set up internal regulations that ban face-covering clothing from their institute on the grounds of communication, identification and internship opportunities.<sup>122</sup>

Two years later, Geert Wilders, as an independent Member of Parliament because he had left the liberal People's Party for Freedom and Democracy (VVD), submitted a motion in the House of Representatives calling for a general ban on burqas in public spaces. His motion was supported by a majority of Members of Parliament belonging to right-wing, liberal and Christian democratic parties. In 2006 Rita Verdonk, Minister for Alien Affairs and Integration, appointed a Commission of experts to explore the legal possibilities for a general ban. This Commission (Commission Vermeulen) gave a negative opinion and argued that such a ban would violate the non-discrimination principle and the right to freedom of religion.<sup>123</sup> In 2007 Geert Wilders, now leader of the Freedom Party, again submitted a proposal to criminalise the wearing of the burqa and niqab (both face covering veils). The coalition government consisting of the Labour Party and two Christian democratic parties (CDA and CU) did not support a ban targeted only at the burqa or niqab, and instead agreed to explore possibilities for a ban on any type of face-covering clothing including face-veils as well as balaclavas.<sup>124</sup> These efforts resulted in a proposal for a general ban on face-covering clothing in 2011. In December 2015, this proposal was withdrawn again by the current coalition government of the Labour Party and the liberal People's Party for Freedom and Democracy, and replaced with a proposal for a limited ban on face-covering clothing. Face-covering clothing would be forbidden in public places such as educational institutions, public transport, governmental buildings and healthcare institutions, with exemptions for residential spaces in healthcare institutions or when the covering is necessary for the execution of a job, the protection of one's health or safety or during festive and cultural activities. Violation would be punished with a fine of maximum 405 euro. The Council of State, an independent advisor to the government on legislation, issued negative advice

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<sup>120</sup> CBG, opinion 2003–40, 10 February 2003.

<sup>121</sup> Moors A.2009b. The Dutch and the face-veil: The politics of discomfort. *Social Anthropology* 17(4): 393-408.

<sup>122</sup> Ibid.

<sup>123</sup> Vermeulen B.2006. *Overwegingen bij een boerka verbod*. Den Haag.

<sup>124</sup> 'Wilders staat alleen met verbod op boerka's', *Trouw*, 13 July 2007.

<http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1399368/2007/07/13/Wilders-staat-alleen-met-verbod-op-boerka-rsquo-s.dhtml>, accessed 3 January 2016.

both in 2011 and 2015 against the general and limited bans as these represent disproportionate infringements of the right to freedom of religion.<sup>125</sup> Nevertheless, the proposed ban was sent to the House of Representatives by the government and will be further discussed in January 2016.

More than the headscarf, the full face-veil has become a contentious topic and embodies the delineation of what falls in- and outside of presumed 'Dutch values'. Indeed, in the context of growing critique on multiculturalism the full face-veil has become a symbol of 'excessive cultural difference'.<sup>126</sup> Too much difference in value systems is thought to hinder social cohesion and public order. As such, in the public and political imagination the face-veil has become "marked and essentialised by practices such as female genital mutilation and honour killings, which suppress[ed] Muslim women"<sup>127</sup> and is placed in conflict with supposedly Dutch values of gender and sexual equality and emancipation. In addition, the multiple proposals stress the presumed Dutch communication norm of face-to-face visibility and the need to identify someone in order to protect public safety. As such the ban is not framed as being about religion practices per se, because this would be direct discrimination on the grounds of religion. Furthermore, it allows for an unusual alliance between confessional and liberal parties, who generally have differing opinions on gender and sexual self-determination.<sup>128</sup> It is not only centre and right-wing parties that essentialise the face-veil; parties on the left also view the face-veil as inherently oppressive and, in the words of a spokesperson of the Socialist Party (SP), want to "get these women out of their burqas".<sup>129</sup>

This widespread support for a ban on the full face-veil exists despite the fact that there is little to no evidence that burqas have ever been an objective danger in the Netherlands. In addition, there are no studies that show that face-veiling women in the Netherlands are uniformly oppressed or forced by their relatives to don the face-veil. On the contrary, research shows that there is a small group of women wearing the face-veil permanently and a still small but larger group that dons the face-veil for a period of their lifetime.<sup>130</sup> Often face-veiling women face opposition in their immediate environment because family members do not agree with their decision to start wearing the face-veil. Thus contrary to popular beliefs, the decision to start wearing a face-veil can also be grounded in religious convictions held by the women themselves. The author of this research, Professor Annelies Moors states that whether or not the face-veil obstructs participation in society depends on one's definition of participation and to which social group the women are compared. Face-veiling women are not the only group of women in the Netherlands who do not prioritise labour market participation and instead choose to focus on family life.<sup>131</sup> Consequently, Moors advises against a ban on face-veiling as it would constitute nothing more than symbolic politics. It is important to stress that there is no denial of the fact that there may be women who are forced into wearing a face-veil and living in oppressive family situations. With regard to these women it should be questioned whether punishment and prohibition are the correct way to support them. Instead of helping them

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<sup>125</sup>Council of State, advice W04.11.0379/I, 28 November 2011; Council of State, W04.15.0170/I, 15 July 2015 (published on 27 November 2015).

<sup>126</sup>Lettinga.2009.

<sup>127</sup>Ibid:181.

<sup>128</sup>Ibid.

<sup>129</sup>Moors.2009b:400.

<sup>130</sup>Moors.2009a.

<sup>131</sup>However, it is not the case that all face-veiling women do not wish to participate on the labour market.

get out of oppressive situations, it is more likely that a ban will make these women even more invisible and vulnerable, as Moors also argues.<sup>132</sup>

Nevertheless, the usage of the word 'burqa' in the motion and proposal of Geert Wilders has captured popular imagination. 'Burqa ban' has become the popular phrase to describe the previous and current government proposals. However, in the Netherlands, face-veiling women tend to leave the eyes visible. This is thus not similar to a burqa, which typically features a mesh in front of the eyes. The burqa is predominantly worn by women in Pakistan and Afghanistan.<sup>133</sup> Nonetheless, the widespread usage of the term 'burqa' has established an imaginative association with Afghanistan and the Taliban regime, a regime that is seen as extremely oppressive for women.<sup>134</sup> This imagery feeds into the already essentialised interpretation of the Islamic face-veil. Furthermore, the debate on the face-veil is closely connected to discussions on the radicalisation of Muslim youth, the threat of Islamic terrorism and Salafism in the Netherlands. As such, the face-veil has become immediately connected to an idea of radical Islam.<sup>135</sup>

In this highly politicised and essentialised framing of the face-veil, there is little room to call attention to the fact that a ban on face-covering clothing disproportionately affects women, as mainly Muslim women wear this type of dress. A ban could thus constitute discrimination on the basis of gender, but this "has hardly been discussed"<sup>136</sup>, according to Moors. Still some voice this critique, such as scholar Martijn de Koning on his blog, in response to the current proposal for a limited ban: "For the first time a specific religious group is singled out (...) on the basis of mostly inaccurate arguments: Muslims, and in particular Muslim women. Consequently the prohibition of the face-veil is an institutionalisation of both Islamophobia as well as sexism."<sup>137</sup>

The consecutive proposals to ban the face-veil and face-covering clothing are met with some opposition from face-veiling and non face-veiling Muslim women in the Netherlands. Since 2006 there have been several petitions and small demonstrations.<sup>138</sup> In 2011, Muslim women's organisation Al Nisa emphasised the right to self-determination of Muslim women. In addition, Amnesty International published a critical report in 2012 on legislation and practices in several European countries, including the Netherlands.<sup>139</sup> Furthermore, in 2012 the work councils of the Dutch police stated that they have not identified a security threat caused by face-covering clothing and instead typify the proposed ban as symbolic politics. The national doctors' federation also expressed its disapproval of the current proposal for a limited ban.

Moreover, recently a group of self-organised face-veiling Muslim women has emerged. Their initiative is called Hands-off my niqab (*Blijf van mijn niqaab af*) and they hold meetings with local governors and the head of police in Utrecht, during which all parties realise they share a concern for

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<sup>132</sup> Moors.2009a.

<sup>133</sup> Moors.2009b.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid:403.

<sup>137</sup> Martijn de Koning, "Kleed mij niet aan" – 16 jaar debat over de gezichtssluier, 19 December 2015.

<http://religionresearch.org/closer/2015/12/19/kleed-mij-niet-aan-16-jaar-debat-over-de-gezichtssluier/>, accessed 3 January 2016. Original quote in Dutch, my translation.

<sup>138</sup> Ibid.

<sup>139</sup> Amnesty International. *Choice and prejudice. Discrimination against Muslims in Europe*. London: United Kingdom.

public safety as well as individual liberties. Furthermore, the women engage in dialogues with other citizens by participating in city initiatives such as the Dialogue Table (*Dialogoog Tafel*). By doing so they hope to establish a better relationship with other Dutch citizens and debunk stereotypes. In addition, they wrote a public letter to Members of Parliament expressing their opposition to the proposed ban. Through their participation in the public debate, the women of this initiative disrupt the general stereotypical framing of 'the oppressed Muslim woman'. Instead they stress their right to self-determination, to freedom of religion, and to emancipate in the way they define emancipation for themselves: "This is my way of emancipating. I will not let someone else [the government] decide over the course of my life without letting my voice be heard".<sup>140</sup>

Nevertheless, anti-Islam sentiments are not uncommon amongst the Dutch population. On 11 October 2015, anti-Islam movement Pegida marched for the first time in the Netherlands and has marched several times since then. The Public Prosecution Service is investigating whether or not to prosecute one of the speakers at the first demonstration for discriminatory speech. Anti-Islam anxieties and attitudes are increasingly coupled with opposition to the current influx of refugees, as this heterogeneous group is assumed to be all orthodox and radical Muslims. This assumption not only feeds far-right groups such as Pegida, but is also present in mainstream politics. This is illustrated by an initiative of the liberal People's Party for Freedom and Democracy in the town of Alkmaar. The party demands that refugees sign an agreement with a list of eight conditions before they are allowed to receive shelter in the town.<sup>141</sup> Amongst these eight topics is the statement that men and women are equal and have to be approached as such. With this demands list, refugees are placed immediately and uniformly in opposition to Dutch norms. These norms again focus on gender emancipation and presume the need to save and protect women.

To conclude, dynamics of essentialising Islam in the Netherlands are thus intimately connected to ideas of gender oppression and emancipation, which has been pointed out by many scholars before and is in fact a well-known dynamic in Western countries.<sup>142</sup> This is not to say that women's rights and histories of gender emancipation are not worthy of appreciation or safeguarding, but it should be criticised that these achievements are increasingly being instrumentalised to create a stereotypical image of the oppressive migrant figure who needs to be kept outside of the Dutch national borders. As a result Muslim women wearing headscarves or face-veils in the Netherlands occupy an ambiguous place in the general Dutch perception. On the one hand, they may be in need of rescue from their oppressive cultures and family structures; on the other hand, they can also be potentially radical Muslims. Consequently, there is limited space for an acknowledgement of their own agency and instead Muslim women wearing Islamic dress have become special policy targets. Furthermore, anti-Islam sentiments are most explicit with far-right movements and right-wing populist parties such as the Freedom Party, but anti-Islam anxieties are in fact mainstreamed throughout the political spectrum and present in the wider public debate. The current influx of refugees may lead to a further entanglement of anti-immigrant, anti-refugee and Islamophobic

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<sup>140</sup> Focus group discussion, women organised in the working group 'Blijf van mijn niqaab af!', Utrecht, 2 December 2015.

<sup>141</sup> 'VVD Alkmaar: Vluchteling moet acht beloftes doen of weg', *RTL Nieuws*, 27 October 2015.

<http://www.rtlnieuws.nl/nieuws/binnenland/vvd-alkmaar-vluchteling-moet-acht-beloftes-doen-weg>, accessed 3 January 2016.

<sup>142</sup> See for example Bracke S.2011. Subjects of debate: Secular and sexual exceptionalism, and Muslim women in the Netherlands. *Feminist Review*, 98, 28-46; Abu-Lughod L.2013. *Do Muslim women need saving?* Cambridge: Harvard University Press.

feelings and actions. This warrants special and close attention to these complex dynamics and possible victims.

## 4. Employment

This section goes beyond the headline figures on the socio-economic position of Muslim women introduced in the first chapter. It offers a more detailed description and analysis of obstacles relating to labour market discrimination, legal provisions and policies. Promising practices are highlighted as well.

