



European network against racism

ENAR Shadow Report 2011-2012

ENAR SHADOW REPORT

Racism and related discriminatory practices in The Netherlands

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

The aim of this report is to give an overview of racism and related discrimination in the Netherlands from March 2011 to March 2012. The special focus of this year's report is on Muslim communities and the prevalence of Islamophobia in the country.

After the 2010 elections, the party that had grown the most was Geert Wilders' Partij van de Vrijheid (Party for Freedom - PVV). For the first time in the history of the Netherlands, a minority government had formed. A number of measures were taken by the government that reflected the anti-Islamic stance of the PVV. For instance a ban on clothing that covers the face – including the burqa – was announced, restrictive measures regarding family migration and the admission of asylum seekers and the possibility of denaturalisation of citizens with dual nationality under specific circumstances were envisaged.¹

Legal proceedings against Wilders regarding incitement to hatred and discrimination due to statements made by him in various media outlets about Muslims and their religion came to an end on 23 June 2011. He was acquitted of all charges.

For years now, ethnic minorities were target groups for integration policy. In 2010 the government changed its policy. The government announced that integration policy will no longer target specific groups.

On 13 September 2010, the Dutch government sent an anti-discrimination action programme to the House of Representatives. On 7 July 2011, the government sent plans to tighten up the measures in this action programme to the House of Representatives.

Since 2009 all municipalities in the Netherlands are required to provide anti-discrimination services for advice and support regarding discrimination complaints (in conformity with the Municipal Anti-Discrimination Services Act). At the end of 2011 the collected data were sent to the Parliament. The law will be evaluated in 2012.

A study on the labour market position of persons with no migration background published in 2011 by institute for policy research 'Research voor Beleid' concludes that a wide range of factors contribute to the high unemployment figures among persons with a migration background. It states that there are strong indications that ethnic discrimination is one of these contributory factors.

The 1994 General Equal Treatment Act (GETA) (*Algemene wet gelijke behandeling, Awgb*) offers employers the possibility of pursuing an affirmative

¹ FORUM, Institute for Multicultural Affairs, *FORUM Survey: Muslims in the Netherlands* (August 2012), p. 4.

action policy for women and persons belonging to certain ethnic and cultural minorities. The current Dutch government rejects this measure which was adopted to help reduce the structural disadvantages encountered by these groups on the labour market. The coalition agreement presented on 30 September 2010 announced that the government will abolish the “diversity/affirmative action policy on the basis of gender and ethnic origin.”

Acts of violence against Islamic places of worship in the Netherlands show that the country is part of the more general increase in Islamophobia in many Western countries over the past decade.

Discrimination against Muslims in the workplace is often expressed in terms of objection to the wearing of headscarves. More and more companies and organisations implement restrictive dress code, whereas in the past clothes were considered a matter of personal choice. Both incidental bans on headscarves and (new) general formal dress codes make it more difficult for Muslim women wearing a headscarf to gain access to the labour market.²

According to the Reporting Centre for Discrimination on the Internet (MDI), most of the discriminatory statements reported on the Internet and social media websites concerned hatred against Muslims.

Recommendations

Non-Discrimination

Develop specific measures against discrimination based on race due to the fact that this is the most persistent and common form of discrimination in the Netherlands. More actively execute the action points arising from the Durban WCAR 2001.

Special Focus: Muslim Communities

- Make addressing the issue of Islamophobia a government priority, along with other forms of racism and discrimination.
- Adopt an inclusive definition of national identity to better reflect the diversity of the Dutch population. Recognise and teach the Islamic heritage and its contribution to the European civilisation.
- Withdraw draft legislation to introduce a complete ban of full-facial veils in public put forward by the government on 6 February 2012.

Employment

Develop a strategy aimed at improving implementation of domestic anti-discrimination legislation especially as it applies to the policies or rules of private employers. Specific initiatives should be put in place to raise awareness of Muslims and other ethnic and religious minorities regarding available mechanisms to redress violations.

² Equal Treatment Commission, *Comments on the combined fourth and fifth Dutch report on The implementation of the International Covenant on Economic, Social and Cultural Rights: the headscarf and access to the labour market*, (November 2009), p8.

Criminal justice

Undertake initiatives aimed at monitoring and collecting data on all forms of discrimination including on grounds of religion or belief, ethnicity and gender as well as the intersections between these and other grounds. Pursue initiatives to raise awareness among ethnic and religious minorities of available mechanisms to seek redress for discrimination.

Media

Webmasters should gain more knowledge about anti-discrimination laws and should be more conscious of the negative consequences of prejudice and discriminatory debate for individuals and society as a whole.

2. Table of contents

1. Executive summary.....	2
2. Table of contents	5
3. Introduction	6
4. Significant developments in the country during the period under review	8
5. Special focus: Islamophobia	13
6. Access and full participation in all collective areas of society	23
6.1 Racism and related discrimination in employment.....	25
6.2 Racism and related discrimination in education	30
6.3 Racism and related discrimination in housing	32
6.4 Racism and related discrimination in health.....	34
6.5 Racism and related discrimination in access to goods and services.....	36
6.6 Racism and related discrimination in political participation	38
6.7 Racism and related discrimination in media.....	40
6.8 Racism and related discrimination in criminal justice	42
7. Civil society assessment and critique in ensuring protection of fundamental rights	47
8. Good practices.....	48
9. National recommendations	51
10. Conclusion	52
Bibliography	53
Annex 1: List of abbreviations and terminology	57

3. Introduction

In September 2010, after 127 days of negotiations, the Dutch free-market liberal party VVD and the centre-right CDA reached an agreement to form a minority government with the backing of the Freedom Party (PVV) led by Geert Wilders. The PVV is known for its anti-Islamic stance and advocates a ban on mosques and a limit on immigration from Muslim countries. In April 2012, the coalition government of the Netherlands resigned. After weeks of budget talks it collapsed when the far-right Freedom Party (PVV) of Geert Wilders, refused to support additional cuts needed to bring the deficit in line with European Union rules. New elections will be held on 12 September 2012.

The general aim of this report is to give an overview concerning racism and relation discrimination in the Netherlands in the period March 2011 to March 2012. This edition's specific focus of the ENAR national shadow report will be on the situation of Muslim communities in the Netherlands.

The Netherlands has a total population of 16,655,799. Data on the Dutch population are derived from Statistics Netherlands (*Centraal Bureau voor de statistiek, CBS*), which is responsible for official statistical information. In the Netherlands, there are 1,735,217 first generation migrants (born outside of the Netherlands) and 1,691,802 second generation migrants. A person is identified as a second generation migrant, if at least one of his or her parents was born abroad.

The CBS distinguishes between migrants originating from Western countries and migrants originating from non-Western countries (i.e. between industrialised and non-industrialised countries). There are 1,899,245 non-Western migrants in the Netherlands. The Dutch government regards this category of migrants as ethnic minorities. The four biggest groups of non-Western migrants are Turks, Moroccans, Surinamese and Antilleans: there are 388,967 Turks, 355,883 Moroccans, 344,734 Surinamese and 141,345 Antilleans of both first and second generations.³

The data on the number of complaints received by the ADAs consistently indicate that, among the afore-mentioned groups of non-Western migrants, people of Moroccan descent report by far the most frequent experiences of racial discrimination.

Based on CBS data the number of Muslims in the Netherlands at the end of 2010 was estimated at 907,000 persons (6% of the population). This group has been seriously impacted by discrimination and racist rhetoric.

In 2008, the European Commission against Racism and Intolerance (ECRI), a nongovernmental organisation set up by the Council of Europe, published a report concerning discrimination in the Netherlands. The ECRI concluded that

³ Centraal Bureau voor de Statistiek (CBS), <http://statline.cbs.nl/StatWeb/publication/?DM:>, accessed 12 September 2012.

the tone in public and political debate in the Netherlands had deteriorated dramatically in recent years and had led to an alarming polarisation of opinion. The ECRI appealed to the Dutch government to be more active in countering discrimination and to revise its policies. The Cabinet did not accept ECRI's conclusion about the harsh tone of public debate. It argued that such debate helped to address actual problems.⁴

For more information on ethnic groups and religious groups in the Netherlands the reader is referred to the earlier shadow reports on the ENAR website.

For a number of years, ethnic minorities have been target groups for integration policy. In 2010 the government changed its policy. The government announced that integration policy will no longer target specific groups. People who wish to live in the Netherlands are expected to contribute to social cohesion and demonstrate involvement and citizenship. The government considers itself justified in imposing requirements on immigrants because society places the same demands on its own citizens. This was the message conveyed by the Minister of the Interior and Kingdom Relations, Piet Hein Donner, in a letter to the House of Representatives on integration, engagement and citizenship. With this change of course, the government "distanced itself from the relativism embedded in the model of the multicultural society" and "the new integration policy takes as its starting point a society which is changing, partly due to the influence of migrants, but is not interchangeable with any other".⁵

In recent years, partly due to the consequences of the economic recession, government funding for NGOs was reduced. A number of organisations have merged while others have been forced to stop their work completely due to lack of funds, thus making it more difficult to have the voices of 'victims' heard.

⁴ ECRI, European Commission against Racism and Intolerance, Council of Europe, *Third Report on the Netherlands*, Adopted on 29 June 2007, (February 2008).

⁵ <http://www.rijksoverheid.nl/documenten-en-publicaties/notas/2011/06/16/integratienota.html>, accessed 12-9-2012.

4. Significant developments in the country during the period under review

4.1 Changes in regard to the communities most vulnerable to racism or related discrimination in your national context

Everyone in the Netherlands is protected by law from discrimination. The ban on discrimination is enshrined in article 1 of the Dutch Constitution. The government rejects every form of discrimination on the basis of race, religion, belief, sex, sexual orientation, or on any other grounds whatsoever. According to the Dutch government discrimination is at odds with the notion of citizenship: it creates obstacles to an individual's involvement in society and impedes them from participating and investing in their community. The House of Representatives monitors the progress of efforts to tackle discrimination. On 13 September 2010, the Dutch government presented an anti-discrimination action programme to the House of Representatives.⁶ On 7 July 2011, the government also sent plans to tighten up the measures in this action programme to the House of Representatives.⁷

Letters to parliament on discrimination also include preventive measures, including measures to combat discrimination in education, guidelines for website moderators to keep their websites free from discriminatory content that constitutes a criminal offence, and support from central government for local anti-discrimination policies.

The letters describe a range of methods for investigating and prosecuting those

who engage in discriminatory behaviour. When an individual is prosecuted for an offence which also involves discrimination, the Public Prosecution Service considers the discriminatory aspect to be an aggravating factor when deciding what sentence to request. Since 2009, discrimination has been defined as an aggravating factor warranting a 50% increase in the sentence. Before 2009 discrimination led to only a 25% increase. As from May 2011, another aggravating factor has been incorporated for such offences, warranting a 100% increase in the sentence demanded. The public prosecutor can apply for this latter increased sentence in case of serious criminal offences motivated by discriminatory factors.⁸

⁶ <http://www.rijksoverheid.nl/onderwerpen/discriminatie/documenten-en-publicaties/kamerstukken/2010/09/13/beleidsreactie-poldis-2009-en-actieprogramma-bestrijding-van-discriminatie.html>

⁷ <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2011/07/08/brief-tweede-kamer-aanscherping-bestrijding-discriminatie.html>

⁸ <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2011/07/08/brief-tweede-kamer-aanscherping-bestrijding-discriminatie.html>, p. 6 and Aanwijzing discriminatie (2007A010), <http://www.om.nl/organisatie/beleidsregels/overzicht/discriminatie/@155214/aanwijzing/>

From the autumn of 2012 onwards, an annual letter on discrimination will be published, in which the government will report progress on this issue.⁹

There are 240 different ethnic groups in the Netherlands. 20% of the population are members of ethnic minority groups: 9% are of Western origin and 11 % of non-Western origin.¹⁰

There has been a considerable decrease in immigration among non-Western ethnic minority groups in recent years. Due to the decrease in immigration, the growth in the number of Moroccan, Turkish and Suriname Dutch has dropped: today these groups are mainly increasing as a result of the birth rate. With an average birth rate of 1.9 children, non-Western women can now be compared to native Dutch women (1.8 children). Moroccan women are the only group with a higher birth rate (2.6 children), although the average birth rate in this group is decreasing rapidly as well.

Besides the traditional migrant communities, new groups are emerging and rapidly increasing. These groups come from Poland (77,000), the former Soviet Union (56,000), China (54,000), Afghanistan (39,000) and India (20,000).