### 4.1. Developments in the labour market position of Muslim women

The labour market participation of Turkish-Dutch and Moroccan-Dutch women has significantly increased, but remains relatively low and precarious.<sup>143</sup> Between 2001-2012, their net labour participation rate grew from 33% to 40%, and from 32% to 35% respectively.<sup>144</sup> This development is particularly due to increased participation of second generation women and contrasts with the developments amongst men. Their net labour participation rate surged in the period 2001-2008, but in the years following the 2008 economic crisis this increase rapidly evaporated to 52% and 46% by 2012.<sup>145</sup> The rate for *autochtoon* Dutch men and women remains relatively stable (around 70% by 2012). However, the biannual Emancipation Monitor 2014 signals a decrease in net labour participation rates of Turkish-Dutch and Moroccan-Dutch women in recent years, due to increasing unemployment or precarious flexible employment amongst second generation women.<sup>146</sup>

Turkish-Dutch and Moroccan-Dutch women are more often unemployed than the men from these groups and *autochtoon* Dutch women and men, as we saw in the chapter “Snapshots of Inequality”. Since the crisis of 2008, unemployment amongst non-western migrants has increased significantly, in particular affecting the Moroccan-Dutch (from 8,9% in 2001 to 19,6% in 2012).<sup>147</sup> Furthermore, a larger proportion of the second generation compared to the first generation of both groups is unemployed. The difference in unemployment rates between *autochtoon* Dutch and the second generation can be less well explained than the difference between the first generation and *autochtoon* Dutch (50% versus 40% respectively).<sup>148</sup> Thus, an increase in unemployment rates is accompanied by a decrease in the percentage that explains the difference in unemployment rates between the communities and *autochtoon* Dutch. This indicates that there are other factors at play, such as differences in strategies to find employment as well as discrimination.

High unemployment rates amongst young people and recent graduates have generated much attention. There is especially a significant gender difference amongst lower educated (*MBO*-level) Turkish-Dutch and Moroccan-Dutch women and men. Over the period 2010-2012, 13% of Turkish-Dutch men were unemployed compared to 20% of Turkish-Dutch women.<sup>149</sup> For Moroccan-Dutch men and women the figures are 16% and 26% respectively, compared to 5-6% of the *autochtoon* Dutch men and women. There are also noticeable differences amongst higher educated recent graduates between the groups and between men and women, but less than amongst the lower

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<sup>143</sup>Due to a lack of studies on asylum migrants using data disaggregated by gender and analysing developments over a longer period, this paragraph discusses only the position of Turkish-Dutch and Moroccan-Dutch women.

<sup>144</sup> SCP.2014b:145.

<sup>145</sup> Ibid:38.

<sup>146</sup> SCP/CBS:83.

<sup>147</sup> SCP.2014b:45.

<sup>148</sup> SCP.2012:23.

<sup>149</sup> SCP.2014b: Attachment B5.1.

educated.<sup>150</sup> Nevertheless the figures for higher educated recent graduates also indicate a significantly bigger chance for women to become unemployed.

Furthermore, lower educated Turkish-Dutch and Moroccan-Dutch, particularly Moroccan-Dutch women, are more likely to work on flexible contracts compared to their *autochtoon* counterparts. There is a general trend of increased flexible labour in the Netherlands since at least the past decade.<sup>151</sup> By 2012, 17% of *autochtoon* Dutch had a flexible labour relation, compared to 29% of the Turkish-Dutch and 25% of the Moroccan-Dutch communities.<sup>152</sup> If we disaggregate by gender, we see that 29% of both Dutch-Turkish men and women were in flexible employment, next to 22% and 30% of Moroccan-Dutch men and women.<sup>153</sup> If we zoom in on generational differences, we find that 24% of the first generation of the Dutch-Turkish population works in such employment compared to 39% of the second generation.<sup>154</sup> For the Dutch-Moroccan first and second generations this is respectively 19% and 37%. Furthermore, youth (age 15-24) stands out: a spiking 73% of Dutch-Turkish and 60% of Dutch-Moroccan youth work on this type of contract.<sup>155</sup> The number amongst *autochtoon* young Dutch is also relatively high: 54%.

It is generally stated that it is not necessarily alarming when young people have flexible employment, as it is deemed normal that those entering the labour market start out on such contracts. The expectation is that people will gain more secure and permanent employment in the future. The real problem occurs, according to this logic, when this does not happen. In order to see if young people indeed move onto permanent labour relations, we can look at the rate of flexible labour amongst recent graduates. For the period 2010-2012, 36% of the *autochtoon* Dutch lower educated (*MBO-level*) were still working on flexible contracts 1.5 years after their graduation.<sup>156</sup> Amongst the Turkish-Dutch lower educated this is 45%, and 51% for the Moroccan-Dutch. If we disaggregate by gender, we see that for the *autochtoon* Dutch population nothing changes.<sup>157</sup> However, there is a clear gender difference amongst the two other groups. 41% of Turkish-Dutch men work on flexible contracts, compared to 50% of the women. For the Moroccan-Dutch men and women the figures are 38% and 65% respectively. Again there are also noticeable differences between the groups and between men and women amongst the higher educated, but these differences are less than amongst the lower educated.<sup>158</sup> This does not negate the fact that flexible employment and its vulnerable labour conditions also affect higher educated persons.

This discussion shows that women amongst the Turkish-Dutch and Moroccan-Dutch groups are impacted by unemployment and precarious flexible labour relations, and experience difficulties in bridging the gap between graduating and finding employment on the labour market. This is particularly true for lower educated and Moroccan-Dutch women. Furthermore, the net labour participation rate of these women is relatively low, despite a small increase over the past decade. This increase is primarily concerns second generation women. However, statistics also show that the

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<sup>150</sup> Ibid: Attachment B5.14.

<sup>151</sup> TNO/CBS.2009.*Dynamieken op de Nederlandse arbeidsmarkt.De focus op flexibilisering*. Den Haag: CBS.

<sup>152</sup> SCP:2014b:56.

<sup>153</sup> Ibid: Attachment B2.11.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid:122.

<sup>157</sup> Ibid: Attachment B5.9.

<sup>158</sup> Ibid: Attachment B5.18.

vast majority of this second generation works on precarious flexible contracts. Consequently they have a vulnerable labour position – especially in times of economic decline.

#### *Possible explanations*

Various studies have given a variety of reasons for higher unemployment rates and inequalities amongst those with a non-western migrant background versus *autochtoon* Dutch. They can roughly be divided into explanations focusing on the side of the job seekers and explanations focusing on the labour market and employers. On the side of those seeking employment, often mentioned reasons are ineffective behaviour when searching for employment, less developed soft skills, and not having a relevant network.<sup>159</sup> There is also research that does not find a significant difference between the strategies to find employment of non-western migrants and those of *autochtoon* Dutch.<sup>160</sup>

An explanation particularly addressing the low net labour participation rate of Turkish-Dutch and Moroccan-Dutch women is that they are less active on the labour market due to care work in the private sphere.<sup>161</sup> This is particularly true for lower educated women. One in five of the women of both generations for both groups stops working after their marriage, compared to one in ten of *autochtoon* Dutch women.<sup>162</sup> In addition, 37% of the Turkish-Dutch and 34% of the Moroccan-Dutch women stop working after their first child in the years 2000-2003. However, these percentages declined to respectively 29% and 26% for women who gave birth to their first child in 2007-2010.<sup>163</sup> And in fact, this decline is stronger than the decline amongst *autochtoon* Dutch women (15% to 10% for the same cohort).

With regard to explanations stressing labour market dynamics and the role of employers, various studies confirm the persistence of labour market discrimination on the basis of ethnicity. This was discussed before. There are no practical tests looking into discrimination on the basis of religion in the labour market, but there are figures and testimonies from anti-discrimination bureaus, the National Human Rights Institute and civil society organisations that signal the reality of Muslim women being unlawfully discriminated against due to their Islamic clothing. Furthermore, there are lawful clothing regulations and policies that can nevertheless be considered as obstacles to Muslim women's labour participation. These issues are discussed in the succeeding sections.

#### **4.2. Islamic women's dress in the labour market**

Discrimination on the basis of religion is often connected to Islamic dress. Contrary to popular beliefs, this is not a recent phenomenon. Over the period 1994-2001, the Equal Treatment Commission (herein after ECT) issued an opinion on 26 complaints of discrimination on the basis of religion.<sup>164</sup> In 22 of these cases the complainant was a Muslim woman, and 14 complaints involved a dispute over the headscarf in the labour context. Finally, the ECT found unlawful discrimination in twelve cases. Furthermore, in 2002 the National Bureau against Racism (*Landelijk Bureau Racismebestrijding*) published a report on Muslim women and labour market discrimination, in which

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<sup>159</sup> See for example Panteia.2015. *De arbeidsmarktpositie van niet-westerse allochtonen*. Zoetermeer: Panteia; SCP.2012. *Op achterstand*:74-90.

<sup>160</sup> SCP.2014b:48.

<sup>161</sup> *Ibid*:50.

<sup>162</sup> *Ibid*:149.

<sup>163</sup> *Ibid*:153.

<sup>164</sup> LBR.2002. *Een onfortuinlijke positie. Discriminatie van moslima's in Nederland*. Rotterdam: LBR.

it signals a lack of general awareness about the discrimination Muslim women experience because of their headscarf when seeking employment.<sup>165</sup> Subsequently, the ECT wrote in 2004 that “the prohibition on discrimination on the basis of religion requires [the ECT’s] attention to an increasing extent, for example because of the [public] discussions on headscarves and the niqab”.<sup>166</sup> Responding to a special request of the Amsterdam-based anti-discrimination bureau MDRA, the ECT published a general advice on religion, labour and equal treatment in the same year.<sup>167</sup>

Furthermore, the Netherlands Institute for Social Research (SCP) finds that 76% of the complaints of discrimination on the basis of religion in the labour context, submitted to anti-discrimination bureaus in the years 2004-2006, were submitted by women.<sup>168</sup> Over half of those complaints concerned the recruitment and selection phase, and all complaints about internships involve the headscarf. These findings lead the authors to conclude that the headscarf is a direct obstacle for Muslim women to find employment. This seems to be confirmed by figures of the ECT over the period 2006-2011. Namely, 43% of the requests for their opinion in the field of recruitment and selection related to the headscarf.<sup>169</sup> In 67% of those requests, the issue at hand was in fact unlawful discrimination according to the ECT. This grim reality leads the Council of Europe Commissioner for Human Rights to express his concern in 2009 about “employers select[ing] trainees and job applicants on ethnic origin and that in particular Muslim women wearing a headscarf suffer from this type of discrimination.”<sup>170</sup>

Unfortunately it comes as no surprise then that the National Institute for Human Rights also signalled the persistence of discrimination against Muslim women because of their dress in 2014.<sup>171</sup> It stressed in particular the need to pay specific attention to discrimination against Muslim female students when they apply for an internship. We thus see that the veil has remained a contentious topic over the past decades. Concurrent with the polarised public and political debate on Islamic veiling, discrimination on the basis of religion in the labour context has impacted Muslim women in the past and continues to do so in the present.

### *Under-reporting*

Figures published by the ECT, the National Institute for Human Rights, anti-discrimination bureaus, the police and the Public Prosecution Service can signal the existence and dynamics of discrimination on the basis of religion, but cannot show the depth of this phenomenon. This is partially because many incidents go unreported. Consequently, figures on discrimination only represent the tip of the iceberg. This is further confirmed by Jessica Silversmith who works with Amsterdam’s anti-discrimination bureau MDRA: “Ninety percent of discrimination instances are not reported to us”.<sup>172</sup> In addition, in 2012 it was estimated that only 5% of discrimination complaints in Amsterdam were

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<sup>165</sup> Ibid.

<sup>166</sup> CBG.2004. *Gelijke behandeling: oordelen en commentaar 2003*. Kluwer: Deventer:5. Original quote in Dutch, my translation.

<sup>167</sup> CBG.2004. *Advies Commissie Gelijke Behandeling inzake Arbeid, religie en gelijke behandeling*. Utrecht: CBG.

<sup>168</sup> SCP.2007. *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007*. Den Haag: SCP:1885-188.

<sup>169</sup> CBG.2012. *The Netherlands UN Human Rights Council Universal Periodic Review Second Cycle*. Utrecht: CBG:11.

<sup>170</sup> Council of Europe Commissioner for Human Rights.2011. *Report on his visit to the Netherlands 21-25 September 2008*. Strasbourg, 11 March 2009, 31.

<sup>171</sup> CRM.2015; CRM.2014.