The first generation of non-Western migrants still forms the largest group; two out of every five non-Western migrants were born in the Netherlands. There are relatively few third-generation migrants. The migrant population is younger than the overall population, and 33% of these people live in the four major cities. An estimated 907,000 Muslims and 110,000 Hindus reside in the Netherlands. Most of the non-Western migrants (and 75% of Turks and Moroccans) hold Dutch nationality, and some of them have dual nationality.¹¹

Other large non-Western groups residing in the Netherlands besides the above-mentioned are the Somalis, the Iranians, the Iraqis, the Capeverdiens and the Ghanians. It is difficult to determine the number of Roma and Sinti but it is believed there are several thousands.¹²

4.2 Changes in legal developments regarding discrimination and equality legislation from the previous year

At an urgent parliamentary debate on 4 December 2010 concerning violent incidents around mosques, the government promised to develop an additional set of measures to strengthen the Action program 'Combat Discrimination'

⁹ Human Rights Council Working Group on the Universal Periodic Review Thirteenth session, Geneva, 21 May - 4 June 2012, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Netherlands.

¹⁰ FORUM Fact sheet, *Ethnic diversity in the population*, (11 November 2010), p. 1.

¹¹ Ibid.

¹² Donselaar, J. van and Rodrigues, P.R. *Monitor racism en extreem rechts; vierde rapportage*, (Amsterdam: Anne Frank Stichting, 2001), p.118 and Rodrigues, Peter R. and Matelski, Maaïke, *Monitor racism & extreem-rechts: Roma en Sinti*. (Amsterdam: Anne Frank Stichting / Universiteit Leiden, 2003).

(*Actieprogramma 'Bestrijding van discriminatie'*), adopted on 13 September 2010.¹³ A new action program was presented on 7 July 2011. Besides general measures, the cabinet tabled specific measures to combat anti-Semitism and discrimination against LGBT people. Several measures encourage the public to report discrimination to the police. Criminal penalties for severe assaults with a discriminatory aspect have been increased. Other measures include the training of police to better recognise and register discriminatory incidents against LGBT people. The government will report on developments and concrete measures in an annual discrimination letter (*discriminatiebrief*) to the House of Representatives.¹⁴

Since 2009 all municipalities in the Netherlands must provide antidiscrimination services which give advice and support regarding discrimination complaints (in conformity with the Municipal Anti-Discrimination Services Act – *Wet op de Anti Discriminatie Voorzieningen*). Every year the municipalities receive €6 million for this purpose. Beginning from 2011 the municipalities are also obliged to provide annual reports to the government about the type and number of discriminatory incidents in their municipality. At the end of 2011 the collected data were sent to the Parliament. The law is due to be evaluated in 2012.¹⁵

The 1994 General Equal Treatment Act (GETA) (*Algemene wet gelijke behandeling, Awgb*) offers employers the possibility of pursuing an affirmative action policy for women and persons belonging to certain ethnic and cultural minorities.¹⁶ The current Dutch government rejects this measure which was adopted to help reduce the structural disadvantages encountered by these groups in the labour market. The coalition agreement presented on 30 September 2010 announced that the government will abolish the “diversity/affirmative action policy on the basis of gender and ethnic origin.” According to the coalition parties, “selection must be based on quality.”¹⁷

The bill to establish a human rights body was passed by the House of Representatives on 19 April 2011. By setting up this so-called 'Human Rights College' (*College voor de Rechten van de Mens*), the Netherlands meets its commitments to the UN and the Council of Europe. The institute will incorporate the Equal Treatment Commission.¹⁸

The national association against discrimination Art.1 was split up on 23 March 2011. The regional anti-discrimination offices (ADAs) and the knowledge centre Art.1, that together formed the association, continue their work separately. The ADAs founded two new branch organisations: the National

¹³Trouw, *Spoeddebat over geweld tegen moskeeën*, <http://www.trouw.nl/tr/nl/4492/Nederland/article/detail/1811799/2010/10/28/Spoeddebat-over-geweld-tegen-moskeeen.dhtml>, (28 October 2010).

¹⁴ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, FRANET NFP The Netherlands, (December, 2011), p.96.

¹⁵ http://wetten.overheid.nl/BWBR0026168/accessed_12-09-2012

¹⁶ http://wetten.overheid.nl/BWBR0006502/accessed_08-12-2012

¹⁷ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, p. 96-97.

¹⁸ <http://www.mensenrechten.nl>

Branch Organisation Anti-discrimination Agencies (Landelijke Brancheorganisatie Antidiscriminatiebureaus, LBA) and the Partner Anti-discrimination Agencies Netherlands (Samenwerkende Antidiscriminatiebureaus Nederland, SAN).¹⁹

4.3 Changes in migration, asylum and integration policies

In the new bill on Integration, Engagement and Citizenship, introduced to the House of Representatives by the Minister of the Interior and Kingdom Relations, Piet Hein Donner, it was explained that those who wish to live in the Netherlands are expected to contribute to social cohesion and demonstrate involvement and citizenship. The government deems itself justified in imposing requirements on immigrants because society places the same demands on its own citizens. With this change of course, the government is distancing itself from the relativism embedded in the model of the multicultural society. The new integration policy takes as its starting point a society which is changing, partly due to the influence of migrants, but is not interchangeable with any other. The new integration bill (covering letter and 15-page action plan) called for an end to integration policy and a tougher approach to those who ignore Dutch values or disobey the law. Integration policy would no longer target specific groups. The letter sets out the following measures in the area of integration, engagement and citizenship:

- the Civic Integration Act will be amended and made more rigorous;
- grants and measures for the integration of specific groups will be terminated and incorporated in general integration policy;
- a bill dealing with forced marriage under criminal law will be introduced, and prevention of forced marriage will be made a priority;
- bill will be introduced banning clothing which covers the face in public;
- a common agenda for modern citizenship will be drawn up in cooperation with municipalities, civil society organisations and citizens²⁰

4.4 Roma

In the European Council of 24 June 2011, the EU member states agreed that by the end of 2011 each member state would draft a national strategy or a set of general policy measures to foster social inclusion of the Roma. A preference was expressed for measures focusing on the themes of education, employment, health and housing. In line with the basic principles of the government's policy document on integration, social cohesion and citizenship published on 16 June 2011, the government wrote a paper in which it describes its general policy for improving the position of Roma in the Netherlands. In addition to the themes set by the European Council, the Dutch

¹⁹ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, p.97

²⁰ <http://www.government.nl/documents-and-publications/press-releases/2011/06/17/integration-policy-based-on-dutch-values.html>, accessed 14 September 2012.

government also highlighted two other subjects, namely combating socially unacceptable and criminal behaviour and exploitation of Roma children. In preparing this document, the government consulted with the Dutch Sinti and Roma Institute (*Nederlands Instituut Sinti en Roma*, NISR) and the Roma community.²¹

²¹ http://ec.europa.eu/justice/discrimination/files/roma_nl_strategy_en.pdf, accessed 15 September 2012.

5. Special focus: Islamophobia

With the arrival of primarily non-Western Muslim migrants in the Netherlands, particularly in urban areas, religion returned in the public domain and is now on the political agenda of a highly secularized Netherlands. For many years now the debate on the position of Muslims in the Netherlands has had a huge impact on the political landscape and has made it one of the most important topics of debate. There seems to be a ready audience in the Netherlands for an Islamophobic ideology. Islamophobic statements are frequently expressed in new forms of media such as social networking sites and blogs. Worldwide, the Netherlands is regarded by Islamophobic ideologues as the front line in the 'clash of civilisations'.²²

Initially there seemed to be room for Islam in the public domain of the Netherlands. The founding of mosques (there are now around 450) and Islamic schools was possible in a country where tolerance towards religious communities

was enshrined in the Constitution and religious communities had the freedom to build their own organisations. A number of events have altered this situation. Among other events, the terrorist attack of 9/11 and the murder of filmmaker Theo van Gogh in 2002 have put a severe strain on the relations between Muslims and non-Muslims in the country.

Migration gradually came to be perceived as a problem where cultural and religious practices conflict with modern values. An example of this is the selectivity of the current integration program in which integration is only required for non-Western migrants.²³

After the 2010 elections, the party that had seen the most growth was Geert Wilders' Partij van de Vrijheid (Party for Freedom - PVV). For the first time in the history of the Netherlands, a minority government had formed. As the PVV provided structural support to the cabinet in return for a say in policy, the cabinet was assured of a majority for its policies. Therefore a number of measures were taken by the government that reflected the wishes of the PVV were announced. These included a ban on clothing that covers the face, such as the burqa, restrictive measures regarding family reunion and the admission of asylum seekers and the possibility of denaturalisation of citizens with dual nationality under specific circumstances. However, differences of opinion between the coalition parties with regard to Islam – PVV regard Islam as a political ideology rather than a religion – remained a stumbling block.²⁴

²² Valk, Ineke van der, *Islamophobia in the Netherlands*, (Amsterdam: Pallas Publications-Amsterdam University Press, 2012), p. 10.

²³ Raad voor Maatschappelijke Ontwikkeling (RMO), *2.4 Migratie als cultureel-religieus probleem*, in: *Migratiepolitiek voor een open samenleving*, (mei 2011).

²⁴ FORUM, Institute for Multicultural Affairs, *Muslims in the Netherlands 2012*, FORUM Survey, August 2012, p. 4.

There were an estimated 950,000 Muslims in the Netherlands at the start of 2011. This was equivalent to 6% of the population. 70% of the Muslim population in the Netherlands are of Turkish or Moroccan origin. The remaining 30% were originally refugees from countries including Afghanistan, Iran, Iraq and Somalia or are descendants of migrants from former colonies such as Indonesia and Suriname (around 10% of the Surinamese in the Netherlands are Muslims, and mostly of Indian or Javanese ancestry).²⁵ An estimated 47% of all non-Western migrants are Muslims. The 13,000 Muslims of native Dutch origin include both converted native Dutch and 'third-generation immigrants'.²⁶

Muslims are the most frequent victims of discrimination on the grounds of religion. They experience difficulties due to the often stereotypical and generalized discourse about Muslims and Islam. One point of concern is the increasing number of violent incidents against Muslims in the Netherlands. Records indicate peaks in the number of incidents that are directly or indirectly related to major events or international political unrest, especially in the Middle East.²⁷

In a 2009 survey one-third of the interviewed Moroccans and one-fifth of the Turks, indicated that they had been discriminated against on the streets on grounds of skin colour, country of origin or religion in the preceding twelve months.²⁸

In 2009, the anti-discrimination bureaus in 28 municipalities recorded a total of 182 complaints of discrimination on grounds of race, skin colour or origin lodged by Turks and 349 by Moroccans. Of all the groups surveyed, Moroccans lodged by far the most complaints. The number of reports of discrimination on grounds of origin, colour or race lodged by Moroccans and Turks has remained relatively stable since 2002.²⁹

In 2010, an analysis of incidents of discrimination by the police showed that 13% of the 2,238 incidents targeted Turks, Moroccans or Muslims. Two years earlier this figure rose to 15%.³⁰ The actual extent of discrimination is thought to be much higher as not all incidents are reported.

According to the Reporting Centre for Discrimination on the Internet (MDI), most of the discriminatory statements reported on the Internet and social media websites concerned hatred against Muslims.³¹

²⁵ Ibid., p. 5.

²⁶ Ibid., p. 8.

²⁷ Boog, Igor, Dinsbach, Wies, Donselaar, Jaap van, and Rodrigues, Peter R. (red.), *Monitor rassendiscriminatie 2009*, Rotterdam: Landelijk Expertisecentrum van Art.1, (2010), p. 9.

²⁸ Ibid.

²⁹ Art.1, *Kerncijfers 2009. Landelijk overzicht van discriminatieklachten geregistreerd bij antidiscriminatie bureaus en meldpunten in Nederland*, (2010).

³⁰ Wit, W. de and Sombekke, E. *Poldis 2010. Criminaliteitsbeeld discriminatie*. (Nijmegen: ITS, Radboud Universiteit Nijmegen, June 2011).

³¹ FORUM, Institute for Multicultural Affairs, *Muslims in the Netherlands 2012*, p. 20.

According to available data, there was actually a slight quantitative decrease in anti-Islamic violence in the Netherlands in 2009. Nonetheless, the the rate of anti-Islamic violence remained high relative to other crimes. For several years now MDI has been highlighting the large number of reports of discriminatory comments on the Internet;³² “*Although the public debate about Muslims on the streets, on television and in the newspapers is already fairly heated, the threshold for making offensive remarks on the Internet is low, and Muslims are grossly insulted there on a frequent basis.*”³³

A large proportion of the reported statements on the Internet are illegal and have been removed at the request of the MDI, and reported to the police if necessary. In its annual report for 2010 MDI stresses that discriminatory comments have become more and more hard-line in recent years, with the number of statements inciting violence showing a very large increase.³⁴

Compared with the inhabitants of other western nations, the Dutch have a relatively low opinion of Muslims. The Pew Research Center, an independent American research organisation, says that the proportion of the Dutch population with negative views of Muslims has remained reasonably steady since 2005, at around 50%. This compares to 14% in the United Kingdom in 2005, and 22% in the United States, although there were similar percentages in Germany to those in the Netherlands.³⁵

The Netherlands has two official national Islamic organisations with which government maintains contact and consults on a range of issues: the Muslims and Government Contact Platform (CMO) and the Contact Group Islam (CGI).

Several organisations represent the interests of Muslim women in the Netherlands. Al Nisa is a well-known voluntary organisation of Dutch Muslim women based in Amsterdam.³⁶ The National Islamic Women Network (LIVN) is a network organisation for women and women’s organisations committed to the social participation and emancipation of Muslim women.³⁷ There are many local and regional Muslim youth and student organisations. Some of these focus on the Islamic identity, while others explicitly do not.³⁸

A 2009 survey of the European Union Agency for Fundamental Rights (FRA) showed that migrant groups from countries with predominantly Muslim populations living in 15 EU countries experienced high levels of discrimination. In Italy, more than a half of the migrants from Northern Africa had experienced discrimination in 2008 as had 40 per cent of those in Spain and one third in Belgium. One third of migrants from Turkey living in Germany and one third of those in the Netherlands experienced discrimination in 2008.

³² Valk, Ineke van der, *Islamophobia in the Netherlands*, p. 10-11.

³³ Meldpunt Discriminatie Internet (MDI), *Jaarverslag 2010*, p. 18, <http://www.meldpunt.nl/publicaties/mdi-jaarverslag-2010>

³⁴ Valk, Ineke van der, *Islamophobia in the Netherlands*, p. 32.

³⁵ Ibid. p. 11.

³⁶ <http://www.alnisa.nl/>

³⁷ <http://www.livn.nl/>

³⁸ FORUM, Institute for Multicultural Affairs, *The position of Muslims in the Netherlands*, Factbook March 2010.

Of these respondents, 10 per cent associated their discriminatory experiences with religion and 43 per cent with the intersection between religion, ethnic origin and migrant status.³⁹

According to the UN definition Islamophobia “refers to irrational hostility and fear toward Islam, and therefore aversion and fear toward Muslims or the majority of them. It also refers to the practical consequences of such hostility in the form of discriminations, unequal treatments toward Muslims (individuals and communities) and their exclusion from the main political and social agenda.”

In 2010, 6% of the overall number of opinions issued by the Dutch equality body, the Equal Treatment Commission, related to religion.⁴⁰ Although the overall number of requests and opinions regarding discrimination on the ground of religion is small compared with other grounds and data are not disaggregated by religious denomination almost all the religion-related complaints come from Muslims. Many involve the wearing of religious and cultural symbols or dress and are filed by women. A small number men have allegedly faced discrimination because of their beard, but in general complaints made by men tend to relate to issues other than dress, such as praying time at work or the refusal to shake hands with women. The Commission issued very few opinions on the matter of shaking hands; however, this issue received such prominent media coverage that Muslims are now more likely to be questioned about their willingness to shake hands with people of the opposite sex in job interviews. Municipal anti-discrimination bureaus, which support victims of discrimination at the local level (see domestic legislation), received 401 complaints on the ground of religion in 2010, which represented 6.6% of the overall number of complaints. Most were related to Islam.⁴¹

The Dutch anti-discrimination legislation provides protection against discrimination on the ground of religion in the area of employment. Differences of treatment on the ground of religion are lawful “if justified by a legitimate aim and when the means to achieve it are appropriate and necessary”.⁴² The Equal Treatment Commission and other support mechanisms available to victims of discrimination have raised concerns over regulations applied by some private employers to restrict the wearing of religious and cultural symbols and dress. According to the data available to these mechanisms, such restrictions have a disproportionate impact on Muslims and particularly on Muslim women. In its Islam report Amnesty

³⁹ European Union Agency for Fundamental Rights, ‘European Union Minorities and Discrimination Survey’, Data in Focus Report, Muslims: Experiences of discrimination in the previous 12 months, 2010, p.5. – from: Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe (AI 2012)*.

⁴⁰ Commissie Gelijke Behandeling, Jaarverslag 2010 <http://www.mensenrechten.nl/publicaties/detail/9896>

⁴¹ Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe*, p.52.

⁴² http://wetten.overheid.nl/BWBR0006502/geldigheidsdatum_09-12-2012#Hoofdstuk1, Article 2.1

International requests the Dutch government to ensure that the justifications included in Article 2 of the General Equal Treatment Act (GETA) that allow for differences of treatment on the ground of religion are interpreted and implemented according to international non-discrimination standards.⁴³ These standards stipulate that these differences are only permissible if they based on an objective and reasonable justification.

The Dutch government, according to Amnesty, has an international obligation to exercise due diligence in order to prevent discrimination perpetrated by private actors. Although effective mechanisms of redress are made available to alleged victims of discrimination, such as the anti-discrimination bureaus, the Dutch government should undertake further efforts to ensure that private employers do not restrict the wearing of religious and cultural symbols and dress unless the restriction is demonstrably necessary and proportionate with respect to one of the aims permissible under international human rights law, such as protecting public safety or health or the rights of others. Restrictions going beyond this are likely to involve indirect discrimination against Muslims and, in particular, may constitute a further barrier for Muslim women to access the employment market.⁴⁴

The Party for Freedom supported the liberal-conservative governmental coalition in The Netherlands. The huge electoral success of the PVV in 2010 was for the most part caused by its nationalist and anti-Islamic stance. Its leader, Geert Wilders, stated that “Islam is the biggest threat, threatening our country and the entire free Western world. We have too much mass immigration from Muslim countries and too many hate palaces – Cohen [leader social democrats] labels these as Mosques, I believe – and immigrants are still overrepresented crime statistics. Enough is enough.”⁴⁵

The Trial of Geert Wilders

The Amsterdam district court dealt with a criminal case brought against Geert Wilders in October 2010. The trial was then postponed after a second challenge to the judges’ impartiality. The process was resumed on February 7, 2011 at the Amsterdam District Court. The Dutch Public Prosecution Service (OM) prosecuted Wilders for offences against sections 137c and 137d of the Dutch Criminal Code. He allegedly incited hatred and discrimination through statements made by him in various media outlets about Muslims and their religion, for example: *‘The core of the problem is fascist Islam, the sick ideology of Allah and Mohammed as set down in the Islamic Mein Kampf, the Koran. The texts in the Koran leave little to the imagination.’*⁴⁶

⁴³ Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe*, p.57.

⁴⁴ *Ibid.*, p. 59.

⁴⁵ De Telegraaf, ‘Links kan de boom in’, 1 August 2011.

⁴⁶ De Volkskrant, ‘Enough is enough, ban the Koran’, 8 August 2007.

In addition, Wilders was being prosecuted for defamation of Muslims by comparing Islam with Nazism. For example, Wilders said in the short film *Fitna* that he made in 2008: *'Islam wants to rule, submit and seeks to destroy our Western civilisation. In 1945, Nazism was defeated in Europe. In 1989, communism was defeated in Europe. Now the Islamic ideology has to be defeated. Stop Islamisation. Defend our freedom.'*

A number of individuals and organisations filed criminal complaints against Wilders. Initially, the public prosecution service declined to prosecute. Those who had filed the criminal complaints began a legal process under section 12 of the Dutch Code of Criminal Procedure at the court of appeal in Amsterdam to object to the prosecution's decision. On 21 January 2010, the court of appeal ordered the prosecution of Wilders. According to the appeals court, Wilders' remarks were marked by one-sided, strongly generalised formulations with radical tendencies, unceasing repetition and an increasing zeal, which indicates that the remarks may constitute incitement to hatred. Moreover, the appeals court was of the opinion that the majority of the comments were defamatory, as they attacked the essential religious dignity of Muslims. According to the court of appeal, by attacking the symbols of Islam, Wilders in fact harmed Muslims themselves. The appeals court also determined that the prosecution is acceptable even in light of the standards in the European Convention on Human Rights. The court of appeal reached this decision because politicians' comments that incite hatred or harm people cannot pass the muster of European standards considering the special social responsibility of politicians. Finally, the court decided that prosecution of Wilders was desirable, as incitement of hatred endangers the democratic rule of law and that it is in the public interest to have a clear boundary drawn in the current social debate. In 2009 Wilders was charged with five counts:

1. defamation of a group (Section 137c, Dutch Criminal Code),
2. incitement to hatred against people, to wit Muslims, because of their religion (Section 137c, Dutch Criminal Code),
3. incitement to discrimination against people, to wit Muslims, because of their religion (Section 137d, Dutch Criminal Code),
4. incitement to hatred against people, to wit non-Western migrants and/or Moroccans, because of their race (Section 137d, Dutch Criminal Code) and
5. incitement to discrimination against people, to wit non-Western migrants and/or Moroccans, because of their race (Section 137d, Dutch Criminal Code).⁴⁷

Public opinion was deeply divided on the prosecution: 50% supporting Wilders and 43% opposed.⁴⁸

In late October 2010, the Dutch court approved a request from Geert Wilders to have new judges appointed, obliging the court to retry the case. On 7

⁴⁷ FORUM, Institute for Multicultural Affairs, Factsheet *The Trial of Geert Wilders*, (January 2011).

⁴⁸ Angus Reid Global Monitor, *Dutch React to Prosecution of Wilders*, 3 February 2009, http://www.angusreid.com/polls/view/32758/dutch_react_to_prosecution_of_wilders, accessed 24 September 2012.

February 2011, Wilders returned to the court room. On 23 June 2011, Wilders was acquitted of all charges. The Amsterdam District Court noted that his speech constituted legitimate political debate, though at the edge of what is considered acceptable. The Public Prosecution Service decided not to appeal against the verdict and the criminal proceedings came to an end.⁴⁹

In February 2012, Wilders' party launched a website targeting Polish immigrants, who had arrived by the thousands as the Netherlands opened its door to more workers from poorer parts of the European Union in the mid-2000s. The site invited Dutch citizens to report Eastern Europeans for doing anything from "taking your parking spaces" to "taking your jobs." Many of the Dutch people seemed embarrassed by the move, but the website also brought latent animosity to the surface. It also revealed that the Polish community was vulnerable to scapegoating.⁵⁰

The Dutch Association of Mediation and Employment Agencies (NBBU) consider the PVV website for complaints about Poland and other Eastern Europeans unnecessarily hurtful. "The Netherlands is an internationally operating economy, we need workers," commented NBBU director Marco Bastian. "The site radiates that Eastern Europeans do damage to our country. That is offensive and a misrepresentation. Poland and other Eastern Europeans are not a problem in our society; they are on the contrary often the solution to keep our economy afloat."

The report "Arbeidsmigrant werkt!", prepared by the organizations of entrepreneurs VNO-NCW and MKB-Netherlands, shows that labor migration is of great importance to the Dutch economy and Dutch prosperity.⁵¹

"The balance of labor migration is positive and the image may not be determined by negative incidents," the report said. The NBBU agrees fully to this. "The hotline has the opposite effect," says Bastian. "Instead of addressing incidents of illegal employment, poor housing, nuisance or exploitation, a whole group of people is set negatively aside. That does not contribute to a solution."

In order to oppose the negative voices, a positive platform regarding people from Central and Eastern Europe has been established on the website www.ProPolen.nl.⁵²

It is striking that many young Poles and in various fields are in unfavorable circumstances. They are often poorly educated and have a relatively poor health (e.g. high rates of obesity). Their unemployment rate is high. They

⁴⁹NRC, 'Wilders op alle punten vrijgesproken', 23 June 2011.

⁵⁰ Washington Post, 'Geert Wilders of the Netherlands reveals a resurgent far right in Europe', 30 April 2012.

⁵¹ VNO-NCW, *Arbeidsmigrant werkt!*, http://www.vno-ncw.nl/Publicaties/Brochures/Pages/Arbeidsmigrant_werkt_165.aspx?source=%2fPages%2fZoeke.aspx%3fk%3darbeidsmigrant (August 2012).

⁵² NBBU, <https://www.nbbu.nl/nieuwsbericht/nbbu-vindt-klachtenwebsite-over-polen-onnodig-kwetsend> (September 2012).

mainly interact with other Poles and do not feel at home in the Netherlands. A large proportion does not know whether they will stay in the Netherlands or will return to Poland.⁵³

Headscarves and ban on the burqa

In return for Wilders' support in parliament, the government had proposed a number of laws, including bans on Muslim facial veils, like the burqa, and on dual nationality. Any opposition parties, including Labour, Democrats 66 and GreenLeft, had already opposed the bans on the facial veil and dual nationality, leaving the proposals without majority support in parliament unless they receive support from the Christian Democrats.⁵⁴

On 16 September 2011, the Council of Ministers (*Ministerraad*) adopted a legislative proposal to ban all clothing which covers the face in public spaces including public buildings, educational institutions, hospitals and public transport.⁵⁵ A violation of this ban could be punishable with a fine of up to €380. The ban would have a disproportionate effect on one particular group of the population: girls and women who choose to wear a burqa or niqab.⁵⁶

Before the proposed legislation was sent to the Parliament, the Council of State (*Raad van State*) issued its opinion, concluding that the arguments given by the government were not sufficient to justify support for the proposal. The resignation of the government in April 2012 makes it uncertain whether the new proposals will become law.