<sup>172</sup> ‘Vooral vrouwen doelwit van moslimdiscriminatie’, Het Parool, 5 March 2015, <http://www.parool.nl/parool/nl/266/RELIGIE/article/detail/3885569/2015/03/05/Vooral-vrouwen-doelwit-van-moslimdiscriminatie.dhtml>, accessed 18 November 2015.

reported to the police.<sup>173</sup> Grassroots initiative *Meld Islamofobie* also notes that 58% of the complaints they receive are not reported to the police.<sup>174</sup>

Under-reporting occurs because of a variety of reasons. For example, normalisation of experiences of discrimination results in the perception that discriminatory incidents are not unlawful or cannot be combated.<sup>175</sup> Instead, discrimination is understood to be a part of what it means to be a Muslim minority in Dutch society. Another reason is that some Muslims experience a large gap between them and anti-discrimination services, for example due to language constraints.<sup>176</sup> Also, personal negative experiences with the police or news about the way the police dealt in a reluctant manner with someone else's report of Islamophobic discrimination can lead to a deep-seated distrust of governmental institutions such as the police and the Public Prosecution Service.<sup>177</sup>

#### 4.2.1. Facets of labour market discrimination against Muslim women

Labour market discrimination against Muslim women takes place at various stages in the process of seeking and finding employment, but the vast majority of incidents occur during the recruitment and selection phase. Employers stress the need for their company, organisation or institution to have a professional and neutral outlook and the veil is then considered to violate such representation. Hence Muslim women wearing a headscarf are frequently rejected. One example is the experience of 35 year-old Turkish-Dutch Adeviye Temel who is trained as an English teacher:

“It is very difficult to find employment. Now, since a while, I am unemployed again. And I find that difficult to deal with. They literally told me: ‘we can choose between someone who looks modern and you, so we choose the other person’. Sometimes schools request that you look ‘neutral’. They do not have specific rules against headscarves, but disguise their rejection of headscarves in terms of neutrality. At another school they told me ‘we will be frank with you’ and said they were afraid that parents would respond negatively to me as a teacher. But I worked as an intern in white schools as well, and that never caused any problems. You wish people would look beyond your headscarf.”<sup>178</sup>

Adeviye's experience further illustrates what has been coined ‘customer discrimination’.<sup>179</sup> This occurs when employers do not necessarily have discriminatory opinions themselves, but anticipate negative reactions from customers – or in this case parents – which would subsequently negatively impact the business or work of the organisation at hand. Employers then act on this anticipation by not hiring a veiled Muslim woman. This type of discrimination is predominantly found in sectors with frequent customer contact, such as hospitality and retail industries, but also occurs in education and health care sectors.<sup>180</sup>

Customer discrimination can also cause the termination of a labour contract with a Muslim woman who starts wearing a veil while employed. The National Institute for Human Rights highlighted the

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<sup>173</sup> Verwey-Jonker Instituut. 2013. Poldis rapportage 2012. Utrecht: Verwey-Jonker Instituut:33.

<sup>174</sup> Meld Islamofobie. 2015:5.

<sup>175</sup> Interview with anonymous respondent, 18 November 2015, Amsterdam.

<sup>176</sup> Telephone interview with Merel Hollander, SPIOR, 1 December 2015.

<sup>177</sup> Meld Islamofobie. 2015.

<sup>178</sup> Interview with Adeviye Temel, vice-chair woman of the Women's Federation with Millî Görüş, 23 November 2015, Utrecht. Original quote in Dutch, my translation.

<sup>179</sup> SCP. 2010:16.

<sup>180</sup> Ibid:15-16.

experience of 22 year-old Afghani-Dutch Sahar, who started wearing a headscarf after she had been working for one year in a chocolate shop:

“My employer asked me why I could not just take off my headscarf at work. When I left the shop I was allowed to put it on again. As if she was joking, that was how it felt. She did not realise how important this was for me, and that it is not something temporary.”<sup>181</sup>

When Sahar did not take off her headscarf, she was sent home immediately. Two days later she was fired.

“My employer asked me why I started wearing the headscarf, and I replied that it would not influence my ability to work. ‘I am still the same Sahar, and I will work in the same way I did before.’ She then said that people, customers, would now see that I am Muslim. ‘Yes’, I told her, ‘but I have always been Muslim.’”

Discrimination also occurs in the workplace. Hearing hurtful jokes, being called derogatory names, being bullied or excluded are not uncommon experiences. One-third of Muslims said they had experienced one of these incidents, either by their direct colleagues, supervisors, customers or external relations of their employer.<sup>182</sup> Grassroots initiative *Meld Islamofobie* published the following emblematic complaint:

“As a medical student in my fifth year I was confronted with discrimination for the first time when I started my medical internships. My first internship was right away a very intense experience in this respect. Already on the first day, one of the medial specialists challenged me. Every day he told me I had to take off my headscarf and that he did not understand why I did not listen to him. During the morning meetings he would make jokes about my headscarf. One time he said ‘once again you’ve put a duvet cover on your head’. Another time he compared me to ‘ Hamas and bombings’. Also I have had comments made by another doctor who expressed his surprise, about the existence of smart Moroccans.”<sup>183</sup>

This complaint further illustrates the concurrence of discriminatory or hurtful remarks on the basis of national origin and on the basis of religion. The conflation of being an outsider because of not being *autochtoon* Dutch and being a Muslim adds to the racialisation of Islam in the Dutch context. This is closely connected to viewing Islam as a migration religion. Muslim women’s experiences in Dutch society are thus structured along multiple lines of oppressions due to their perceived religion, migration background and gender.

Discrimination against Muslim women occurs both in the private and public sectors. Arguments of professionalism, neutrality and communication norms are used by employers in both sectors and unlawful discrimination is thus also found in the public sector. For example, the municipality of Tilburg argued recently that an applicant’s headscarf and abaya did not comply with the municipality’s code of conduct and moreover would impede effective communication with colleagues. They therefore rejected the woman for the internship position. However, the National

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<sup>181</sup> CRM.2015. *Mensenrechten in Nederland 2014*. Utrecht: College voor de Rechten van de Mens in Nederland: 150. Original quote in Dutch: my translation.

<sup>182</sup> SCP.2014a:76.

<sup>183</sup> Meld Islamofobie, 29 September 2015, <https://www.facebook.com/MeldpuntIslamofobie/posts/1706212002930366>, accessed 9 December 2015.

Human Rights Institute issued the opinion that the municipality could not prove that communication with colleagues would be severely hampered and thus considered it to be a case of unlawful discrimination.<sup>184</sup> In addition to the Dutch public and private sectors, Muslims say that discrimination is less likely to occur in Dutch-based multinationals than in the Dutch private sector.<sup>185</sup>

### 4.3. Existence and application of legal provisions

#### *UN level*

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) commits the Netherlands to eliminate all forms of racial discrimination. The Netherlands has been repeatedly criticised by the European Commission against Racism and Intolerance (hereinafter ECRI) for not adopting sufficient measures to comply with this Convention. Specifically discrimination against Muslims, the persistence of labour discrimination and the under-representation of ethnic minorities in senior positions in public and private sectors has been critiqued by various national and international watchdogs.<sup>186</sup> Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) commits the Netherlands to actively work towards the elimination of all forms of discrimination against women. In a shadow report, the ECT urged the government to pay more attention to the disadvantageous position of migrant women in the labour market. It also criticised the government's lack of acknowledgement of discrimination against Muslim women wearing a headscarf.<sup>187</sup> Lastly, the Beijing Declaration commits the Netherlands to ensure the mainstreaming of a gender perspective in all policies and programmes. It includes strategic objectives to promote women's economic rights and equal access to employment. However, the Dutch Women's Council (*Nederlandse VrouwenRaad*, herein after NVR) recently urged the government to develop adequate policies that take into account the differences amongst women as well, and for example, to pay attention to migrant and lower educated women.<sup>188</sup>

#### *European level*

On the European level the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) commits the Netherlands to respect individuals' human rights. This Convention includes a prohibition on discrimination on the basis of religion. Similarly, the European Social Charter (ESC) guarantees social and human rights and encompasses a principle of non-discrimination on the basis of religion, including the right to work. In addition, the European Union has issued several relevant directives, such as the Racial Equality Directive (2000/43/EC). This directive concerns the principle of equal treatment between persons irrespective of their racial or ethnic origin. Secondly, the Equal Treatment Directive (2006/54/EC) implements the equal treatment of men and women in employment and occupation. Thirdly, the Employment Equality Framework Directive (2000/43) establishes a general framework for equal treatment in employment and occupation. This directive includes a prohibition on discrimination on the ground of religion in the

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<sup>184</sup> CRM, opinion, 2014-24, 4 March 2014.

<sup>185</sup> SCP.2007:167; Interview with Adeviye Temel.

<sup>186</sup> ECRI.2013. *ECRI report on the Netherlands*. Strasbourg: ECRI; ECRI.2007. *ECRI report on the Netherlands*. Strasbourg: ECRI; NJCM.2015. *Joint parallel report to the nineteenth to twenty-first Periodic Reports of the Netherlands on the International Convention on the Elimination of all Forms of Racial Discrimination (CERD)*. Leiden: NJCM; CERD.2010. *Consideration of reports submitted by states parties under article 9 of the Convention*. Geneva: CERD.

<sup>187</sup> CGB.2009. *Comments on the fifth Dutch report on the implementation of the elimination of all forms of discrimination against women*. Utrecht: CGB.

<sup>188</sup> Gerts D.2015. *Reactie op de Midterm Review Emancipatie/AO Emancipatie*. Den Haag: NVR.

labour context. The Netherlands has an extensive set of laws addressing labour discrimination. The national legislative framework that will be discussed below is generally deemed to be compliant with the Employment Directive. However, as stated by the National Institute for Human Rights in a shadow report on racism and discrimination in the Dutch labour context, “we have all the legislation we need, but institutional discrimination can’t be beaten with laws”.<sup>189</sup>

### *National level*

The legislative framework of the Netherlands addressing discrimination is extensive.<sup>190</sup> Firstly, Article 1 of the Constitution states that “all who are in the Netherlands shall be treated equal in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or on any other ground shall be prohibited”.<sup>191</sup> Secondly, the Dutch Equal Treatment Act builds on Article 1 of the Constitution and details the grounds on which discrimination is forbidden, including gender, religion, race and nationality.<sup>192</sup> Distinction on the basis of any of these grounds in the labour context is thus explicitly prohibited by this Act, which applies to applicants, employees (temporary and permanent), volunteers and interns. Thirdly, the Equal Treatment Act Men and Women concerns the equality of men and women in employment, during the recruitment process, dismissal, labour conditions and equal pay.<sup>193</sup> Fourthly, the Working Conditions Act includes a requirement that legally obliges employers to map potential risks, including discrimination in the workplace, and to design a preventive plan.<sup>194</sup> Employers can be fined by the Labour Inspectorate if they do not comply with their obligations under this Act. Fifthly, the Foreign Nationals Employment Act<sup>195</sup> regulates the employment of migrant workers. EEA nationals and nationals from Switzerland can work freely in the Netherlands; others will need an employment permit. Consequently the Act is primarily geared towards setting boundaries for ‘illegal’ employment and protecting the Dutch labour market and social benefit system.<sup>196</sup>

In addition a general prohibition on discrimination is part of the Dutch Penal Code. Article 429 explicitly lists race, religion, belief, gender, disability and sexual orientation as punishable grounds of discrimination. Punishable acts of discrimination include: insulting a group with discriminatory intent (article 137c), incitement to hatred and discrimination against a group (137d), publishing and spreading discriminatory material (137e), participating in and supporting discriminatory activities (137f) and discrimination on the basis of race in the execution of a profession or business (137g). If a person feels discriminated against, they may report this to the police, upon which the Public Prosecution will decide whether to prosecute or not. In the document Instruction Discrimination, the rules are established for the investigation and persecution of discrimination.<sup>197</sup> No specific guidelines are formulated for discrimination in the labour context. They do include the instruction for prosecutors to increase sentences by 50% to 100% when racist and discriminatory motivation is

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<sup>189</sup> ENAR.2013:14.

<sup>190</sup> For a complete overview, please visit: [http://www.art1.nl/artikel/6443-Nederlandse\\_wet-en\\_regelgeving\\_tegen\\_discriminatie](http://www.art1.nl/artikel/6443-Nederlandse_wet-en_regelgeving_tegen_discriminatie), accessed 3 December 2015.

<sup>191</sup> “Allen die zich in Nederland bevinden, worden in gelijke gevallen gelijk behandeld. Discriminatie wegens godsdienst, levensovertuiging, politieke gezindheid, ras, geslacht of op welke grond dan ook, is niet toegestaan.” Article 1 of the Dutch Constitution, 24 August 1815. Identificationnumber: BWBR0001840.

<sup>192</sup> Algemene Wet GelijkeBehandeling (AWGB), 1 September 1994. Identificationnumber: BWBR0006502.

<sup>193</sup> Wet gelijke behandeling van mannen en vrouwen (WGBMV), 1 March 1980. Identificationnumber: BWBR0003299.

<sup>194</sup> Arbeidsomstandighedenwet (Arbowet), 18 March 1999. Identificationnumber: BWBR0010346.

<sup>195</sup> Wet Arbeid Vreemdelingen (WAV), 21 December 1994. Identificationnumber: BWBR0007149.

<sup>196</sup> ENAR.2013:14.

<sup>197</sup> Openbaar Ministerie.2007. *Aanwijzing discriminatie*. Identificationnumber: 2007A010.

established. However, in its 2013 report ECRI found that these instructions are frequently not complied with. Furthermore, there is no provision in the Dutch Penal Code that establishes racist motivation as an aggravating circumstance in sentencing, which is strongly recommended by ECRI.<sup>198</sup>

#### 4.3.1. Equality legislation and the veil in practice

The Equal Treatment Act resulted in the establishment of the ECT, which merged into the National Human Rights Institute in October 2012. Both organisations gave and give non-binding advice on equality legislation and issue opinions when requested to do so. In general the veil is considered to be a religious expression and thus to be protected under the right to freedom of religion.<sup>199</sup> However, this right can be restricted if such a restriction meets the requirements of proportionality and subsidiarity.