The wearing of headscarves remains a controversial subject in public opinion and the media, particularly in areas such as the workplace and schools.

A recent example is the case of a pupil who went to court when her Roman Catholic school ignored the non-binding opinion of the ETC that its ban on headscarves was unjustified. Both the court and the Supreme Court ruled that this school was within its rights to ban Islamic clothing due to the exception for denominational schools contained in article 7.2 of the GETA.⁵⁷

Discrimination of Muslims in the workplace is often expressing itself in the form of objection against wearing headscarves.

“Many companies do not accept employees or trainees with headscarves, mostly for reasons of ‘neutrality’ or ‘representability’, both in the market sector and in the public sector. There is an increasing number of companies that include a headscarf in their dress code or work wear, such as supermarkets,

⁵³ SCP-publicatie 2011/27, *Poolse migranten. De positie van Polen die vanaf 2004 in Nederland zijn komen wonen*, Jaco Dagevos e.a., Den Haag, Sociaal en Cultureel Planbureau, September 2011.

⁵⁴ Reuters, article Gilbert Kreijger, 24 April 2012.

⁵⁵ Art.1, *Contribution to FRA's annual report 2011*, The Netherlands, FRANET NFP The Netherlands (December 2011), p.103.

⁵⁶ Amnesty International *Submission to the UN Universal Periodic Review*, 13th session of the UPR Working Group, May-June 2012, p. 4.

⁵⁷ Art.1, *Contribution to FRA's annual report 2011*, The Netherlands, p. 104.

but a different tendency is moving in the opposite direction: more and more companies and organizations implement new regulations and decide to introduce a restrictive dress code, whereas they used to consider clothes a matter of personal choice.

Both incidental bans on headscarves and (new) general formal dress codes make it more difficult for Muslim women wearing a headscarf to gain access to the labour market.”⁵⁸

Ban on slaughter of livestock

The proposed ban on the slaughter of livestock without stunning them first led to fierce public debate. This ban removes an exemption from the Animal Health and Welfare Act (*Gezondheids-en welzijnswet voor dieren*) that has allowed Jews and Muslims to butcher animals according to their dietary religious rules. The proposal faced resistance from Jewish and Muslim groups and Christian political parties that insist the initiative is an affront to freedom of religion. The amendment was adopted by the House of Representatives on 28 June 2011. The exemption has repeatedly been called into question over the past decades by animal rights organisations as well as by those who express anti-Muslim resentment. In 2006, 2007 and 2010, a private member's bills to ban ritual slaughter did not obtain a majority of votes.

A majority of senators in the upper house of parliament voted with 51 votes against 21 in June 2012 against the proposal.

Discrimination

The recent report of Amnesty International on discrimination against Muslims in Europe provides an overview of the challenges faced by Muslims and by Muslim women in particular.

‘The Dutch Penal Code punishes several forms of discrimination including discrimination perpetrated by employers on the ground of religion or belief. Data on discrimination-related offences punishable under the Penal Code are collected by the National Expertise Centre on Discrimination (LECD). Seven per cent of the cases prosecuted in 2010 were relating to discrimination on the ground of religion or belief. All these cases involved discrimination against Muslims. Few discriminatory offences committed by employers have been prosecuted. The LECD told Amnesty International that most victims choose the Equal Treatment Commission to file a complaint about discrimination cases in the areas of employment and access to good and services. Unlike the General Equal Treatment Act (GETA), the Penal Code does not foresee the shared burden of the proof as a criminal prosecution is considered to be a measure of last resort to tackle discrimination. In 2010, the UN Committee on the Elimination of Discrimination against Women recommended that the government of the Netherlands “...intensify its efforts to eliminate

⁵⁸ Equal Treatment Commission, *Comments on the combined fourth and fifth Dutch report on The implementation of the International Covenant on Economic, Social and Cultural Rights: the headscarf and access to the labour market* (November 2009), p. 8.

discrimination against immigrant, migrant, black, Muslim and other minority women. It encourages the adoption of proactive measures to further increase their participation in the labour market, improve their awareness of availability of social services and legal remedies and ensure protection against victimization. The Committee also calls upon the state party to conduct regular and comprehensive studies on discrimination against immigrant, migrant and minority women, to collect statistics on their employment, education and health situation and to report them in its next report.”

For women from ethnic and religious minorities, discrimination on the ground of religion compounds other forms of discrimination, such as racial and gender-based discrimination, and contributes to exacerbating several existing challenges, such as low participation in the Dutch labour market. In its 2009 European Union Minorities and Discrimination Survey, the European Union Agency for Fundamental Rights found that only a minority of people with Turkish, North African or Surinamese background in the Netherlands reported incidents of discrimination.”⁵⁹

The public debate in the Netherlands is reflected in the attitude of Dutch nationals towards Muslims. A considerable number of Dutch nationals have a negative view of Muslims, as evinced in a survey by the Netherlands Institute for Social Research (SCP) by their responses to specific statements about Muslims.⁶⁰ A slight change in attitude in a positive direction can be observed since 2006. The SCP has noted that the economic downturn as well as the influx of new migrants has little impact on views about Muslims. However, considerable media attention to migration issues has led to the spread of more negative views about migrants over the past decades. The SCP put similar statements about Dutch nationals to Turkish and Moroccan Dutch respondents. Compared with the native Dutch, a much smaller number of Turks and Moroccans agreed that the Western way of life was incompatible with being a Muslim.

A majority of Turks and Muslims believe that Dutch people’s perceptions about Islam are too negative. A higher proportion of Moroccans than Turks believe this.

In 2006, around 70% of Moroccans and Turks expected tensions between various groups in the Netherlands to increase in the future.⁶¹

⁵⁹ Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe (2012)*, p. 52-53.

⁶⁰ SCP, *Jaarrapport Integratie 2009*.

⁶¹ FORUM, Institute for Multicultural Affairs, *Muslims in the Netherlands 2012*, FORUM Survey, August 2012, p. 17.

6. Access and full participation in all collective areas of society

During the 45th session of the Committee of Economic, Social and Cultural Rights, the Committee voiced its concern that migrants and persons from ethnic minorities in the Netherlands continue to face considerable discrimination in the enjoyment of economic, social and cultural rights, particularly with regard to employment, housing, health and education, in spite of the measures taken by the government. The Committee was further concerned that the situation was compounded by the rise in racism and xenophobia in the Netherlands.

The Committee urged the Netherlands to pay particular attention to the situation of migrants and persons from ethnic minorities in the Netherlands and called on the Netherlands to:

- (a) identify any difficulties faced by these groups in accessing employment, housing, health and education, and take the necessary remedial steps;
- (b) adopt and implement targeted policies and programmes to improve their situation;
- (c) take all necessary measures to combat racism and xenophobia, including through the use of media and education to overcome stereotypes and promote diversity, bearing in mind that changing attitudes will necessitate long-term efforts reaching out to the public at large;
- (d) enforce effectively the legal prohibitions against discrimination in the enjoyment of economic, social and cultural rights; and
- (e) provide in its next periodic report comparative statistics on the enjoyment of economic, social and cultural rights by migrants and persons from ethnic minorities, and the rest of the population.⁶²

In 2010 the National Branch Organisation of Anti-Discrimination Offices (Landelijke Brancheorganisatie van Antidiscriminatiebureaus, LBA) registered 5,468 complaints, 44% of which concerned racial discrimination and over a third of which related to the labour market. Dutch nationals are the largest group among those who file complaints. The 2010 report only contains data on complaints filed with ADAS connected to the branch organisation. No data is available for 2011. The LBA was founded in August 2010. On 1 April 2011 it had ten member organisations. These organisations serve the area in which 70% of the Dutch population live. In 2010 the number of complaints rose by 6%. In 2009 the number of complaints rose by as much as 42%, probably due to the success of the anti-discrimination campaign “Do you need to leave yourself / your identity at home when you go outside?” “*Moet jij jezelf thuislaten als je naar buiten gaat?*” which was launched by the ministry of Interior.⁶³

⁶² Committee Economic, Social and Cultural Rights, 45th session 19 November 2010.

⁶³ Art. 1, *Kerncijfers 2009. Landelijk overzicht van discriminatieklachten geregistreerd bij antidiscriminatie bureaus en meldpunten in Nederland* (2010).

The Police received 2,538 reports of incidents of a discriminatory nature in 2010. In 2009 this number was 2,212, 30% of which related to race and 3.7 % concerned discrimination against Muslims.⁶⁴

The number of incidents related to discrimination based on the Islamic religion dropped from 116 incidents in 2008 to 96 in 2009 and 93 in 2010. The number of discriminatory incidents reported to the police targeting mosques decreased from 32 incidents in 2008 to 16 and 14 incidents in 2009 and 2010.⁶⁵

The number of anti-Semitic incidents reported to the police increased significantly, from 141 in 2008 to 209 in 2009 to 286 in 2010. This is mostly due to an increase in the Rotterdam-Rijnmond region (from fewer than 5 incidents in 2008 to 165 in 2010). It is unclear whether the overall number of reported anti-Semitic incidents is really an indicator of anti-Semitism or whether it also reflects the more general use of slang by football fans.⁶⁶

⁶⁴ Wit, W. de and Sombekke, E. *Poldis 2010. Criminaliteitsbeeld discriminatie*. Nijmegen: ITS, Radboud Universiteit Nijmegen, (June 2011).

⁶⁵ Ibid. p. 15.

⁶⁶ Ibid. p. 24. The fans of the Amsterdam soccer club Ajax call themselves 'super Jews'. They chant 'Jews, Jews' ('Joden, Joden') at games, and adopted Jewish symbols such as the Star of David and the Israeli flag. Soccer club Feyenoord from Rotterdam are Ajax's arch rivals.

6.1 Racism and related discrimination in employment

6.1.1 Manifestations of racism and related discrimination in employment

According to the Dutch contribution to the annual report of the Fundamental Rights Agency, the unemployment rate among persons with a migration background (from non-western countries) was 12.6 % in 2010, compared to 4.5% among persons without a migration background. In 2009 these figures were 10.9% and 3.9 % respectively. In 2010 the unemployment rate among persons under 25 with a migration background (from non-western countries) was 23 % compared to 9.6 % among persons with no migration background. In 2009 these figures were 20.3% and 9.2 % respectively. The net labour participation in 2010 among persons with a migration background (from non-western countries) was 52.8 % compared to 69.4% among persons with no migration background.

Most complaints of discrimination filed at anti-discrimination agencies (ADAs) concern discrimination in the labour market. In 2010, the national Branch Organisation of Antidiscrimination agencies LBA (whose member ADAs serve slightly less than 70% of the Dutch population) reported that 1622 complaints of labour market discrimination (on all grounds) were registered by (the majority of) ADAs. More than half of all complaints of labour market discrimination concern recruitment and selection procedures. Most (58%) of the complaints (all grounds) that are filed at the Equal Treatment Commission (ETC) also concern labour market discrimination. An analysis of all labour market discrimination complaints filed at the ETC from 2005 through 2008 showed that most of these complaints concern recruitment and selection as well as employment terms. A considerable proportion of these complaints concern the wearing of a headscarf.⁶⁷

The Central Bureau of Statistics (CBS) annually collects data on the labour market position of different social categories including ethnic minorities. CBS does not provide information on the extent to which discrimination contributes to the higher unemployment figures among persons with a migration background. A study on the labour market position of persons with a migration background published in 2011 by the institute for policy research 'Research voor Beleid', based on desk research and interviews, concludes that a number of factors contribute to the high unemployment figures among persons with a migration background.⁶⁸ It states that there are strong indications that ethnic discrimination is one of these contributory factors. In the National Survey Working Conditions 2010, a large sample of employees was asked about the occurrence of discrimination on a number of grounds

⁶⁷ Art.1, *Contribution to FRA's annual report 2011*, The Netherlands, FRANET NFP The Netherlands (December 2011), p. 125-126.