As was discussed in the Temperature Test chapter, in 2003 the ECT responded to a request by two Muslim women wearing a face-veil at school.<sup>200</sup> The school argued they prohibited all face-covering clothing on the grounds of communication, identification and internship opportunities for the students. ECT's opinion in favour of the school implied a deviation from an earlier opinion published in 2000, when the ECT had said in a similar case that the veil 'leaves sufficient possibilities for communication' and that 'in a multicultural society such as the Netherlands not all groups in society show their feelings through facial expression'.<sup>201</sup> However, the 2003 opinion has become an important benchmark for the development of national legislation, policies and other opinions from the ECT and the National Human Rights Institute. The current proposal of a limited ban on face-covering clothing is a clear example thereof, as it also stresses the need for communication and identification.

In the context of labour, it means that it is more difficult for women wearing a face-veil to find employment as an employer can argue for the need to have face-to-face communication with its employees, amongst colleagues and between employees and customers. With regards to headscarves, an employer's argument of professionalism or neutrality is not necessarily sufficient to reject an applicant or terminate a labour relation, and may amount to direct or indirect unlawful discrimination. The ECT and the Institute frequently urge the employer to pursue alternatives such as allowing for headscarves in the fabric and colour of company clothing. Exemptions are regulations for civil servants with a public function, for example in the context of the judiciary or uniformed police officers. These roles are said to require a neutral and impartial appearance, and therefore expressions of religious or political convictions are not allowed.<sup>202</sup>

#### 4.4. Consequences of discrimination and exclusion from the labour market

Possible consequences of labour market discrimination are multifold. Studies have shown that one of the coping strategies is to avoid situations where one is likely to experience being discriminated against.<sup>203</sup> This may lead to avoidance of the private sector and commercial companies and a turn

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<sup>198</sup> ECRI.2013.

<sup>199</sup> Doutje.2009:178.

<sup>200</sup> CBG, opinion 2003–40, 10 February 2003.

<sup>201</sup> CGB, opinion, 2000–63, 6 September 2000. Original quotes in Dutch, translation by Annelies Moors in Moors.2009b:397.

<sup>202</sup> *Grondrechten in een pluriforme samenleving*, TK 29614-2. Den Haag, 7 June 2004; Politie, *Gedragcode lifestyle-neutraliteit*, 23 June 2011.

<sup>203</sup> SCP.2007; RADAR.2007. *Gevalen en gevoelens, een onderzoek onder Marokkaanse Rotterdamers*. Rotterdam:RADAR.

towards employers where Muslim women do not expect discrimination, such as the public sector or Islamic organisations. In addition, they may feel forced to adapt their dress, which can be a stressful and far-reaching decision to make. Or they may leave the labour market altogether. The persistence of discrimination against second generation migrants and refugees amounts to what has been coined the integration paradox.<sup>204</sup> While increasingly being integrated in terms of educational attainment, language skills, and expanded networks these persons also face higher and continuing obstacles to fully participate in Dutch society. This is contrary to what is generally expected from second generations, namely that their increased skills in comparison to the first generation will also lead to increased participation. Instead, discrimination may lead to feelings of exclusion and segregation.

Furthermore, the option available to educational institutions to include a prohibition on face-covering clothing in their internal regulations and obstacles for women wearing a face-veil in finding employment makes it difficult for these women to participate in Dutch society in the way in which is often demanded from them. Rather than enabling these women to participate by obtaining a degree, which may positively affect their ability to become more independent and critical individuals and improve their labour chances, these women are increasingly excluded from Dutch society. Arguments against the face-veil as discussed in the “Temperature Test” chapter also stress the possible social pressure from a face-veiling woman’s family and culture. However, the regulations and practices against the face-veil could also be considered as a way in which Dutch society puts pressure on these women to remove their veil. This pressure may have contradictory effects when it further excludes these women from society. Notwithstanding the fact that most face-veiling women prioritise labour participation in a way that resembles traditional views from other religiously devout groups in the Netherlands and is different from mainstream views, there are also face-veiling women who do wish to work. However, the societal pressure to unveil does not reflect an understanding that the face-veil may enable rather than prevent these women to work. For example, one woman working as a board member together with men said she grew increasingly uncomfortable with the situation.<sup>205</sup> She then decided to wear the face-veil, which made her feel more comfortable and allowed her to continue her activities.

#### **4.5. Policies to combat labour market discrimination and stimulate participation**

In May 2014, a national action plan to combat labour market discrimination was launched by the Minister for Social Affairs and Employment.<sup>206</sup> In April of that same year the Social and Economic Council (*Sociaal-Economische Raad*, herein after SER), an advisor to the Dutch government and parliament on social and economic policies, had published a critical report on labour market discrimination including suggestions to counter discrimination. The national action plan incorporates SER’s analysis to a large extent and is subdivided in five areas in which the government aims to take action: law enforcement, reporting and registration of discrimination, knowledge and awareness, diversity policy and further research into labour market discrimination. The plan is accompanied by 42 concrete action points.

The 21 general action points include the commendable commitment of the government to terminate contracts with companies that have been convicted for discrimination, which sends a strong message

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<sup>204</sup> Buijs et al.2006. *Strijders van eigen bodem*. Amsterdam University Press: Amsterdam:240.

<sup>205</sup> Moors.2009a:47.

<sup>206</sup> *Actieplan arbeidsmarktdiscriminatie en kabinetsreactie SER advies 'Discriminatie werkt niet!'*, TK 29544-523. Den Haag, 16 May 2014.

about the unacceptability of discrimination. Furthermore it includes an interesting initiative to adjust the Working Conditions Act so as to enable the Inspectorate to investigate and sanction discrimination with a fine, and subsequently make the findings publicly known. Another noteworthy action is the government's support of the development of a Diversity Charter by social partners. In July 2015, the first group of employers signed the charter, followed by a second group in November 2015. Various governmental departments signed as well. In addition, 21 action points targeted at specific groups were stipulated. With regard to non-western migrants, one of the aims is to diminish the gap between education and employment by improving their networking and working skills, as well as the promotion of cultural diversity in the workplace. With regard to women, the main issues are pregnancy discrimination, unequal pay and women in higher and top positions. In 2015, the action plan was reviewed and six elements were added, relating to youth unemployment, further discussions on diversity with social partners and discrimination on the basis of age.<sup>207</sup>

Furthermore, one of the main national instruments relating to women and gender is the Emancipation Policy 2013-2016.<sup>208</sup> Since 1995, the general aim of Dutch emancipation policies have been formulated as "the advancement of equal rights, chances, liberties and (social) responsibilities in Dutch society for women and men".<sup>209</sup> Within the 2013-2016 policy, this aim is reiterated and three core values of this government's approach to emancipation are added: autonomy, resilience and equality. Subsequently, an important aspiration is to foster participation and economic independence of women. This is in line with the Participation Act (*Participatiewet*), which came into effect recently and is an expression of the general aim of this government to establish a 'participation society'.<sup>210</sup> This Act establishes a significant shift in the way in which access to social security and the connection between this security and labour market participation are organised, with greater involvement of and responsibilities for local municipalities. The aims of the emancipation policy further translate into various initiatives, for example stimulating a different division of care labour within households, or setting a non-binding target figure of 30% women in the Board of Directors and Supervisory Board.<sup>211</sup> Lower educated women are also given some attention, particularly to those who do not receive welfare and are unemployed. A training project to include them in the labour market was developed and evaluated as successful in the policy's midterm review, and thus continued.<sup>212</sup> In addition, a project aimed at improving the literacy of women with low literacy started as well as a project to improve women's basic skills such as writing, calculation and computer skills.

It becomes evident that the government acknowledges the existence of discrimination in the labour market and has developed plans to gain further insight as well as initiatives to combat labour market discrimination. This does send an important message to employers and victims of such discrimination. However, the general action points as well as the initiatives targeted at specific groups may not sufficiently address the unique issues faced by Muslim women in the labour context. Discrimination on the basis of religion and how this has a distinct gender effect is not sufficiently recognised or explicitly addressed by any action or project. One awareness raising campaign about

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<sup>207</sup> *Kamerbrief Voortgangsrapportage actieplan arbeidsdiscriminatie*, TK 29544-649. Den Haag, 1 September 2015.

<sup>208</sup> *Hoofdlijnenbrief Emancipatiebeleid 2013-2016*, TK 30420-177. Den Haag, 10 May 2013.

<sup>209</sup> SCP/CBS.2014a:21.

<sup>210</sup> *Participatiewet*, 1 January 2015. Identificationnumber: BWBR0015703.

<sup>211</sup> *Hoofdlijnenbrief Emancipatiebeleid 2013-2016*.

<sup>212</sup> *Beleidsconclusies midterm review en beleidsdoorlichting Emancipatie*, TK 696081. Den Haag, 19 December 2014.

the right to wear a headscarf at work initiated by the National Human Rights Institute was praised by the government and supported, but awareness raising alone will not tackle the structural disadvantaged position of Muslim women. Additionally, the Diversity Charter can be an instrument to change the composition of employees and directors. However, possible negative consequences caused by its non-binding status as well as the shift it marks away from a social justice argumentation towards an economic motivation for diversity should be kept in mind, as the Netherlands Institute for Social Research pointed out as well.<sup>213</sup> In addition, there is a risk of a one-sided focus on discriminatory incidents, which fails to highlight the historical and still existing racism in the Netherlands that manifests in multiple ways on a daily basis.<sup>214</sup> Such manifestations range from incomplete public awareness and commemoration of the Dutch colonial empire and the Dutch reign over a large Muslim population to everyday microaggressions. Without understanding the history and persistence of Dutch racism, a one-sided focus leads to understanding labour market discrimination as incidental deviations from what is believed to be a generally non-racist Dutch society. This does not address the roots of the issue at hand; hence projects to tackle labour market discrimination in such a frame risk having limited impact.

Furthermore, the Emancipation Policy 2013-2016 does pay attention to the situation of lower educated women. However, in the mid-term evaluation it became clear that the projects did not necessarily reach the women they had intended to reach, but were instead predominantly attended by other women who needed and wanted support to connect to the labour market as well. This shows the greater need for women to be assisted in accessing the labour market due to a variety of reasons, amongst others because of their lower educational level, their lower literacy, their migration background and gender biases in the labour context. Especially the current rise in unemployment amongst women due to budget cuts and job losses in the care sector affects lower educated and women with a migration background disproportionately, as was discussed in the “Snapshots” chapter. The NVR therefore urges the government to develop adequate plans in cooperation with local municipalities to prevent a further increase in the disadvantaged socio-economic position of women, as well as to develop more plans to support particularly vulnerable women within the generic policy frame.<sup>215</sup>

With regard to asylum migrants, since the end of the 1990s there has been no specific policy concerned with the integration of refugees. In fact, there has been a shift towards greater responsibilities placed on refugees themselves when it comes to their integration. This is exemplified by the fact that the security of residence is increasingly connected to the level of integration and language skills of newly arriving refugees. The Dutch Council for Refugees (*VluchtelingenWerk Nederland*, hereinafter VWN) warns that, contrary to the aim of these plans, such requirements lead to more insecurity and worsen the chances for refugees to successfully integrate and participate in Dutch society.<sup>216</sup> In addition, the development and execution of integration projects is increasingly done by municipalities. Because refugees are a small group amongst the variety of migrants, there is a risk that obstacles specific to their integration are neither recognised nor covered by these projects

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<sup>213</sup> SCP.2014b:28.

<sup>214</sup> See for example Essed P.1991. *Understanding everyday racism*. London: SAGE Publishing; Bijl P.2012. Colonial memory and forgetting in the Netherlands and Indonesia. *Journal of Genocide Research* 14(3-4): 441-461; Weiner M.F.2014. The ideologically colonized metropole: Dutch racism and racist denial. *Sociology Compass* 8(6):731-744.

<sup>215</sup> Gerts D.2015.

<sup>216</sup> VWN.2014. *IntegratieBarometer 2014*. Amsterdam: VluchtelingenWerk Nederland:71-72.

due to their relatively small number on a local level. This is yet another impediment to successful integration of asylum migrants according to VWN. The concerns expressed by VWN are amplified by a recent study into the socio-economic position of refugees who arrived in the 1990s. The findings show that the vast majority of asylum migrants are not employed.<sup>217</sup> One of the main reasons for this is, according to the authors, the fact that integration and an analysis of the refugees' labour capacity is not part of the asylum procedure. Instead asylum applicants have to wait for a long period before they have security of residence and only then can they start an integration process in terms of labour participation. This negatively affects their socio-economic position and opportunities.

#### **4.6. Promising practices**

Throughout this chapter the developments in the labour market position of Muslim women as well as some of the obstacles they face in terms of labour market discrimination have been discussed. In addition, legal provisions and policies dealing with labour market discrimination and emancipation were introduced and positive initiatives described. Some contradictory effects, gaps or blind spots were highlighted as well. Next to the aforementioned positive developments within existing policies, there are several promising practices worth mentioning.

With regard to the issue of under-reporting, various Muslim-driven organisations have organised their own community to increase awareness of the possibility to fight discrimination and the need to report incidents. For example, in 2012, the Collective Against Islamophobia and Discrimination emerged and started an awareness raising campaign about the existence of Islamophobia in the Netherlands. Also, the Rotterdam-based platform for Islamic organisations SPIOR launched a hotline to report discrimination. SPIOR closely cooperates with RADAR, the anti-discrimination bureau in Rotterdam, so as to bridge the distance between local Muslim communities and this institution. Furthermore, in 2015, Muslim women's organisation Al Nisa produced a documentary *Anders Kijken* about Islamophobia in order to raise awareness and encourage Muslims to report incidents.

Furthermore, the national government increasingly acknowledges the existence of discrimination against Muslims. Subsequently various national roundtables with Muslim organisations and the Minister for Social Affairs and Employment have been organised, which provided the organisations with the opportunity to describe their experiences and express their concerns about Islamophobia in the Netherlands. These roundtables are said to be continued on an annual basis.

Lastly, there have been various projects concerned with supporting Muslim women obtaining employment and debunking stereotypes. For example, VWN set up a project to bridge the large distance between the labour market and refugee women. The project, called *Talent uit/solement*, connected women to employers and internship opportunities, through which they developed their network, improved their Dutch language skills and gained work experience. Another example is the initiative *Etnische Zakenvrouwen Nederland*, aimed at making visible successful women of colour in higher and top positions in the Dutch private sector. Another project specifically targeted at Muslim women, *Tipje van de Sluier*, was said to have been successful in empowering the participating Muslim

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<sup>217</sup> WRR/SCP/WODC/Regioplan.2015. *Geen tijd verliezen: van opvang naar integratie van asielmigranten*. Den Haag: WRR.

women. It assisted them in navigating the processes of job hunting and applications and increased awareness amongst employers about stereotypes and biases in the recruitment and selection process.

## 5. Racist speech and violence

This section goes beyond the headline figures on racist speech and violence discussed in the “Snapshots of Inequality” chapter. Racist speech and violence are understood to be actions including verbal abuse, threats and assaults against individuals or groups because of their presumed Muslim identity. This chapter offers a more detailed description of recent developments and manifestations of such speech or actions against persons, and leaves attacks against Islamic buildings such as mosques aside. Also, there is no research on gender aspects within online racist speech against Muslims, therefore we cannot comment on the way Islamophobia and gender-based discrimination intersect in the context of online racist speech. Hence this chapter focuses predominantly on ‘offline’ racist events. In addition, obstacles relating to legal provisions and policies to combat racist violence and terrorism, and violence against women are discussed. Promising practices are highlighted as well.

### 5.1. Recent developments in racist speech and violence against Muslims

In 2013, at least 51% of Muslims had experienced being discriminated against in public spaces.<sup>218</sup> This includes being yelled at in the streets, being called names, being spat at or bullied because of ethnicity or religion. 7% to 9% of Muslims also said that physical violence was used against them.

Figures on incidents reported to the police are annually collected by the National Expertise Centre Diversity and subsequently presented and analysed by the national research institute the *Verwey-Jonker Instituut* in the POLDIS reports. These figures are also discussed together with information provided by the Public Prosecution Service in annual reports on racism, antisemitism and far-right violence in the Netherlands, published by the *Verwey-Jonker Instituut* as well. Advocacy by civil society and Muslim organisations led to a growing awareness amongst political leaders of discrimination against Muslims. Therefore since 2013, Muslim discrimination is separately discussed in the aforementioned publications. In the 2013 POLDIS report, Muslim discrimination is defined as “incidents with an anti-Muslim nature”<sup>219</sup> and subdivided in ‘Muslim cursing’ (*moslimschelden*) and ‘intentional Muslim discrimination’ (*moslimdiscriminatie*). Intentional Muslim discrimination is to be separated from incidents where arbitrarily racist and insulting actions do refer to Muslim/Islam as inferior but are not specifically directed to Muslims.<sup>220</sup> Intentional Muslim discrimination includes unequal treatment and actions where the perceived Muslim identity of the victim is considered as ‘less’.<sup>221</sup> Muslim cursing occurs when ‘Muslim’ or ‘Islam’ is used in an insulting and derogatory manner, often accompanied by swearwords and directed towards someone who is or is perceived to be Muslim. In the annual reports on racism, antisemitism and far-right violence, the special focus on Muslims is organised in a somewhat similar way.<sup>222</sup> In these reports, under the heading racism, a subcategory ‘Muslim discrimination’ is added. This category includes discrimination, threats, violence, damage to properties and buildings, and drawings or slurs on properties and buildings.

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<sup>218</sup> SCP.2014. *Ervaren discriminatie*:78.

<sup>219</sup> Verwey-Jonker Instituut.2014a. *POLDIS rapportage 2013*. Utrecht: Verwey-Jonker Instituut:51. Original quote in Dutch, mytranslation.

<sup>220</sup> *Ibid*:52.

<sup>221</sup> *Ibid*:54.

<sup>222</sup> Verwey-Jonker Instituut.2014b. *Derde rapportage racisme, antisemitisme en extreemrechts geweld in Nederland*. Utrecht: Verwey-Jonker Instituut:48-50.

In 2013, 150 anti-Muslim incidents were recorded by the police.<sup>223</sup> The vast majority, 115 incidents, concerned Muslim cursing. The remaining 35 incidents concerned intentional Muslim discrimination. 57% of Muslim cursing is done by persons unfamiliar to the victim.<sup>224</sup> Often there is no reason for the cursing. Just the mere fact that someone is identifiable as a Muslim by wearing a headscarf or other Islamic dress such as a djellaba can be a sufficient trigger.<sup>225</sup> 15.3% of the incidents of Muslim discrimination (Muslim cursing and intentional Muslim discrimination) included violence and in 12% of the cases the victim was threatened.<sup>226</sup> In 2014, a total of 230 incidents of Muslim cursing and intentional Muslim discrimination were registered, signalling a stark increase compared to the previous year.<sup>227</sup> The amount of intentional Muslim discrimination increased from 35 to 142 incidents whereas the amount of registered reports on Muslim cursing decreased from 115 to 88. The decrease is said to coincide with an overall decrease in racist cursing. This year, 24% of Muslim discrimination incidents included violence and 14% included threats.<sup>228</sup>

Furthermore, insults are most frequently directed against the perceived Moroccan origin and Muslim identity of the victim simultaneously.<sup>229</sup> This relates to the conflation of 'race', national origin and religion as discussed before. This conflation in incidents of Muslim discrimination reported to the police further illustrates the consequences of a perception of Islam as a migration religion and as alien to Dutch society.

Reporting discrimination incidents on multiple grounds to the police is possible. However, in the annual report on police recording of discrimination complaints figures on multiple discrimination incidents do not detail which grounds. A discussion of the various grounds in incidents of multiple discrimination can be helpful to monitor the conflation of gender-based discrimination and Islamophobia.

National figures on complaints filed with anti-discrimination bureaus are not disaggregated by anti-Muslim bias. However, in 2014, 59% of the complaints that concerned discrimination on the basis of religion were in fact about Islam.<sup>230</sup> Most of the complaints concerning religion had to do with being approached in a hostile manner (37%) or controversial manner (54%). From this we can assume that a relatively large proportion of the complaints submitted by Muslims who felt discriminated against because of their Islamic religion also concerned being approached in either a hostile or controversial manner.

### *Gender dynamics*

Unfortunately, incidents of Muslim discrimination are generally not disaggregated by gender in a systematic way. However, it is noted that mostly Muslim women experience Muslim cursing.<sup>231</sup> Furthermore, in 2013, 60% of the victims of Muslim discrimination who reported to the police were

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<sup>223</sup>Verwey-Jonker Instituut.2014a:54.

<sup>224</sup>Verwey-Jonker Instituut.2014a:58.

<sup>225</sup>Ibid.

<sup>226</sup>Verwey-Jonker Instituut.2014:56.

<sup>227</sup>Verwey-Jonker Instituut.2015. *Vierde rapportage racisme, antisemitisme en extreemrechts geweld in Nederland*. Utrecht: Verwey-Jonker Instituut:13.

<sup>228</sup>Ibid:37.

<sup>229</sup>Verwey-Jonker Instituut.2015:36.

<sup>230</sup>LBA/SAN.2015:20.

<sup>231</sup>Verwey-Jonker Instituut 2014b:36.

men and 40% were women. More than 75% of the perpetrators were men.<sup>232</sup> The aforementioned grassroots initiative *Meld Islamofobie* also collects complaints of racist speech and violence and publishes a biannual report. Over the period January – June 2015, 89 complaints were collected.<sup>233</sup> A striking 90% of the victims of incidents reported in this initiative were Muslim women. Moreover, 98% of them were identifiable as Muslim because they wore Islamic clothing. Perpetrators did not make a distinction between more traditionally clothed women and those who wear their headscarf in a fashionable way. In an interview, one of the activists commented that “the mere covering of the hair seemed to be enough of a trigger for the perpetrator.”<sup>234</sup> 71% of the perpetrators were men, indicating a significant gender dynamic between victim and perpetrator. Furthermore, 33% of all complaints concerned violence, a category that is defined by *Meld Islamofobie* as including both physical intimidation and threats as well as physical violence. Of all the incidents reported by women, 41% involved violence.

### *Registration issues*

Analyses of police records cannot give a comprehensive overview of racist speech and violence against Muslim women in the Netherlands. This is due to various issues linked to recording and under-reporting. Under-reporting has been discussed in the previous chapter on employment. With regard to recording, it is well known that differences may occur amongst police bureaus in how to record or count incidents. For example, ten threatening letters sent at once could be counted as one incident or as ten separate incidents.<sup>235</sup> Furthermore, over the past years, the registration forms used by the police have changed and not necessarily for the better, as scholar Ineke van der Valk points out.<sup>236</sup> For example, Van der Valk describes that before 2012 police officers could register Turkish, Moroccan, Surinamese and Antillean national origins as well as white or dark skin colour. Since 2012 the main umbrella term became ‘race’ and with that the possibility to record the aforementioned national origins and skin colour disappeared as well. Instead the main categories became *autochtoon*, Western *allochtoon*, non-Western *allochtoon*, Roma/Sinti, Jewish and ‘other’.

As the vast majority of Muslims in the Netherlands are Turkish-Dutch and Moroccan-Dutch, these changes do not allow insight into the intersection of racist violence and speech motivated by Islamophobia as well as their perceived national origin. Furthermore, the inability to record skin colour further prevents from understanding the extent and interlocking dynamics of anti-black racism and Islamophobia against Black Muslims in the Netherlands. For example, the unique racist speech and violence experiences of Black Muslim asylum migrants are difficult to record and analyse with this police form.

## **5.2. Examples of racist speech and violence against Muslim women**

In April 2014, the 27 year-old Um Hafsa headed towards the supermarket with her baby when she was hit in the back by two men. They then pulled off her niqab and accompanied their actions by chanting “*Hup Holland Hup!*” (Go Holland go!) and “We do not want these things in our country”.<sup>237</sup>

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<sup>232</sup> Verwey-Jonker Instituut.2014a:56.

<sup>233</sup> Meld Islamofobie.2015.

<sup>234</sup> Interview with anonymous organiser with Meld Islamofobie, 18 November 2015, Amsterdam.

<sup>235</sup> Witte.R.2010. *Al eeuwenlang een gastvrij volk*. Amsterdam: Aksant:138.

<sup>236</sup> Van der Valk.2015:55.

<sup>237</sup> Al-Yaqeen, ‘Aangevallen moslima geïnterviewd’, 12 April 2014. <http://al-yaqeen.com/nieuws/nieuws.php?id=2399>, accessed 13 December 2015. Original quote in Dutch, mytranslation.

Um Hafsa says she feels extremely vulnerable in public spaces following the attack.<sup>238</sup> Furthermore she does not want to jeopardise the safety of her children. Therefore she has decided to no longer wear the face-veil.

In March 2015, the 40 year-old Ilham Mokhtari in Rotterdam was violently attacked while driving her car. Her daughter recounts the incident in a local newspaper:

“My mother was in her car on her way to the SintFranciscusGasthuis for some medical checks. Whilst waiting in front of the traffic light a Dutch man tapped on her window. My mother rolled down her car window and was immediately called *kankermoslim* (cancer Muslim), after which the man punched her in her face, grabbed her throat and pulled her headscarf.”<sup>239</sup>

The man then drove off. Although this attack happened in the middle of the week, the mother was told at a local police station that she could only officially report the attack on Sunday. To the family this evidenced the lack of priority given by the police to these types of attacks on Muslims. Ever since the attack, the woman fears being alone in Dutch public spaces.