⁶⁸ Bouma, Suzanne, Coenen, Lot, and Kerkckhaert, Annejet, *Arbeidsmarktpositie van niet-westerse allochtonen, De stand van zaken, eindrapport*, (Zoetermeer: Research voor Beleid, March 2011).

including skin colour. Research among Polish migrants who arrived in the Netherlands in the past six years showed that 36% had personally experienced discrimination. About half of these experiences happened in the workplace, while looking for job or in public spaces.⁶⁹

Among a national sample of about 1,000 Chinese Dutch, 29% had personally experienced discrimination. The four largest migrant groups (Turks, Moroccans, Surinamese, Antilleans) experience discrimination even more frequently. 17% of the Chinese Dutch had personally experienced discrimination in the workplace, 17% while looking for a job, 10% while dealing with public authorities and 56% in public spaces.⁷⁰

Research conducted by the Vrije Universiteit (Free University), Amsterdam concerning discrimination by temporary employment agencies attracted much media attention.⁷¹ A majority (76% of the Dutch agencies) are guilty of discrimination as they accepted requests from employers who specified that they only wanted Dutch natives as candidates for job vacancies, despite the prohibitions of discrimination in the economic sphere in the Dutch Constitution and in the Criminal Code. The branch organisations in this sector were shocked by the results of the research and promised to fight this by providing extra training and information about discrimination to their members.⁷²

A court case on 11 October 2010 received extensive media attention. Three branch managers from different supermarket stores and a personnel officer from Servex were handed conditional fines for racial discrimination against Moroccans. The store managers sent an e-mail to the personnel officer in which they requested that no more Moroccan job applicants be considered ("Urgent! No Moroccans"). The personnel officer complied with this request for a period of at least 2 weeks.⁷³

The 1994 General Equal Treatment Act (GETA) (*Algemene wet gelijke behandeling, Awgb*) offers employers the possibility of pursuing an affirmative action policy for women and persons belonging to certain ethnic and cultural minorities. The current Dutch government rejects this measure which was adopted to help reduce the structural disadvantages of these groups on the labour market. The coalition agreement presented on 30 September 2010 announced that the government will abolish the "diversity/affirmative action policy on the basis of gender and ethnic origin." According to the coalition parties, "selection must be based on quality."⁷⁴

⁶⁹ SCP-publicatie 2011/27, *Poolse migranten. De positie van Polen die vanaf 2004 in Nederland zijn komen wonen*, Jaco Dagevos e.a., Den Haag, Sociaal en Cultureel Planbureau, September 2011.

⁷⁰ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, FRANET NFP The Netherlands (December 2011), p. 126.

⁷¹ http://www.vu.nl/nl/Images/Scriptie%20Anne%20Backer_tcm9-241356.pdf

⁷² De Volkskrant, "Driekwart uitzendbureaus schuldig aan discriminatie", Jonathan Witteman, <http://www.volkskrant.nl/vk/nl/5273/Werk/article/detail/3009124/2011/11/02/Driekwart-uitzendbureaus-schuldig-aan-discriminatie.dhtml>, 2 November 2011 (September 2012).

⁷³ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, p. 126.

⁷⁴ *Ibid.* p. 96.

In the National Survey Working Conditions 2010 (*Nationale Enquete Arbeidsomstandigheden*) TNO/CBS employees were asked about the occurrence of discrimination on grounds amongst others of skin colour, and religion at their work place. Percentages are disaggregated by sex and age group.

	total	male	female	15-24yrs	24-54yrs	55-64yrs
Does discrimination on grounds of skin colour occur at your work? [N=23,641] (In %)						
Yes, regularly	1.8	2.1	1.4	2.3	1.7	1.4
Yes, sometimes	9.0	10.2	7.5	9.1	9.1	8.0
No	89.3	87.7	91.1	88.6	89.1	90.6
Does discrimination on grounds of religion occur at your work? [N=23,620] (In %)						
Yes, regularly	1.7	2.0	1.3	2.5	1.6	1.3
Yes, sometimes	7.2	8.3	6.1	6.8	7.5	6.6
No	91.1	89.7	92.6	90.7	90.9	92.1

Source: TNO 2011, p. 68⁷⁵

Amnesty International points to research undertaken by the Netherlands Institute of Social Research in the field of employment which has helped to identify some of the underlying discriminatory attitudes of recruitment officers. In particular, the appearance of a candidate has been identified as an important factor influencing recruitment officers during job interviews. Headscarves and beards have been considered problematic especially for positions requiring direct contact with clients but also for back-office positions.⁷⁶

The Dutch Penal Code prohibits several forms of discrimination including discrimination perpetrated by employers on the grounds of religion or belief. Data on discrimination-related offences punishable under the Penal Code are collected by the National Expertise Centre on Discrimination (LECD). Seven per cent of the cases prosecuted in 2010 related to discrimination on the ground of religion or belief.⁷⁷ All these cases involved discrimination against Muslims. Few discriminatory offences committed by employers have been

⁷⁵ Koppes L.L.J., et al. *Nationale Enquete Arbeidsomstandigheden 2010 – Methodologie en globale resultaten*, (Leiden: TNO, 2011), p. 68.

⁷⁶ Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe*, p. 54.

⁷⁷ Wit, W. de and Sombekke, E. *Poldis 2010. Criminaliteitsbeeld discriminatie*. Nijmegen: ITS, Radboud Universiteit Nijmegen, (June 2011).

prosecuted. Most victims choose the Equal Treatment Commission to file a complaint about discrimination cases in the areas of employment and access to good and services. Unlike the General Equal Treatment Act (GETA), the Penal Code does not foresee the shared burden of the proof as a criminal prosecution is considered to be a measure of last resort when tackling discrimination.⁷⁸

6.1.2 Facilitating factors or protective measures to combat employment challenges

According to the Netherlands' national report to the 13th session of the Human Rights Council working group on the Universal Periodic Review the Dutch government considers it important to promote the participation of immigrants in the labour market. It tries to achieve this by putting general measures in place and by trying to remove the barriers experienced by jobseekers in order to provide an efficient personal service that is not based on a person's origins. This is done by using regular measures and instruments that take account of the individual situation of each jobseeker, whether or not they originate from non-Western countries. The local authority plays a pioneering role in this regard. According to the report the government "supports municipal authorities with programmes such as *Impuls Vakmanschap* ('Boosting Expertise') to improve the effectiveness and efficiency of the work done within the social services and to improve the quality of service provided". The government continues to appeal to young people to take responsibility for finding jobs or training opportunities. According to the report "They must be active in taking advantage of opportunities on the labour market". The government states that "the tightening up of conditions and sanctions for young people in the Work and Social Assistance Act will help further this aim. The regional approach launched by the Youth Unemployment Action Plan will remain at the heart of regular policy".⁷⁹

The relatively high level of unemployment among former refugees led to a decision to launch a project for this group in 2006. The object of this employment drive was to help an additional 2,500 former refugees to find jobs within the space of three years. In 2009, it became clear that this objective had almost been achieved (at 90% of the target). A new employment drive was launched in 2010, which is set to run until 2013.⁸⁰

The Dutch government "deems it essential that personnel employed by the public sector should be diverse, to develop a better response to the Netherlands' plural society. The Dutch government monitors the development of diversity in terms of sex, age, and ethnicity on an annual basis. To help different branches of the public sector with their policy on diversity, a diversity

⁷⁸ Ibid. p. 54-55.

⁷⁹ Human Rights Council Working Group on the Universal Periodic Review, Thirteenth session, Geneva, 21 May–4 June 2012, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Netherlands.

⁸⁰ Ibid.

index has been devised. This gives public-sector organisations a clear picture of the composition of their personnel. In 2010, ethnic minorities accounted for 7.9% of employees within the public sector”.⁸¹

Because of the European economic crisis, unemployment figures are continuously rising, which will have a considerable effect on the position of vulnerable groups such low-income and poorly-educated ethnic minorities and migrants on the labour market.

⁸¹ Ibid.

6.2 Racism and related discrimination in education

6.2.1 Manifestations of racism and related discrimination in education

The UN Committee on the Rights of the Child as well as the UN Committee on the Elimination of Racial Discrimination recommended that the Dutch government increase its efforts to combat ethnic segregation in schools. Nonetheless, ethnically segregated schools – the so-called black and white schools still exist in the Netherlands.

In the Dutch Constitution the principle of freedom of education implies that anyone can run a school provided some basic requirements are met. The majority of the privately run schools are religious, mainly Catholic or Protestant. There are 42 Muslim primary schools out of nearly 7,000 overall and one Muslim secondary school among more than 650 in the country. Only a small minority of religious schools have adopted policies excluding pupils of different faiths. Others may have policies limiting the expression of other faiths, including restrictions relating to the wearing of other religious and cultural symbols and dress.⁸²

Children of refugees and asylum seekers have a right to education until their 18th birthday regardless of the status of their parents. Asylum seekers older than 18 years with a residence permit or those who have applied for a residence permit who are entitled to remain in the Netherlands while their decision is pending, can also study.⁸³

Article 7 of the 1994 General Equal Treatment Act (GETA) provides legal protection against discrimination on the ground of religion or belief in the area of education. However, Article 7.2 allows faith-based schools to adopt policies and regulations they deem necessary to preserve their religious ethos, which may include denying access to pupils of other faiths.

Legislation stipulates that the establishment of these requirements should not lead to discrimination on the sole grounds of political opinion, race, sex, nationality, heterosexual or homosexual orientation or civil status.

In practice, the overall majority of private Christian schools in the Netherlands respect the right to freedom of religion or belief of pupils from a non-Christian background. Most of these schools admit Muslim pupils and allow them to manifest their religion, including through the display of religious and cultural symbols and dress. Public schools run by the state are spread throughout the country. Article 48 of the Law on Secondary Education requires privately run schools to admit pupils if no public schools are available within reasonable distance.

⁸² Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe* (2012), p. 73-74.

⁸³ Dutch Council for Refugees (2011).

In the case of a 15-year old Muslim pupil of the Don Bosco College the Haarlem district court ruled that a ban on headscarves imposed by a Catholic high school in the town of Volendam, was legal. The pupil wanted to wear a headscarf during school hours and was therefore refused access by her school. However, the pupil did not wish to change schools. The court stated that the school had an interest in maintaining its Catholic character and the ban did not constitute religious discrimination because similar, non-religious headwear is also banned on school grounds. In the aftermath of the contradicting opinion given by the Equal Treatment Commission (CGB) to the effect that a ban of Islamic headscarves amounts to religious discrimination in the case of the pupil mentioned above, members of parliament from the Party for Freedom (PVV) raised questions with the Minister of Interior and Kingdom Relations and the Minister of Education and Culture. In response the ministers reaffirmed that religious schools do not have the freedom to forbid the wearing of the Islamic headscarf except in circumstances where it is necessary to fulfil their founding principles and according to a consistent policy. MP Geert Wilders, the PVV leader, in a public response to the District Court's ruling expressed the view that many Christian schools should follow the example of the College.⁸⁴

According to research in the Netherlands more than half of Dutch non-Muslim schoolchildren have a negative attitude towards Muslims. One of the causes of this negative image mentioned are 'negative stereotypes about Muslims and negative stereotypes about Islam and that Muslims form a threat to safety'.⁸⁵

Research carried out by Leiden University into Islamophobia among young people has shown that more than half of non-Muslim school-age children in the Netherlands have a negative to very negative image of Muslims and Islam.⁸⁶

According to a survey of 1703 students conducted by an internship databank website, half of the students with a migration background who applied for an internship believe that firms consider ethnicity when selecting interns. 20% of these students had personally experienced discrimination.⁸⁷

⁸⁴ Amnesty International, *Choice and Prejudice, Discrimination against Muslims in Europe (2012)*, p.75-76.

⁸⁵ Jaap van Donselaar and Peter R. Rodrigues (eds.). *Racism & Extremism Monitor: eight report*, Amsterdam: Anne Frank House / Leiden University, 2008.

⁸⁶ Dekker, H, J. van der Noll, J. van der and Capelos, T, *Islamofobie onder jongeren en de achtergronden daarvan*, (Leiden: Leiden University, Departement Politieke Wetenschap 2007).

⁸⁷ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, p. 128.

6.3 Racism and related discrimination in housing

6.3.1 Manifestations of racism and related discrimination in housing

As noted in last year's shadow report in the Netherlands there is a significant shortage of housing. In cities, housing cooperations (woningcorporaties) account for the majority of rental units. The housing market is limited and highly speculative, with prices kept artificially high by government guarantees and the tax deductibility of interest rates (hypotheekrenteaftrek). With the credit crisis, the criteria for access to credit have become very strict, and the middle classes have great difficulty in buying homes, particularly first time buyers.⁸⁸ However, since January 2009 the steep rise in the price of housing has stopped and since then housing prices have dropped significantly.⁸⁹

City policies have tended to replace ethnic minorities with indigenous Dutch or with more wealthy immigrants of Western origin. The financial problems of housing cooperations - such as risky speculation - have *de facto* put an end to most construction and renovation projects, with the exception of projects for sale, mostly for the upper middle classes.⁹⁰

In 2011 a lot of media attention went to the cases of families who were intimidated and forced to move from their homes. This topic has been highlighted several times when same-sex couples had been driven from their homes by young men of Moroccan origin, especially in The Hague and Utrecht. The slowness of the police and bureaucratic indifference of the municipalities were the subject of lengthy discussions.⁹¹

Compared to the majority Dutch population non-Western migrants have lower quality housing and living conditions. Their houses are on average 25% smaller (in square meters) and it is much more common to live in an apartment (60% compared to 28% among the majority population), both for individuals and for families with children. Only 29% of households of non-Western origin own a house (compared with 62% of the native Dutch). These differences are the strongest for families of Moroccan origin. They live the most cramped and report the lowest levels of satisfaction with their housing. Differences in housing conditions are also more significant among the section of the population over the age of thirty.⁹²

⁸⁸ ENAR Shadow report 2010-2011, Dr Laurent Chambon (Fondation Minorités), p.12.