A Muslim woman interviewed for this research shares the experience of her aunt at the local supermarket:

“When she was at the supermarket a man blocked her shopping trolley and said ‘you people are always in the way’. He then did not allow her to use a particular pay counter and ordered her to move aside. He poked in her shoulder and said ‘You should get lost to your own country, you Muslims ruin this country’. Luckily, the employee working behind the pay counter said that she would help my aunt, and that instead the man should move away. Still, when leaving the supermarket and heading towards her car my aunt was very frightened that the man would come after her and attack her. She literally ran towards her car in great fear.”<sup>240</sup>

What these examples have in common is that the attacks are carried out in public spaces and during daytime. The occurrence of verbal or physical attacks against Muslim women in public is confirmed by one of the organisers involved with *Meld Islamofobie*. She says that perpetrators do not hold back when they are in crowded spaces with witnesses around, such as supermarkets or petrol stations.<sup>241</sup> Furthermore, in the POLDIS publication it was reported that more than half of the perpetrators of Muslim cursing are unfamiliar to the victim.<sup>242</sup> Also, Muslim cursing is frequently targeted at women. The women interviewed for this report who wear the face-veil say that when they are in public spaces such as their neighbourhood or supermarkets, verbal abuse is “standard” and “normal”.<sup>243</sup>

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<sup>238</sup> Moslim Omroep, ‘Aangevallen moslima doet niqaab af uit angst, 11 April 2015. <http://moslimomroep.nl/aangevallen-moslima-doet-niqaab-af-uit-angst/>, accessed 13 December 2015.

<sup>239</sup> S. Sonnemans, ‘Mishandeling moslima zorgt voor ophef in Rotterdam’, *Algemeen Dagblad*, 13 March 2015. <http://www.ad.nl/ad/nl/1038/Rotterdam/article/detail/3901628/2015/03/13/Mishandeling-moslima-zorgt-voor-ophef-in-Rotterdam.dhtml>, accessed 13 December 2015.

<sup>240</sup> Interview with anonymous woman, 19 November 2015, Amsterdam. Original quote in Dutch, my translation.

<sup>241</sup> Interview with anonymous organiser with *Meld Islamofobie*, 18 November 2015, Amsterdam.

<sup>242</sup> Verwey-Jonker Instituut. 2014:58

<sup>243</sup> Focus groupdiscussion, womenorganised in theworkinggroup ‘Blijf van mijn niqaab af’, Utrecht, 2 December 2015. Original quote in Dutch, mytranslation.

Even though there is not much data, it is signalled that women wearing Islamic dress may become a target of racist speech and violence in a particular way due to their visible Muslim identity.

### *Consequences*

Possible consequences of such verbal and physical attacks are multiple. Firstly, attacks experienced by themselves or hearing about an increasing number of assaults against Muslim women may instil frustration and fear:

“I constantly consider the fact that something might happen to me. I have become a different person. I am afraid of the world. But I really don’t want to be,” one interviewed woman admits.<sup>244</sup>

Secondly, in anticipation of possible assaults or verbal abuse, women may adjust their activities, which effectively leads to a restriction of their movements:

“I do not feel safe on the street anymore. I no longer travel on public transport. I ask myself: ‘do I dare to go outside?’. When outside, I am constantly looking around [in anticipation of a potential attack]. I do not like to go to public places, or places that I am not familiar with” another woman says.<sup>245</sup>

Others feel forced to adapt their dress, as the example of Um Hafsa shows. Not only women wearing the niqaab may change their dress, also women wearing a headscarf who have been verbally and physically attacked express that they took it off because of these reasons.<sup>246</sup> This forced adaptation of their clothing violates the women’s right to expression of religion. This and the restriction of their movement may further add to feelings of exclusion, realities of segregation and possible isolation.

### **5.3. Existence and application of legal provisions**

Muslim women in the Netherlands are protected against racist speech and violence under several (inter)national legal provisions. In addition to the legal provisions that have been introduced in the chapter on employment, others are relevant as well. These are discussed in the paragraphs below.

#### *UN level*

The UN Convention Against All Forms of Discrimination Against Women (CEDAW) has already been mentioned. However, the 1992 General Recommendation No.19 was not discussed but is relevant as this Recommendation establishes a provision on violence against women. With the adoption of this Recommendation, the Committee makes explicit that it understands gender-based violence to be a form of discrimination against women and as such to fall under the scope of CEDAW. In addition, the Declaration on the Elimination of Violence against Women (DEVAW) is also concerned with violence against women.

#### *European level*

On the European level the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) commits Member States to combat

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<sup>244</sup> Focus group discussion, women organised in the working group ‘Blijf van mijn niqaab af!’, Utrecht, 2 December 2015. Original quote in Dutch, my translation.

<sup>245</sup> Ibid.

<sup>246</sup> See for example the documentary ‘Anders Kijken’ by Al-Nisa: <https://www.youtube.com/watch?v=D1rJ8lOah3Q>, accessed 13 December 2015.

and prevent violence against women. Article 2 defines the scope and states that the Convention will “apply to all forms of violence against women, including domestic violence, which affects women disproportionately”. Gender-based violence is in subsequence defined in Article 3 as “violence that is directed against a woman because she is a woman or that affects women disproportionately”. Article 4 of the Convention stipulates that “the implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims shall be secured without discrimination on any ground such as (...) migrant or refugee status, or other status.” Hence the Istanbul Convention can also be an important tool to protect undocumented Muslim women against racist speech and violence.

With regards to racism and xenophobia, the Council Framework Decision 2008/913/JHA defines a European Union-wide criminal-law approach to certain expressions and actions, and obliges Member States to develop effective, proportionate and dissuasive penalties. These offences are commonly known as ‘hate speech’ or ‘hate crime’ though the Framework Decision does not use this wording.<sup>247</sup> Article 1 ensures that Member States should make punishable intentional conduct that amounts to “publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin” as well as “public dissemination or distribution of tracts, pictures or other material”. Importantly, “the reference to religion is intended to cover, at least, conduct which is a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, colour, descent, or national or ethnic origin”. The Framework Decision has been integrated in the Dutch Penal Code. This Code has already been described in the chapter on employment. However, in its evaluation of the Dutch implementation of the Framework Decision, the European Commission noticed that the Netherlands omits references to colour, descent and national origin as punishable grounds for racist and xenophobic violence and speech.<sup>248</sup> Furthermore, Article 4 of the Framework Decision ensures “that racist and xenophobic motivation is considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties”. In an official document outlining specific guidelines for the Public Prosecution Service it is established that discriminatory intent should lead to 50% - 100% aggravation in requested punishments.<sup>249</sup> However, the European Commission against Racism and Intolerance (hereinafter ECRI) noted that guidelines are frequently not complied with by the Public Prosecution.<sup>250</sup> Therefore ECRI reiterates its recommendation to integrate a special provision into the Penal Code itself.

In addition the Victims’ Rights Directive 2012/29/EU ensures the rights, support and protection of victims of a crime, including hate crime. The Netherlands has a fairly extensive framework for supporting victims of a crime, though sometimes the rights are too generically defined in Dutch legal provisions, which limits their enforceability.<sup>251</sup> Article 1 of the Victims’ Directive stipulates that the

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<sup>247</sup> European Commission 2014. *Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law*. Brussels.

<sup>248</sup> Ibid:4.

<sup>249</sup> Openbaar Ministerie, *Aanwijzing kader voor strafvordering en OM-afdoeningen*. Identificationnumber: 2015A001.

<sup>250</sup> ECRI.2013:13.

<sup>251</sup> Ibid; Verwey-Jonker Instituut. 2014. *Maatregelen ter voorkoming van secundair en herhaald slachtofferschap*. Utrecht: Verwey-Jonker Instituut.

Directive applies to all victims regardless of their residence status. Following a successful pilot in Amsterdam, by the end of 2015, undocumented migrants should be able to report a crime (either as a victim or witness) to the Dutch police anywhere in the Netherlands without being sent away, taken into custody or placed in immigration detention.<sup>252</sup> However, the National Support Centre for the Undocumented (*Landelijk Ongedocumenteerden Steunpunt*) signals that most municipalities in the Netherlands have not followed through and thus no actions have been taken to enable undocumented persons to safely report a crime to the police.<sup>253</sup> Nevertheless, the Directive has the potential to protect undocumented Muslim women in the Netherlands and to allow them to safely report Islamophobic attacks.

### *National level*

Legal provisions against racist speech and violence are established in the Dutch Penal Code and the Equal Treatment Act. Both have been introduced in the chapter “Employment”. Two court cases against Geert Wilders, the leader of the Freedom Party (PVV), are discussed below to illustrate how racist speech from a national politician against Islam and Muslims has been prosecuted. Furthermore, the consequences of Wilders’ statements evidence the complex and problematic dynamics of racialisation of Islam in the Dutch context.

In 2011, Geert Wilders was prosecuted under Articles 137c and 137d of the Dutch Penal Code for incitement to hatred, discrimination and violence, and racist insults. He was indicted on the basis of a variety of public statements, including: “We have to stop the tsunami of Islamisation”, “The Koran is the *Mein Kampf* of a religion that intends to eliminate others”, “One in five Moroccan boys is registered with the police as a suspect. Their behaviour results from their religion and culture. You cannot separate the one from the other”, “I have had enough of Islam in the Netherlands: no new Muslim immigrants” and “There is a battle going on and we must defend ourselves.”<sup>254</sup> In 2011, he was acquitted on all charges by the Amsterdam District Court.<sup>255</sup> The Court found that some comments fell out of the relevant Articles in the Penal Code, as they were addressed to a religion and not to persons. Next to this, the comments were made by Wilders as a politician and in the context of a fierce public debate. Hence, the court found them admissible. ECRI disagrees and points out that some statements do address followers of Islam.<sup>256</sup> As such, according to ECRI, Wilders’s statements should be recognised as racist speech and incitement to hatred.

In March 2014, during a public election meeting for municipalities Wilders asked the attendees whether they wanted more or less Moroccans. They chanted in response “less, less, less!” to which Wilders in turn replied, “then we will take care of that”. This incident caused nation-wide outrage and is the sole reason for an impressive spike in complaints filed with anti-discrimination bureaus in 2014.<sup>257</sup> Later the same year, the Public Prosecution Service decided to prosecute Geert Wilders once more, again under Articles 137c and 137d for racist insult and incitement to hatred and

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<sup>252</sup> ‘Amsterdamse proef krijgt nationaal vervolg: illegaal mag aangifte doen’, *Het Parool*, 2 April 2015. <http://www.parool.nl/parool/nl/4048/AMSTERDAM-ZUIDOOST/article/detail/3940604/2015/04/02/Amsterdamse-proef-krijgt-nationaal-vervolg-illegaal-mag-aangifte-doen.dhtml>, accessed 26 December 2015.

<sup>253</sup> Email from Rian Ederveen, Stichting Landelijk Ongedocumenteerden Steunpunt, 29 December 2015.

<sup>254</sup> ECRI.2013:15. Original quotes in Dutch, translation by ECRI.

<sup>255</sup> Amsterdam District Court, 23 June 2011, LJN: BQ9001.

<sup>256</sup> ECRI.2013:16.

<sup>257</sup> LBA/SAN.2015.

discrimination. The court case has not started yet, but is expected to start in 2016. The conflation of discrimination on the basis of national origin, ethnicity and religion that has been discussed in previous chapters, becomes painfully evident in the course of actions that followed the incident at the election meeting. Namely, on 19 December 2015, members of the far-right group *Identitair Verzet* occupied the roof of a local mosque in Dordrecht.<sup>258</sup> They dropped banners stating 'stop de Islam' (stop the Islam) and 'minder, minder' (less, less). This illustrates the close connection between racism against Dutch-Moroccans and Islamophobic actions. The entanglement of anti-Moroccan and anti-Islam sentiments contributes to the racialization of Islam, because Islam becomes ascribed to Moroccan-Dutch persons as their prime identity marker. On the basis thereof it is argued that they are culturally too different from the Dutch, and thus should be excluded from what the Netherlands ought to be.

### 5.3. Policies to combat racist violence and terrorism, and violence against women

Political attention to racist speech and violence in the Netherlands has fluctuated over time.<sup>259</sup> This needs to be understood against the backdrop of an ongoing political debate on immigration since the 1970s, when the expected temporary presence of mainly Moroccan and Turkish labour migrants evolved into more permanent settlement. Furthermore, the independence of former colony Suriname in 1975 caused growing immigration of Surinamese people to the Netherlands. Subsequently in the 1980s, the influx of refugees became a heated topic in the immigration debate, with violence also increasing against mainly Tamil refugees.<sup>260</sup> Since the end of the 1990s, the focus shifted to the presumed 'failed integration' of migrants who had been present in the Netherlands for several years already.<sup>261</sup> Their cultural and religious background was identified as the primary cause. Furthermore, following various terrorist attacks in the Western world since the turn of the millennium, Islam is increasingly imagined as a vital threat to Dutch culture. Consequently, in public and political debates, '*allochtoon*' appears to be synonymous with Muslim and vice versa, adding to the racialisation of Islam. Critique on racist statements is frequently rejected for being about political correctness which supposedly prevents 'the truth from being told' about the reasons for societal tensions, problems and inequalities.