⁸⁹ NU.nl, 'Huizenprijzen opnieuw verder gedaald', <http://www.nu.nl/geldzaken/2939263/huizenprijzen-opnieuw-verder-gedaald.html>, 22 oktober 2012.

⁹⁰ ENAR Shadow report 2010-2011, p.12.

⁹¹ Ibid., http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2009/Goedeburen_kunje_niet_kopen/Persbericht_Goede_buren_kun_je_niet_kopen (August 2011).

⁹² SCP, *Jaarrapport Integratie 2011, 2012*. Ed: M. Gijsberts ; J. Dagevos ; W. Huijnk (Den Haag: Sociaal en Cultureel Planbureau (SCP) 2012), p. 198.

The second generation of non-Western origin on average enjoys better living conditions (larger house, better maintained and equipped) than the first generation. This is also reflected in greater levels of satisfaction with their housing among the second generation. However, levels of satisfaction remain far below that of Dutch natives: 72% of households of non-Western origin are (very) satisfied compared with 92% of the indigenous Dutch. Since the 1990s, homeownership has increased in all groups in society. This growth has been fastest among the Turkish and Moroccan Dutch communities.⁹³

However, satisfaction with neighbourhoods has not increased. In 2009, members of the Turkish and Moroccan Dutch communities voiced more criticism of the (multicultural) population composition of their neighbourhoods and the absence of Dutch nationals than they did in 2006. Besides positive reasons such as the formation of networks of family and friends, the ethnic concentrations in the inner cities are, among other factors, caused by 'white flight' from these neighbourhoods. Another suggested cause is reluctance among members of the Turkish and Moroccan-Dutch middle class to settle in an area populated purely or predominantly by Dutch nationals out of fear of not being accepted or discriminated against, for instance due to negative stereotypes about Muslims.⁹⁴

The ETC conducted a preliminary study regarding discrimination in housing insurance (home and content insurance). In the media it was suggested that a financial firm discriminated based on postal areas, and hence indirectly based on ethnicity. A preliminary study by the ETC no indications of discrimination at this and other financial firms.⁹⁵

There is much debate about the relatively poor housing conditions of recent Polish labour migrants and other Eastern European labour migrants. In various municipalities they live in crowded, large-scale temporary housing projects, outside of residential areas. These projects are often referred to as 'Poles' hotels'. Plans for new 'hotels' often lead to unrest among the local population.⁹⁶

⁹³ Ibid., p. 198-199.

⁹⁴ Ibid., p. 199-200.

⁹⁵ Art.1, *Contribution to FRA's annual report 2011, The Netherlands*, p. 131.

⁹⁶ Ibid.

6.4 Racism and related discrimination in health

A large scale study among Turkish migrants in the Netherlands revealed that their psychological health is worse than that of Dutch nationals and Turks in Turkey. The psychological health of Turkish women in the Netherlands is far worse than those of Dutch and Turkish men.⁹⁷ This is related to the mental and emotional strain associated with migration.

An exploratory study involving 100 undocumented female immigrants in the Netherlands examined the problems these women face while accessing healthcare.⁹⁸ Use of healthcare services by undocumented women is low, partly due to a lack of information and little contact with voluntary support organisations. Those women who were registered with a GP found their GP with the help of a voluntary support organisation. Many undocumented women are afraid that if they register with a doctor, other officials may become informed of the fact that they are residing illegally in the Netherlands. Negative experiences with government institutions, employers, landlords, and other health care workers enforce this prudence.⁹⁹

A paper published in September 2011 examined the relationship between perceived discrimination against Turkish and Moroccan patients and use of General Practitioner (GP) healthcare services in the Netherlands using a survey carried out in 2001 and 2005. It was found that perceived discrimination was associated with non-attendance at the GP. It concludes that ethnic minority patients who feel discriminated against may avoid GP healthcare.¹⁰⁰

The number of elderly migrants with dementia is expanding and will more than double over the next decade. This increase of the number of dementia patients from ethnic minorities is five times higher than the number of native Dutch patients.¹⁰¹ Care for people with dementia is mainly supplied by the family. Research has shown that 80% of caregivers are overloaded or at risk of becoming overloaded. The difficulties faced by migrant caregivers is even higher than that of native Dutch caregivers due to a number of factors including unfamiliarity with dementia and more limited access to care and welfare facilities. The overload that this entails, does not express itself in admission to nursing homes. Less than 1% of Turkish and Moroccan people with dementia are living in a nursing home compared to 30% of Dutch people with dementia. Eventually overload can lead to a negative effect on health, work or education.¹⁰²

⁹⁷ Ibid., p.129 – 130

⁹⁸ Ibid., p.130

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ ActiZ, 'Opening eerste Alzheimer theehuis van Nederland', <http://www.actiz.nl/kleurrijke-zorg/opening-eerste-alzheimer-theehuis-van-nederland>, 1 November 2010, (September 2012).

¹⁰² Ibid.

Research reveals that women from ethnic minority groups - especially those in the poor neighbourhoods of large cities - more frequently experience adverse pregnancy outcomes, such as premature births, lower birth weight, or even perinatal mortality than native Dutch women. In addition, fewer women from ethnic minority groups use dietary supplements in pregnancy, such as folic acid. This is partly due to their socio-economic situation. Thus, children in this section of society are already at a disadvantage in the world, with consequences for further growth, development and opportunities. In fact, one could describe these practices as discrimination at birth since one child comes into the world with more opportunities than another.¹⁰³

CEDAW also expressed concern at the maternal mortality risk for female asylum seekers, which was four times higher than that of native Dutch women. It noted that undocumented female immigrants faced great difficulties in accessing the health services to which they were formally entitled, mainly due to a lack of appropriate information.¹⁰⁴

Increasing numbers of Polish immigrants in the Netherlands are seeking psychological help. In two years, 700 Poles received help from a new mental health institution with Polish-speaking staff. They suffer due to loneliness, poor housing and discrimination. In 2009 an Amsterdam mental health institution with Polish-speaking staff was established. The demand was so great that there are now branches in other cities: Eindhoven, Deventer, Utrecht and Zoetermeer.¹⁰⁵

¹⁰³ LOM samenwerkingsverbanden, National Dialogue Structure with Minorities *Contribution to the second Universal Periodic Review of the Netherlands by the UN Human Rights Council*, 28 November 2011, p. 4.

¹⁰⁴ CEDAW/C/NLD/CO/5, paras. 46 and 47.

¹⁰⁵ RADAR, 'Polen in psychische problemen door discriminatie', 1 November 2011, <http://radar.nl/read/polen-psychische-problemen-door-discrimi> (September 2012).

6.5 Racism and related discrimination in access to goods and services

6.5.1 Manifestations of racism and related discrimination with access to goods and services in the public and private sector

The strict entrance policy of the jeweller Jos Kamerbeek in the city of Nijmegen sparked media debate on discrimination. Over the last 10 years, Mr Kamerbeek has been robbed eight times. "And always by Moroccan and Antillean youths," he said in an interview. The last incident left him partially paralysed. He decided to employ security guards to screen visitors and to keep Antillean and Moroccan youths out: "Youths of Antillean or Moroccan descent need to make an appointment first." The jeweller's decision was widely covered by the Dutch media. One Nijmegen resident turned to the local antidiscrimination agency (Ieder1Gelijk) to file a complaint against Kamerbeek. An employee of the agency understood Kamerbeek's predicament but hoped to convince him of less drastic solutions that wouldn't discriminate against ethnic minorities. A spokesperson of the Dutch Equal Treatment Commission said that discrimination on the grounds of ethnic origin in providing goods and services is forbidden under Dutch law. Other jewellers in the Netherlands understood Kamerbeek's decision but stated that they would not adopt his door policy. Moroccan and Antillean youths are not only criminals but good customers, stated some jewellers.¹⁰⁶

The decision by the organisers of the Utrecht Marathon (which took place on 25 April 2011) to discourage foreign runners by offering different prize monies was widely criticised. The last four Utrecht Marathons were won by Kenyan runners. To encourage local Dutch runners, the director of the marathon decided to award a Dutch winner a prize of €10,000 and a foreign winner a prize of €100 – a clear case of discrimination according to the Expertise Centre on Discrimination Art.1. The local authorities were not pleased. Utrecht Alderwoman Rinda den Besten stated: "It is a great event of which we are so proud but now we are very unhappy. It gets a totally different image."¹⁰⁷ The Equal Treatment Commission decided on this case in October 2011. It held that the distinction was discriminatory: by using the place of residence as a criterion most athletes with an origin and/or a nationality other than Dutch were excluded from the high prize money.¹⁰⁸

¹⁰⁶ Art.1, *Contribution to FRA's annual report 2011*, The Netherlands, FRANET NFP The Netherlands (December 2011), p. 146.

¹⁰⁷ *Ibid.*, p. 145-146.

¹⁰⁸ Commissie Gelijke Behandeling, *Jaarverslag 2011*.
<http://www.mensenrechten.nl/publicaties/detail/17602>

6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services

Discrimination against ethnic minorities in night life (entry of bars, night clubs, etc.) continues. Some large cities have held campaigns with a hotline number or a text message to counter this form of discrimination; however these lines have had little success, as the complaints that are reported are considered to be only the tip of the iceberg. In the city of Rotterdam for instance there were 84 complaints in 2011. The government, together with police and the municipalities, has promised to do more to fight this type of discrimination.¹⁰⁹

As this reporting approach did not lead to an increase in the number of complaints, in 2011 the municipality of Amsterdam decided to continue the campaign in a consultation form. The campaign, called STAPPEN 020, has been organised in partnership with representatives of Amsterdam night life, the police and the local antidiscrimination office. Complaints about access to bars, cafes, nightclubs and other night life facilities can be reported at the antidiscrimination office of Amsterdam.¹¹⁰

However, without heavy fines for the organisations that are reported and clear, mandatory regulations on who can or can be refused entry, substantial results in this area are not feasible.

¹⁰⁹ *Metro* 'Ruim de helft mag disco niet in vanwege afkomst', 26 April 2012.

¹¹⁰ Meldpunt Discriminatie Regio Amsterdam (MDRA), *Jaarverslag 2011*.
<http://www.mdra.nl/sites/default/files/Jaarverslag%20MDRA%202011.pdf>, p. 39.

6.6 Racism and related discrimination in political participation

6.6.1 Manifestations of racism and related discrimination in the realm of political participation

The estimated one million voters of ethnic minority origin eligible to vote in the national elections form 9% of the total electorate. A 50% turnout of these voters can elect 7-8 seats in the Dutch House of Representatives. Since the amendment of the Elections Act in 1985, aliens resident in the Netherlands are entitled to vote and stand for election at local level, as long as they have been legally residing in the country for five years.¹¹¹

Since the 1980s, exit polls have been used to monitor the voting behaviour of ethnic minority groups in several cities. The results show that their turnout is usually lower and sometimes much lower than their native Dutch counterparts and that Turkish people make more use of their right to vote than other groups.

The political party traditionally favoured by ethnic minorities is the Labour Party (PvdA). In the municipal elections of 2010, half of the ethnic minorities surveyed voted for this party. Despite the losses suffered by the left-wing parties, the Labour Party (PvdA), the Green Party (GroenLinks), the Socialist Party (SP) and Democrats 66 (D66) won 80% of the ethnic minority votes. Surinamese and Antilleans were more likely to vote for the Christian Democratic Party (CDA), the Christian Union (ChristenUnie) and the People's Party for Freedom and Democracy (VVD).¹¹²

While there were two state secretaries of ethnic minority origin in the Balkenende cabinet, the Rutte cabinet has no ministers or state secretaries from (non-Western) ethnic minorities. 11% of the Members of Parliament are of non-Western origin. The number of municipal council members from ethnic minorities has steadily increased since 1978. Today, 3% of all municipal council members are of ethnic minority origin, 303 in total. Among them, Turkish people are best represented (163 council members), trailed by Moroccans (66). Of all the ethnic minority council members, 49% represent the Labour Party (PvdA), 15% come from local parties and 12% represent the Green Party. Ethnic minority council members tend to owe their seats more to preference votes than their native Dutch counterparts. In the 31 biggest municipalities, 42% of them were chosen this way, compared with 5% of native Dutch candidates.¹¹³

¹¹¹ FORUM, Institute for Multicultural Affairs, Factsheet *Political participation of members of ethnic minorities* (2010), p. 1.

¹¹² Ibid.

¹¹³ Ibid.

The Netherlands has now become accustomed to ethnic minority representatives in the most important elected institutions in the Netherlands: municipal councils, provinces and parliament. In the fourth Balkenende Cabinet (2007-2010), the first two state secretaries of ethnic minority origin were appointed, of Turkish and Moroccan origin respectively. The subsequent Rutte Cabinet has no ministers or state secretaries of non-Western ethnic minority origin. However it does have a state secretary of Public Health, Welfare and Sport with a non-Dutch parent of Western origin. Marlies Veldhuijzen van Zanten-Hyllner has a Dutch and Swedish passport because she was born in Sweden. Her dual nationality caused a furore in the Freedom Party (PVV), which wanted her to give up her Swedish passport. 11% of the politicians in parliament are of non-Western origin.

Migrants and their children have also found their way into local politics. Since 1978 when the first two ethnic minority council members were elected, their numbers have steadily grown. In the elections of 3 March 2010, 303 council members of non-Western origin were elected in all Dutch municipalities, at an average of 3%. The Turkish community is best represented in the local councils (163), followed by Moroccans (66), Surinamese (32) and Antilleans (7). Thirty-five ethnic minority council members are from another ethnic group. Nearly one third of the ethnic minority council members are women. Half of all ethnic minority council members belong to the Labour Party (PvdA), the party which also receives the most votes from these groups.¹¹⁴

¹¹⁴ Ibid., p. 5-6.

6.7 Racism and related discrimination in media

6.7.1 Manifestations of racism and related discrimination in the media, including the internet

In 2011 the Dutch Complaints Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet, MDI*) received 1624 complaints compared to 1572 discriminatory expressions on the internet in 2010. In 2011 651 expressions were judged to be actionable compared to 684 expressions in 2010. In 2011 MDI reported 319 expressions of hatred against Muslims, out of which 122 were considered to be actionable.¹¹⁵

Discriminatory and punishable expressions on the Internet registered by the MDI, 2011¹¹⁶

Discrimination grounds	Expressions	Punishable
Anti-Semitism	252	165
Discrimination against Muslims	319	122
Discrimination against Moroccans	141	52
'Anti-black racism' or Afrophobia	182	86
Discrimination on grounds of other ethnic background	520*	212*
Discrimination against homosexuals	88	25
Discrimination against Roma and/or Sinti	10	6

* For a large part this concerned discrimination against Poles and other Central and Eastern Europeans

Public opinion during the period under review was very much focused on refugees and asylum seekers. Much attention in political debates and media concerned the cases of the Afghan girl Sahar and the Angolan asylum seeker Mauro, both of whom were well integrated teenagers who had spent a considerable part of their lives in the Netherlands. As a result of the strict asylum policy they had to return to their countries of origins. Sahar, eventually, was allowed stay in the Netherlands as she was considered too westernized to be able to live in her country of origin. Several attempts to prevent Mauro's deportation from the Netherlands failed. Mauro arrived in the Netherlands aged 10 as an unaccompanied asylum seeker in 2003. He had been living with a foster family and now as an adult, faced deportation. He

¹¹⁵ Meldpunt Discriminatie Internet (MDI), *Jaarverslag 2010*, <http://www.meldpunt.nl/publicaties/mdi-jaarverslag-2010> and Meldpunt Discriminatie Internet (MDI), *Jaarverslag 2011*, <http://www.meldpunt.nl/publicaties/mdi-jaarverslag-2011>

¹¹⁶ Meldpunt Discriminatie Internet (MDI), *Jaarverslag 2011*, <http://www.meldpunt.nl/publicaties/mdi-jaarverslag-2011>

was enrolled in higher education and would have been eligible for a knowledge migrant visa en-route to Dutch citizenship after his studies. In October 2011 there was a parliamentary debate on his case, despite the fact that the parliament usually does not debates individual cases. Mauro appeared in various television programs and his story dominated the national media for days.

The Christian Democratic Party initially supported Mauro's cause but bowed to pressure from its coalition partners, setting the deportation process in motion. There are about 75 children fighting similar battles to be allowed to stay in the country.¹¹⁷

On December 20, 2011, Mauro's attorney announced that the application for a study visa was granted. Mauro received a residence permit which is valid until the end of the academic year - September 1, 2012 - and which can be extended.

In February 2012 in response to this asylum case a proposal was made for legislation allowing for the residence of young asylum seekers who, like Mauro, were living for years in the Netherlands and are settled.¹¹⁸

6.7.2 Facilitating factors or protective measures in the media

The Netherlands has had a broadcasting organisation specifically aimed at Muslims since 1986. The most recent, the Dutch Muslim Broadcasting Corporation (NMO) was founded in 1993 by the Dutch Muslim Council (Nederlandse Moslim Raad – NMR), a multi-ethnic representative of various national and regional Muslim organisations in the Netherlands. The NMO was a religious and cultural broadcasting organisation founded to cater for the needs of the entire Muslim community in the Netherlands. It produced radio and television programmes for a Muslim and non-Muslim audience with the aim of improving the position of Muslims in Dutch society. The corporation went bankrupt in March 2010 due to suspicions of fraud by its director.¹¹⁹

¹¹⁷ The Guardian, 'Angolan teenager Mauro Manuel loses fight to stay in the Netherlands' <http://www.guardian.co.uk/world/2011/nov/01/angola-teenager-netherlands-asylum> 1 November 2011 (September 2012).

¹¹⁸ PvdA, <http://www.pvda.nl/berichten/2012/02/Wetsvoorstel-samsom-voordewind>

¹¹⁹ NOS, 'Nederlandse Moslim Omroep failliet' <http://nos.nl/artikel/146449-nederlandse-moslim-omroep-failliet.html>, 26 maart 2010 (September 2012).

6.8 Racism and related discrimination in criminal justice

In the Netherlands racism is a crime against public order. Articles 137c to 137g and article 429quater of the Dutch penal code prohibit discrimination (article 429quater). The following conduct constitutes public order offenses:

- The defamation of groups of people on the grounds of their race;
- Incitement to hatred, discrimination or violence against persons on racial grounds;
- The dissemination of discriminatory views;
- Participating in or lending support to activities aimed at discrimination;
- Discrimination by persons in their official capacity, profession or business.

The definition of discrimination is provided by article 90quater of the Dutch penal Code (*Strafrecht*). It follows the definition given in the International Convention on the Elimination of all forms of Racial Discrimination. The interpretation of the term 'race' is also taken from the definition specified in article 1 of the Convention.

In the Netherlands, there is an extensive network of provincial or regional anti-discrimination agencies (ADVs) which offer information, advice and support to people who feel discriminated against or who are seeking information on discrimination. In addition, ADVs provide information on the prevention of discrimination in schools and companies. Some of them organise (public) awareness campaigns and offer training to specific target groups, including for example courses about anti-discrimination law or about instruments and measures that lead to or promote equal treatment.

In 2009, the Municipal Anti-Discrimination Services Act (ADV Act) came into force, obliging all Dutch municipalities to realise facilities for its citizens so they can obtain independent advice, file complaints and report instances of discrimination.¹²⁰ It is mandatory for the municipalities to register complaints and to report these annually to the Minister of the Interior and Kingdom Relations.

According to the ADV Act, municipalities have two mandatory tasks: (1) providing support and independent advice to citizens and (2) registration of discrimination complaints. In addition to these two tasks, some municipalities also fund the provision of information, prevention activities and projects targeted at particular groups.

¹²⁰ http://wetten.overheid.nl/BWBR0026168/geldigheidsdatum_17-05-2010

In 2010 97% of the municipalities had complied with its requirements, which meant that 99% of all Dutch citizens had access to an anti-discrimination service.¹²¹

In 2010 and 2011 changes took place in the organisation of anti-discrimination agencies. An increased number of larger, regionally operating ADVs were established. Moreover, two new branch organisations have been set up: the National Branch Organisation Anti-discrimination Agencies (Landelijke Brancheorganisatie Antidiscriminatiebureaus, LBA) and the Partner Anti-discrimination Agencies Netherlands (Samenwerkende Antidiscriminatiebureaus Nederland, SAN). As a result of these developments, no national report on the registered complaints was published in 2011.¹²²

6.8.1 Policing and ethnic profiling¹²³

Ethnic profiling by police and discrimination in the juvenile justice system is brought to light in various studies.¹²⁴

In recent years a number of reports have shown that the risk of ethnic profiling is no longer merely theoretical in the Netherlands. The 2009 European Union Minorities and Discrimination Survey (EU-MIDIS) revealed that 25% of Dutch Muslims of Turkish origin interviewed had been stopped by the police at least once in the 12 months prior to the survey and that of these individuals 25% believed that the stop was based on ethnicity. The corresponding figures for Dutch Muslims of North African origin were 26% and 39%, respectively (EU-FRA 2009, p. 13-14). A 2010 survey by EU-MIDIS shows that in the Netherlands both North-African (66%), Turkish (61%) and Surinamese (67%) respondents feel that discrimination based on ethnicity is very or fairly widespread. Comparable figures for 'white' Dutch nationals are unavailable. However, these outcomes match the results of the Special Eurobarometer in which a similar question was asked: 79% of respondents in the Netherlands were of the opinion that discrimination based on ethnicity is very or fairly widespread (EU-MIDIS-5: EU-FRA 2010). After persistent complaints by minority and migrant groups in European countries about their treatment by the police and other criminal justice actors, the Open Society Justice Initiative established an inventory of police stereotyping in the Netherlands, France,

¹²¹ Pröpper, I., Struik, P., Van Oosterhout, M. and Den Dunnen, S. (2010).

¹²² Art.1 & efms 2011, *Registration of complaints about discrimination in the Netherlands and in Germany*, Saskia van Bon, Wies Dinsbach (Art.1), Claudia Lechner, Mario Peucker (efms), p. 24-25.

¹²³ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity".

¹²⁴ Boog, Igor, Dinsbach, Wies, Donselaar, Jaap van, and Rodrigues, Peter R. (red.), *Monitor rassendiscriminatie 2009*, p.132 and 136 and Peter R. Rodrigues and Jaap van Donselaar (eds.), *Racism and Extremism Monitor: ninth report* (Amsterdam: Anne Frank House/Leiden University, 2010), p.131.

Germany, Italy and other EU-states. According to this report, ethnic profiling is not only exercised on a large scale within continental Europe (OSJI 2009). The European Commission against Racism and Intolerance is also highly critical of the situation in the Netherlands. The Commission expresses its concern about the increase of ethnic profiling in relation to preventing and fighting terrorism but also provides a more general warning about the changed tone in political and public discourse regarding minorities (ECRI 2008).¹²⁵

6.8.2 Racist violence and crime

The Discrimination Instruction, issued by the Public Prosecution Service and entered into force in 2007, is part of the legal anti-discrimination framework.¹²⁶ This instruction, which deals with the handling of cases of discrimination, is an important guideline for the Dutch police and public prosecutors. It takes into account that general criminal offences, for instance assault, arson and vandalism, can contain discriminatory elements. One of the stipulations in the instruction obliges the police to consider all notifications (meldingen) and reports (aangiften) of discrimination. The police and the Public Prosecution Service are required to register both discriminatory incidents and general criminal offences that contain a discriminatory element (commune delicten met discriminatoir aspect).

The Instruction also allows public prosecutors to propose harsher sentences when a suspect of a general criminal offence had discriminatory motives. Since September 2009, public prosecutors were allowed to request a sentence increase of 50%. Since May 2011, they can demand a 100% increase of the sentence for an offence with a discriminatory motive or background.¹²⁷

The POLDIS Crime report on discrimination (POLDIS, Criminaliteitsbeeld discriminatie) is published annually by the National Expertise Centre Diversity of the Dutch police (LECD-police). It provides an overview of the number and nature of incidents with a discriminatory character submitted and registered within the Dutch police regions. In 2010 the police registered 2538 incidents of discrimination. Many concerned discrimination on the grounds of origin (30.5 per cent), sexual orientation (26 per cent) and 'other grounds', including graffiti with swastikas (26.3 per cent). The report states that a national coordination on the registration is still missing. The interpretation of discrimination and attention for proper registration varies from one police region to another. The Action Program Combat Discrimination, which was published together with

¹²⁵ Policing & Society, Vol. 21, No. 4, December 2011, *Ethnic profiling in the Netherlands? A reflection on expanding preventive powers, ethnic profiling and a changing social and political context*, Joanne P. van der Leun and Maartje A.H. van der Woude, Department of Criminal Law and Criminology, University of Leiden, Leiden, The Netherlands, p. 452-453.