After the assassination of Islam critic and filmmaker Theo van Gogh by a Muslim man in 2004, Islamophobic speech and attacks against Islamic buildings such as mosques spiked. This development was explicitly denounced by national and local politicians and authorities. As a result, the government developed a National Action Plan to counter Polarisation and Radicalisation.<sup>262</sup> Key to this plan was a decentralised approach, meaning that local municipalities carried prime responsibility to signal, prevent and address radicalisation and polarisation. The Action Plan emphasised the need to be attentive to and combat far-right radicalisation as well as radicalisation amongst Muslims. In total, 78 projects were funded through this Action Plan. Only one of those projects focused on countering extreme right radicalisation.<sup>263</sup> The Action Plan stopped after five years when the funding came to an end in 2011. The *Verwey-Jonker Institute* signals that other projects to prevent the

<sup>258</sup> 'Anti-Islambetogersbezettenmoskee in Dordrecht', *RTV Rijnmond*, 19 December 2015.

<http://www.rijnmond.nl/nieuws/136402/Anti-islam-betogers-bezetten-moskee-Dordrecht>, accessed 27 December 2015.

<sup>259</sup> See for an extensive discussion of racist violence and speech and governmental responses in the Netherlands: Witte R. 2010. *Al eeuwenlang een gastvrij volk*. Amsterdam: Aksant.

<sup>260</sup> Witte R. 2010. *Al eeuwenlang een gastvrij volk*. Amsterdam: Aksant:169.

<sup>261</sup> *Ibid*: 177.

<sup>262</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. *Actieplan Polarisatie en Radicalisering 2007 – 2011*. Den Haag.

<sup>263</sup> Verwey-Jonker Instituut. 2014:68.

development of far-right radicalisation have not been initiated since.<sup>264</sup> In recent years the national focus seems to have shifted to a one-sided attention to 'Islamic' terrorism, instead of actively combating and preventing 'white' terrorism and far-right violence against Muslims, refugees and other communities in the Netherlands as well. This is for example illustrated by the multifaceted Action Programme to combat 'jihadism', launched by the Minister for Security and Justice and the Minister for Social Affairs and Employment in 2014.<sup>265</sup> Furthermore, the *Verwey-Jonker Institute* signals that a special 'Toolbox Extremism' to support educators in recognising and dealing with radicalisation, developed by the National Coordinator for Security and Counterterrorism, has only one initiative that does not solely focus on Islamic radicalisation.<sup>266</sup> The risk that such a one-sided emphasis on Islamic terrorism may have negative consequences is pointed out by the National Institute for Human Rights, when they state that efforts to protect national safety may unwillingly contribute to the stigmatisation of Muslims.<sup>267</sup>

In addition, the current attention to the influx of refugees from Syria (and other countries, but refugees from Syria receive most media attention) has resulted in severe and at times violent resistance against the establishment of refugee camps in the Netherlands. This resistance is accompanied by racist statements about refugees and their presumed Muslim identity and culture. National politicians have expressed disapproval of these violent incidents, but this has yet to be translated into a clear and concrete vision on how to counter the spread of Islamophobia, racism and anti-refugee sentiments and actions.

However, in 2015 the Minister for Security and Justice and the Minister for Social Affairs and Employment have agreed to strengthen efforts to better record violent anti-Muslim attacks, as an acknowledgment of increasing attacks on mosques. This effort, combined with the national roundtable conversations between Muslim civil society organisations and national policy makers and Ministers discussed in the previous chapter, suggests that national attention to the vulnerability of Muslim communities in the Netherlands to discrimination and violence is increasing. Still, detailed and strong policy plans to combat and prevent such violence are relatively absent.

### *Violence against women*

Violence against women is not a separate policy subject in the Netherlands. After research in 1997 demonstrated that a large percentage of the Dutch population has fallen victim to violence in the private sphere (depending on definitions, this ranged from 11% - 45%), domestic violence was elevated from being considered a private issue to being considered a public problem.<sup>268</sup> Therefore, since 2002 the Netherlands has national policies concerned with combating domestic violence. In 2011, the government established an interdepartmental policy approach to combating violence in dependency relationships, which includes violence that can be committed by institutions/professionals and which can occur in the private sphere. Violence in dependency relationships then refers to partner violence, child abuse, elder abuse, honour related violence, sexual abuse, forced marriage and forced female genital mutilation. The Ministries for Public Health, Wellbeing and Sport, for Security and Justice, for Social Affairs and Employment and for Education,

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<sup>264</sup> Ibid.

<sup>265</sup> *Actieprogramma Integrale Aanpak Jihadisme*, 29 August 2014, 554913.

<sup>266</sup> Verwey-Jonker Instituut. 2015:50.

<sup>267</sup> CRM.2015:45.

<sup>268</sup> Regioplan. 2013. *Genderscan aanpak huiselijk geweld*. Regioplan: Amsterdam:2.

Culture and Science cooperate to achieve three main aims: to strengthen the position of victims, to strengthen the possibilities for a criminal-law approach to punish such violence and to stop intergenerational transmission.<sup>269</sup>

In addition to actions such as the development of educational programmes to combat gender stereotypes amongst young people and awareness raising campaigns about sexual violence, in 2013 the Ministry for Culture, Education and Science ordered a gender scan to analyse gender dynamics within partner violence. The researchers conclude that, even within the gender-neutral framing of policies against domestic violence, the practice of combating such violence should include specific attention to gender dynamics and a gender sensitive approach in practice.<sup>270</sup> A follow-up research is currently being conducted. Furthermore, the interdepartmental approach to violence in dependency relationships encompasses various action plans and initiatives, such as the Plan to Prevent Forced Marriage 2012 – 2014<sup>271</sup> and Action Plan Self-determination 2015-2017,<sup>272</sup> which builds on the plan to prevent forced marriage and includes initiatives to prevent honour related violence and homophobia. On 1 July 2013, a change in the Penal Code came into effect through which the maximum sentence for forced marriage increases from nine months to two years and extends the criminalisation of female genital mutilation inflicted on minors in the Netherlands to situations when the mutilation takes place in a foreign country by someone who permanently resides in the Netherlands.<sup>273</sup> Additionally, on 5 December 2015, the Act Against Forced Marriage came into effect, further criminalising child marriages and limiting the ability for child marriages to be legally recognised by the Dutch state when both have reached the age of 18 at the time of their request for recognition.<sup>274</sup> Regulations for the legal recognition of polygamous marriages contracted abroad are also further tightened with this Act.

The majority of victims of forced marriages, forced female genital mutilation and honour related violence are women with a migration background. Research has shown that one-third to a quarter of all honour related violence in the Netherlands affects Turkish-Dutch women, followed by Moroccan-Dutch, Afghani-Dutch and Iraqi-Dutch women.<sup>275</sup> In 2011 and 2012, an estimated minimum of 674 and maximum of 1914 of forced marriages occurred in the Netherlands, predominantly affecting women with a Turkish and Moroccan background, as well as women with an Afghani, Iraqi, Kurdish, Somali, Pakistani and Surinamese/Hindustani background.<sup>276</sup> Forced female genital mutilation has been found to occur predominantly amongst the Somali-Dutch community, followed by the Ethiopian-Dutch and Sudanese-Dutch communities.<sup>277</sup> Political debates and the aforementioned policies to counter forced marriage, forced female genital mutilation and honour related violence are grounded in approaches to protect the human rights of individuals, their freedom of choice and right to self-determination.<sup>278</sup>

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<sup>269</sup> SCP/CBS.2014a:165.

<sup>270</sup> Regioplan.2013.

<sup>271</sup> *Kamerbrief plan van aanpak preventie huwelijksdwang*, 3 July 2012, WBI2012-0000311582.

<sup>272</sup> *Kamerbrief Actieplan Zelfbeschikking 2015 – 2017*, 5 January 2015, 2014-0000189979.

<sup>273</sup> *Wijzigingswet Wetboek van Strafrecht, enz. (verruiming mogelijkheden tot strafrechtelijke aanpak huwelijksdwang, polygamie en vrouwelijke genitale verminking)*, 1 July 2013. Identificationnumber: BWBR0033015.

<sup>274</sup> *Wet tegengang huwelijksdwang*, 5 December 2015. Identificationnumber: BWBR0037085.

<sup>275</sup> SCP/CBS.2014a:168.

<sup>276</sup> Verwey-Jonker Instituut.2014. *Zo zijn we niet getrouwd*. Verwey-Jonker Instituut: Utrecht.

<sup>277</sup> GG&GD Amsterdam/GGD Hart voor Brabant. *Vrouwelijke Genitale Verminking nader bekeken*. Amsterdam:24.

<sup>278</sup> *Kamerbrief Actieplan Zelfbeschikking 2015 – 2017; Kamerbrief plan van aanpak preventie huwelijksdwang*.

Considering the various policies concerned with combating and preventing violence against women, it becomes clear that the main focus is placed on the connection between violence and unequal power relations. With regard to women with a migration background, emphasis is put on violence against them in the domestic sphere. Violence occurring outside of the domestic sphere such as in public spaces is not covered by these policies. In response to the Istanbul Convention and the aforementioned gender scan, research institute *Movisie* expresses that there is a need for attention to specific gender dynamics in violence beyond partner related violence.<sup>279</sup> *Movisie* mentions work environments as an example, but public spaces could also be listed amongst locations where violence occurs and a gender sensitive understanding would be helpful. Within the current framework of policies, there seems to be limited space for the full range of Muslim women's experiences with violence to become visible and subsequently combated. This is partially due to the fact that in general little attention is given to the interlocking dynamics of gender and Islamophobia in Dutch public spaces. Furthermore, the emphasis on violence against migrant women in the domestic sphere runs the risk of unwillingly adding to a climate in which Muslim women are already framed as oppressed and vulnerable. Such a stereotypical understanding of Muslim women's social position is closely connected to Islamophobia. This is not to say that there is no need to stop and prevent women in the Netherlands from suffering from forced marriage, honour related violence and forced female genital mutilation – because there is. However, due attention should be paid to the way in which current policies may have unintentionally stigmatising effects and how the emphasis on the domestic sphere limits a full understanding of Muslim women's experiences in Dutch society.

#### **5.4. Promising practices**

Several good practices have been mentioned already throughout this chapter. On a national level noteworthy initiatives are the steps towards better recording and explicit monitoring of Muslim discrimination. This shows the acknowledgement of anti-Muslim incidents as a problematic phenomenon by political leaders and official institutions and will increase insight into the extent and type of Islamophobic speech and violence in the Netherlands. What is further warranted is more attention to gender dynamics in Muslim discrimination and racist speech and violence in recording and analyses of the available figures. Also, detailed and effective plans to counter Islamophobic violence and speech are currently lacking but much needed. Insight through statistical figures is one step towards understanding the problem of Islamophobia but given the well-known issues with under-reporting and recording, and grassroots organisations signalling increasing Islamophobic attacks, the authorities should show further commitment by developing adequate action plans as well.

On the level of police, the plans to allow undocumented persons to report crimes with the police safely without being detained or deported is also a praiseworthy step towards greater safety and protection of their fundamental rights. However, it is worrisome that the National Support Centre for the Undocumented has signalled limited progress in implementing this plan throughout the Netherlands. Approximately 100,000 undocumented people live in the Netherlands, amongst them Muslim women wearing Islamic dress. Opening up the possibility for them to safely report

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<sup>279</sup> Movisie.2015. *Uniek Verdrag bij aanpak geweld tegen vrouwen en huiselijk geweld*. <https://www.movisie.nl/artikel/uniek-verdrag-aanpak-geweld-tegen-vrouwen-huiselijk-geweld>, accessed 29 December 2015.

Islamophobic attacks is an important step forward. Yet these migrants and Muslim women also live in vulnerable conditions because of national immigration policies that are enacted by local police officers (when detaining or arresting undocumented persons). Therefore, building trust amongst police officers and communities of undocumented people is vital to the successful protection of the rights of these migrants.

## 6. Conclusion and recommendations

### 6.1. Conclusion

Because the Netherlands does not register self-identified religious affiliation it was necessary to extrapolate on the basis of national origin. 80% of Muslims in the Netherlands are Turkish-Dutch, Moroccan-Dutch, Iranian-Dutch, Iraqi-Dutch, Afghani-Dutch and Somali-Dutch. Due to limitations in terms of available data, this report focused predominantly on these communities. A brief description of how these groups are positioned in relation to some socio-economic indicators shows that there are considerable differences amongst these groups and in comparison to *autochtoon* Dutch. The Somali-Dutch community is particularly affected by unemployment and poverty. Within these communities, gender differences are evident to differing degrees pertaining (but not limited) to national origin, migration background, age and class. On the basis hereof, we can say that a majority of Muslim women in the Netherlands occupies a structurally disadvantaged socio-economic position.

#### *6.1.1. Muslim women and employment*

##### *What is the labour market position of Muslim women?*

This research shows that chances are higher for women amongst the Turkish-Dutch and Moroccan-Dutch communities to be impacted by unemployment and precarious flexible labour relations compared to men in these communities and *autochtoon* Dutch men and women. Furthermore, they experience difficulties in bridging the gap between their graduation and entering the labour market. This is particularly true for lower educated and Moroccan-Dutch women. Furthermore, the net labour participation rate of these women is relatively low, despite a small increase over the past decade.

##### *How does labour market discrimination affect Muslim women?*

Multiple studies using practical tests evidenced that the Dutch labour market is permeated by discrimination on the basis of ethnicity. Not all studies comment on a gender difference, or a small difference was found at the disadvantage of men. This implies that non-*autochtoon* Dutch women are affected by discrimination on the basis of ethnicity and in a disadvantageous position compared to *autochtoon* Dutch men and women. There are no practical tests carried out that study discrimination on the basis of religion. However, the Equal Treatment Commission and the National Human Rights Institute have signalled for more than fifteen years a persistent stream of requests for their opinion on wearing the headscarf in the labour market; particularly during the phase of recruitment and selection and in the context of internship applications. The headscarf can also be a reason for an employer to terminate the labour relation, or may be reason for being bullied and called derogatory names in the workplace. Discrimination on the basis of the headscarf occurs in both the public and private sectors.

##### *To what extent are Muslim women protected against labour market discrimination under (inter)national legal provisions and with existing policies?*

Despite the occurrence of discrimination on the basis of the headscarf in the labour market, this is not necessarily unlawful. Unless a clothing regulation meets the criteria of proportionality and subsidiarity, the Equal Treatment Commission (ECT) and National Institute for Human rights are likely to urge the employer to find alternative solutions, such as headscarves in the colour and fabric of the company's clothing. Following an opinion issued by the ECT in 2003, reasons relating to the need to identify employees and establish effective communication may be grounds for banning face-covering

clothing in the workplace. The European Council Racial Equality Directive 2000/43, Equal Treatment Directive 2006/54 and the Employment Equality Framework Directive 2000/43 are implemented through the Dutch Equal Treatment Act and the Penal Code. These national legal provisions are generally considered to be sufficient and comprehensive. Yet it is stated that institutional racism persists and cannot be combated by laws alone. In terms of policies, the current Minister of Social Affairs and Employment has designed an extensive plan with concrete action points to combat labour market discrimination. Combined with the Emancipation Policy 2013-2016, promising initiatives have been developed, such as the support for the Diversity Charter. However, it remains optional for employers to sign this Charter and it implies a shift away from social justice towards economic motivations for diversity. Furthermore, these policies do not include action points that acknowledge the unique position of Muslim women wearing Islamic dress in the labour market, nor plans to redress effects of discrimination on the basis of Islamic dress.

#### *6.1.2. Racist speech and violence against Muslim women*

*What are recent developments in racist speech and violence against Muslims and how do these affect Muslim women?*

Since 2013, 'Muslim discrimination' is separately discussed and analysed in publications about complaints submitted to the police concerning incidents with a discriminatory content. Over the past two years an increase in reported incidents is signalled, but due to issues with recording and under-reporting one should be careful when interpreting these figures. It does become evident that racist speech and violence against Muslims occur on a larger scale than was previously acknowledged. Projects have been developed to increase the willingness amongst Muslims to report discriminatory incidents to the police or anti-discrimination bureaus. Figures on racist speech and violence against Muslims are not systematically discussed along lines of gender. However, police figures signal that Islamic dress such as the headscarf is a frequent trigger for unexpected 'Muslim cursing'. Furthermore, grassroots initiative *Meld Islamofobie* found that in the complaints about Islamophobic incidents reported to them over the period January – June 2015, 90% of the victims are Muslim women. Incidents discussed in the media, figures of police registrations and impressions of civil society organisations suggest that racist speech and violence against Muslim women happen in public spaces such as the street or in supermarkets, and during daytime with witnesses around.

*To what extent are Muslim women protected against racist speech and violence under (inter)national legal provisions and with existing policies?*

In terms of national legislation, the Dutch Penal Code has a comprehensive set of provisions to combat and punish discriminatory and racist speech and actions. However, the European Commission against Racism and Intolerance (ECRI) criticises the Netherlands for not having included a special provision in the Penal Code that establishes racist and xenophobic motivation as an aggravating circumstance. In addition, in 2011, right wing politician Geert Wilders was acquitted from charges of incitement to hatred and discrimination against Muslims. The Amsterdam District Court found, amongst other things, that the fact that Wilders is a politician and that his comments were made in a heavily polarised political and public debate to be compelling reasons for not convicting him. This generated (inter)national criticism, with ECRI strongly disagreeing with the Court's ruling. It also has societal effects, as Wilders has a powerful platform as a national politician. This is exemplified by an incident in 2014 where he had his constituency chant 'less, less' in response to his question of whether they wanted more or less Moroccans in the Netherlands. The sentence 'less,

less' is used by far right groups, such as during the occupation of a mosque in December 2015. The Public Prosecution Service decided to prosecute Geert Wilders for incitement to hatred, discrimination and violence.

Furthermore, there are a variety of international legal provisions under which Muslim women in the Netherlands can be protected against racist speech and violence. In particular, the European Council's Victims' Directive 2012/29 could help to establish safe ways for undocumented Muslim women to report an Islamophobic incident. Despite national plans to allow undocumented persons to report crimes to the police in 2015, the National Support Centre for the Undocumented reports that most municipalities have not taken action to implement these plans. In addition, the recently ratified Istanbul Convention obliges the Netherlands to prevent and combat violence against women and domestic violence. In the Netherlands, violence against women is not a separate policy issue. Instead the current government established an interdepartmental and gender-neutral approach to prevent and combat violence in relationships of dependency. Research has found that a gender-sensitive approach in projects to counter domestic violence is desirable, and the researchers also suggest that other areas of violence could benefit from a gender-sensitive analysis and approach. With the emphasis on violence in relationships of dependency and an overall gender-neutral approach, it becomes difficult to address the issue of racist speech and violence against Muslim women as this predominantly occurs in public spaces and is done by someone unfamiliar to the victim. Furthermore, relatively little attention is given to far-right terrorism and violence against Muslim or other non-white communities. On the contrary, most policy efforts are concerned with protecting national safety by preventing and combating Islamic radicalisation and terrorism. Such a one-sided focus may not only add to the stigmatisation of Muslims, but also fails to acknowledge and counter the development of far right ideology and white violence in the Netherlands.

Lastly - and this is relevant for both employment and racist speech and violence - there is a risk that discriminatory events are solely understood to be a series of isolated incidents, odd deviations from an otherwise non-racist Dutch society and perpetrated by flawed and racist individuals. Such an understanding fails to acknowledge the Netherlands' long-standing history with Islam and Islamophobia ever since its colonial empire, as well as the structural persistence of racism in the Netherlands today. As such, anti-racist and anti-discrimination efforts are at risk of having only limited impact.

## **6.2. Recommendations**

The findings of this report lead to the following recommendations for the national government, Muslim organisations, trade unions, women's organisations and future researchers.

### *National government*

- Acknowledge that Muslim women face multiple and unique obstacles pertaining to the intersection of their gender, ethnicity and religion in Dutch society and in the labour market.
- Take an explicit stance against Islamophobia and be consistent. Express concern and disapproval whenever Islamophobic speech, violence and discrimination occur, including from politicians.

- Acknowledge that government policies and political discourse may contribute to stereotyping and stigmatising Muslims. Develop strategies so that national policies and action plans do not foster Islamophobia.
- Acknowledge that the Netherlands has a long history with racism and Islamophobia ever since its colonial empire, and that this colonial history has left a legacy in terms of mindsets, cultural traditions, stereotypes, and divisions of power and opportunities across Dutch society. Develop formal and informal tools that educate Dutch people about their colonial history in order to understand and identify its legacy in the present. This is an essential prerequisite to successfully combat and prevent structural discrimination, racism and Islamophobia.
- Pay more attention to socio-economic integration instead of the current dominant focus on socio-cultural integration. Monitor socio-economic developments, particularly the effects of flexibilisation and economic decline on second generation and Muslim women.
- Commission further research into the dynamics of discrimination on the basis of religion against Muslim women and men in the Dutch labour market, similar to what has been done with researching discrimination on the basis of ethnicity.
- While the government applies a generic approach to (labour market) discrimination, include sufficient attention to marginalised groups in need of specific attention. Develop concrete and targeted plans to prevent and combat discrimination against them.
- Increase familiarity with the Equal Treatment Act amongst school staff, students and employers so that Muslim students looking for an internship are not unlawfully rejected on the basis of their Islamic dress.
- Within the government's generic and gender-neutral approach to emancipation, include focused attention to the unique position and experiences of Muslim women in Dutch society. Acknowledge the heterogeneity of women associated with their multiple social positions, and develop due strategies to combat the obstacles they face.
- Acknowledge that racist violence may affect some women disproportionately and thus has a profound gender dynamic. Include plans to combat Islamophobic violence in policies that should end and prevent violence against women.
- Register Islamophobic speech and violence as racist incidents. Provide the option that Islamophobia as well as gender-based discrimination can be registered with the relevant authorities and institutions, so that the gendered dynamic of Islamophobic violence and speech can be accurately monitored and analysed.
- Take an explicit stance against far-right and extremist speech and violence, and develop more and concrete plans to prevent white terrorism against individuals, Islamic buildings and refugee camps (AZC's). Establish multiple educational projects to counter far right radicalisation.
- Allow asylum seekers and refugees to learn Dutch and to find employment as soon as possible. Limit their stay in emergency shelters and refugee camps to a minimum, so that they can build a meaningful life in the Netherlands. Research has shown that the asylum system prevents asylum seekers and refugees from participating in Dutch society for a long period, which has a long lasting and negative effect.
- Pay due attention to the vulnerable socio-economic of some Muslim communities with an asylum migration background, and develop appropriate plans to improve their situation.

- Include the rights of undocumented migrants when implementing the Victims' Rights Directive 2012/29/EU. Follow through with the plans to establish safe ways for undocumented persons to report a crime to the Dutch police in every municipality.
- Withdraw the proposal to place a limited ban on face-covering clothing, as it is a disproportionate measure that violates the right of freedom of religion and protection against discrimination on the basis of gender. It also adds to stereotypes about Islam and stigmatises Muslim women. Comply with the negative advice of the Council of State.

*Muslim organisations:*

- Increase the willingness to report discriminatory incidents and attacks amongst Muslim communities. Raise awareness among the communities of the various channels to report an incident.
- Connect with other initiatives on reporting Islamophobia, both by Muslim organisations as well as official anti-discrimination bureaus. Make sure all organisations and initiatives involved cooperate in a constructive manner.
- Integrate a gender perspective in the fight against Islamophobia. Centre Muslim women and their experiences with racism and gender-based oppression. Apply a gender sensitive approach in the work and organisational structures.
- Seek partnerships with non-Muslim organisations such as women's rights organisations and the wider anti-racism struggle in the Netherlands.
- Campaign on the intersection of anti-Islamophobia, anti-racism and women's rights and gender emancipation. Relevant advocacy days may be International Women's Day on the 8th of March and the Council of Europe's Day Against Islamophobia on the 21st of September.

*Trade unions:*

- Strengthen efforts to combat labour market discrimination, integrate a special focus on Islamophobia and the labour position of Muslim women in both the programmes against racism in the labour market as well as the branch concerned with women's labour position.
- Inform members of their rights and obligations under the Dutch Equal Treatment Act and international Conventions regarding religious dress in the workplace.
- Pay more attention to religious dress in collective labour agreements (CAO).
- Engage in dialogue with employers' organisations on the issue of discrimination against Muslim employees and Muslim women in particular.
- Pay due attention to the vulnerable labour position of undocumented Muslim women and how Islamophobia may affect these women in the workplace, particularly in sectors where undocumented Muslim women tend to be over-represented (such as cleaning services and domestic work). Seek cooperation with migrant and refugee organisations to support these women.

*Women's organisations:*

- Integrate an anti-racism and anti-Islamophobia stance in the fight against patriarchy and gender-based oppression.
- Analyse how the actions of the organisation and its internal dynamic are conducive to or limit the emancipation of Muslim women. Avoid reproducing dominant power divisions, and place people from marginalised groups in positions of leadership.

- Acknowledge that many different choices and roads lead to emancipation and self-determination. Allow for different views on emancipation, labour market participation and economic independence whilst working in the framework of a woman's right to autonomy and freedom of choice.
- Campaign on the intersection of anti-Islamophobia, anti-racism and women's rights and gender emancipation. Relevant advocacy days may be International Women's Day on the 8th of March and the Council of Europe's Day Against Islamophobia on the 21st of September.

*Special attention should be paid to the following:*

- Racism on the basis of skin colour and ethnicity has been evidenced in Dutch society and in the labour market by various studies that have been referenced in this report. Therefore, further attention should be paid to the unique experiences of Black Muslims and Muslim women wearing Islamic dress, and how the intersection of their religion, gender and skin colour affects them.
- Another group to which further attention should be paid is undocumented Muslim women. Approximately 100,000 undocumented people live in the Netherlands, who have been made undocumented under national immigration and refugee regulations. Anti-immigrant and anti-refugee sentiments are not uncommon in the Netherlands. Furthermore, undocumented people need to find employment in the informal labour market. Hence undocumented Muslim women may be at risk of experiencing racist speech, violence and labour exploitation, without being able to seek protection with formal institutions such as the police.

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