¹²⁶ <http://www.om.nl/organisatie/beleidsregels/overzicht/discriminatie/@155214/aanwijzing/>

¹²⁷ Art.1 & efms 2011, *Registration of complaints about discrimination in the Netherlands and in Germany*, Saskia van Bon, Wies Dinsbach (Art.1), Claudia Lechner, Mario Peucker (efms), p.13.

the Poldis report the Minister, promised to improve this situation starting from 2012.¹²⁸ In 2011 there were 2802 incidents of discrimination, 33% on the ground of origin.¹²⁹

Acts of violence against Islamic places of worship in the Netherlands indicate that the country is part of the general increase in Islamophobia in many Western countries over the past decade. As far as records show, there have been well over one hundred acts of violence in the Netherlands in the past five years.¹³⁰ In 2005, 2007 and 2008 in particular, the numbers were high, although incidents of this kind have shown a decrease since 2009. Most cases involved graffiti, vandalism, and arson, some of which were highly offensive to the Muslim community. There were only a limited number of cases in which the perpetrators were caught and their motives established. Those cases that were solved involved groups of youths with ideological motives. Acts of violence were relatively more frequently in smaller towns than in larger ones.¹³¹

Between 2005 and 2010 mosques were targeted 117 times. This is relatively frequent, compared to other countries. There were only 42 such incidents in the US. In 99 of the Dutch cases, the police did not identify the perpetrators.¹³²

6.8.3 Hate speech

At the end of 2011 the new website www.hatecrimes.nl was launched by the Minister of Security and Justice, Opstelten. The website makes it possible for citizens to report incidents of discrimination online. The messages are screened first by the LECD in order for the local police in the region to carry out the research. A public awareness campaign was launched at the beginning of 2012.¹³³

The Centre for Information and Documentation on Israel (CIDI) registered 113 anti-Semitic incidents in 2011, compared with 124 in 2010. This decline is attributed to the drop in the amount of hate mail: from 47 in 2010 to 18 in 2011. The number of direct confrontations in daily life - insults (scheldpartijen), harassment on the street - has tripled: from 9 in 2010 to 28 in 2011. All 'real life'-incidents rose from 34 in 2010 to 55 in 2011.¹³⁴

¹²⁸ Wit, W. de and Sombekke, E. *Poldis 2010. Criminaliteitsbeeld discriminatie*. Nijmegen: ITS, Radboud Universiteit Nijmegen, (June 2011).

¹²⁹ Tierolf, Bas and Hermens, Niels, *Poldis 2011*, (Verwey-Jonker Institute, June 2012), p. 6 and p. 23.

¹³⁰ Valk, Ineke van der, *Islamophobia in the Netherlands*, p.68.

¹³¹ Ibid.

¹³² Trouw, *Overheid doet niet genoeg tegen extreme islamofobie*, 12 January 2012

¹³³ Tierolf, Bas and Hermens, Niels, *Poldis 2011*, (Verwey-Jonker Institute, June 2012), p. 5.

¹³⁴ CIDI, *Anti-semitism Monitor 2011* (May 2012).

Complaints about anti-Semitism on the Internet are registered by MDI (Meldpunt Discriminatie Internet). In 2011 252 expressions of anti-Semitism were reported, of which 165 were considered by the MDI to be punishable. Of these, 56 reported incidents also involved Holocaust denial. For the first time in years, a significant drop in the number of reports of manifestations of anti-Semitism was observed, while the number of reports of discrimination against Muslims slightly increased.¹³⁵

6.8.4 Counter terrorism

The Dutch government has taken several measures to combat terrorism. As a consequence of 9/11 and the murder of Dutch filmmaker Theo van Gogh, terrorism is often associated with Islam and Muslims. The public debate in recent years about Muslims has led to a fear of 'Islamic' terrorism. As a result, Muslims are one of the main target groups in the prevention of terrorism. In 2007 the national government announced an increase of funds to combat radicalisation of both Muslims and right-wing extremists. Most of the funds are destined for municipal projects which aim to prevent radicalisation among the youth. These projects include programmes for teachers and youth workers, parenting support and intercultural dialogue. In addition a system is being constructed to recognise processes of radicalisation. Besides tackling the threat of violence, the national government is also aware of the causes of radicalisation, which include discrimination, continuing marginalisation and unequal or negative treatment.¹³⁶

6.8.5 Facilitating factors or protective measures in criminal justice

The National Expertise Diversity Centre of the Dutch police (LECD-police) offers training courses for officers specialised in discrimination cases. Instructions on how to improve the registration of discrimination in their police region are part of the training course. LECD-police organises meetings for all 'discrimination' officers once or twice a year. This meeting is supposed to encourage an exchange of work experiences and to provide a platform to exchange information on new developments. In addition, LECD-police has organised general training sessions for police officers to address issues such as 'what is discrimination' and the legal framework of discrimination.¹³⁷

¹³⁵ Meldpunt Discriminatie Internet (MDI), Jaarverslag 2011, <http://www.meldpunt.nl/publicaties/mdi-jaarverslag-2011>

¹³⁶ ENAR *Shadow report The Netherlands 2008*, Wies Dinsbach, Gregor Walz and Igor Boog (Art.1) p. 37-38.

¹³⁷ Art.1 & efms 2011, *Registration of complaints about discrimination in the Netherlands and in Germany*, Saskia van Bon, Wies Dinsbach (Art.1), Claudia Lechner, Mario Peucker (efms), p. 67.

7. Civil society assessment and critique in ensuring protection of fundamental rights

The Cabinet has indicated in its tightening of measures to be taken in the anti-discrimination action programme (*Aanscherping van de maatregelen in het actieprogramma "bestrijding van discriminatie"*) (2011), that it will, in addition to generic measures, put in place specific tightening measures to combat anti-Semitism and discrimination against lesbian, gay, bisexual and transgender persons (LGBT). Nevertheless, representatives of minority and civil society organisations have questioned why discrimination based on ethnic origin (racism, including racism against indigenous Dutch citizens) has not been addressed through specific tightening measures, when racial discrimination, according to the Anti-Discrimination Bureau, is the most common form of discrimination. Poldis 2010, the police's national report on discrimination (*Criminaliteitsbeeld Discriminatie*) noted: 'A quick scan of the descriptions of the incidents shows that 139 incidents relate to discrimination on the basis of a 'black' skin colour. If this had been a separate category, it would be the largest category within the group "origin and ethnicity"'.

According to Poldis 2010:

'The proportion of discriminatory incidents on the basis of ethnicity or origin decreased, but in absolute terms, these incidents occurred almost as common in 2010 as they did in 2009. Noteworthy, is the number of incidents in the category of "dark (not white) skin colour". This category was used for the first time in 2010 and a significant number of incidents previously categorised as "other or unspecified" could be specified according to colour in 2010'.

In response to the Universal Periodic Review (UPR) minority organisations expressed their frustration that in the *UN International Year of People of African Descent 2011* the Netherlands did not pay any attention to discrimination based on race. The organisations stated that they believe that implementation of the points of action arising from the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR, Durban, 2001) has been inadequate in the Netherlands.¹³⁸

As stated in the ninth Racism and Extremism Monitor in the Netherlands, systematic information on discrimination against the Roma and Sinti is still meagre and the knowledge being obtained regarding these groups is inadequate. Members of the Roma community must be involved in the search for solutions for problems and the formation of local policy. The government is asked to make greater efforts to remove mutual distrust between the Roma and the majority population.¹³⁹

¹³⁸ LOM samenwerkingsverbanden, National Dialogue Structure with Minorities *Contribution to the second Universal Periodic Review of the Netherlands by the UN Human Rights Council*, 28 November 2011, p. 3.

¹³⁹ Peter R. Rodrigues and Jaap van Donselaar (eds.), *Racism and Extremism Monitor: ninth report* (Amsterdam: Anne Frank House/Leiden University, 2010).

8. Good practices

Example of NGO Good Practice in Employment: The programme Duizend en één Kracht (Thousand and One Force) made a commitment to help 50,000 immigrant women participate fully in Dutch society within three years. The programme was completed at the end of 2011 and was an ambitious goal and a great challenge for all parties involved. Municipalities, voluntary organisations, volunteer centres, women's organisations and migrant organisations worked closely together to make this plan succeed. The project www.duizendeneenkracht.nl helped empower immigrant women through training, counselling and mediation. The women were challenged to take new steps including possible moves towards paid employment. Women could, if needed, with the help of a volunteer, coach or buddy, choose which step they wanted to start with and what the possible next steps would be. The women decided on their own what level they wanted to achieve. Thus Thousand and One Force created a thousand and one new opportunities for immigrant women and the local community.

Example of NGO Good Practice in Education: Classroom of Difference is a programme of Interculturele Alliantie, www.diversiteitindeklas.nl. The project is aimed at raising awareness and learning skills to prevent and combat discrimination and exclusion. The Intercultural Alliance focuses on all forms of education, from primary school to college. The goal of this project is to promote tolerance, acceptance and harmony among all citizens of the Netherlands.

Example of NGO Good Practice in Housing: In some city districts there are few or no sports clubs. A number of schools have set up sports clubs to ensure that pupils have access to this important service. Thus, pupils from elementary schools do not have to travel great distances because sports are played locally. The pupils can play sports at their own schools immediately after class. They are taught by club coaches, become members of a sports club and play in the regular competition. The goal of this project, Rotterdam Sportsupport, www.rotterdamssportsupport.nl is that more children (in deprived areas) become a member of a sports club. The involvement of large numbers of children in sports has significant positive effects for the wider community. Besides (professional) sports clubs and schools, various other organisations are in different ways involved with the project.

Example of NGO Good Practice in Health: On October 27, 2010 the first Alzheimer's Teahouse of the Netherlands opened its doors. The Alzheimer's Teahouse is an accessible meeting place for Turks and Moroccans, where they can discuss forgetfulness and dementia. This is necessary because while the number of immigrants with dementia is increasing rapidly, relatively few are availing of healthcare services. Care is primarily provided by the family. However, caregivers of immigrants with dementia have a very high risk of overload and can often jeopardise their own health or investments in other areas of society, including participation in employment, education or general social integration. The Alzheimer's Teahouse is a crucial first step to ask for and receive help. More information: www.alzheimer-nederland.nl.

Example of NGO Good Practice in Access to Goods and Services: The Panel Deurbeleid, www.paneldeurbeleidrotterdam.nl is working for a discrimination-free entrance policy in the Rotterdam nightlife. It has two functions:

- assessing the entrance policy of individual hospitality businesses
- investigating complaints about alleged discrimination in the hospitality industry.

It consists of representatives from:

- City of Rotterdam
- Rotterdam-Rijnmond Police
- Koninklijke Horeca Netherlands
- Rotterdam Youth Council
- RADAR (regional agency for equal treatment and against discrimination)

In order to encourage a discrimination-free entrance policy the Panel assesses the entrance policy of businesses.

Example of NGO Good Practice in Media: In 2011, the MDI worked closely with other organisations to develop the online Report button (www.meldknop.nl). The Report button is an initiative of Digibewust with the cooperation of the Children Pornography Helpline, (Meldpunt Kinderporno), Pestweb, The Child Helpline (Kindertelefoon), the Police and the MDI. The Report button is an online tool for young people to report bad experiences on the Internet, such as bullying, discrimination, hacking, stalking, webcam abuse etcetera. On the website of the Report button young people can come into contact with different organisations to talk about their problems or to report an incident.

The anti-discrimination campaign "Do you have to leave yourself at home when you go outside?" was recognized as a good practice on the EU website for integration. The campaign was developed in 2009 and 2010 and conducted by the Ministry of the Interior and Kingdom Relations in cooperation with Art.1 to report cases and to raise

awareness about discrimination. The campaign consisted of TV and radio slots, banners on websites and advertisements. The Metro newspaper published a supplement on discrimination and film clips featuring people who experienced discrimination were posted on the campaign website www.discriminatie.nl. Discriminatie.nl also provides a reporting service, accessible information on discrimination and an overview of the anti-discrimination agencies in the Netherlands. http://ec.europa.eu/ewsi/en/practice/details.cfm?ID_ITEMS=19545]

Example of NGO Good Practice in Criminal Justice At the end of 2011 the new website www.hatecrimes.nl was launched by the Minister of Security and Justice. The website makes it possible for citizens to report discrimination incidents online. The messages are screened first by the LECD to facilitate investigation by the local police. A related public awareness campaign was launched at the beginning of 2012.

9. National recommendations

Non-Discrimination

Develop specific measures to counter discrimination based on race due to the fact that this form of discrimination remains the most persistent and common form of discrimination in the Netherlands. More actively execute the action points arising from the Durban WCAR 2001.

Special Focus: Muslim Communities

- Include Islamophobia as one of the main issues to be dealt with by the government, along with other forms of racism and discrimination.
- Adopt an inclusive definition of national identity to reflect the reality and the diversity of the people. Recognise and teach the Islamic heritage and its contribution to the European civilisation.
- Withdraw draft legislation to introduce a complete ban of full-face veils in public put forward by the government on 6 February 2012.

Employment

Develop a strategy aimed at improving implementation of domestic anti-discrimination legislation especially as it applies to the policies or rules of private employers. Specific initiatives should be put in place to raise the awareness among Muslims and other ethnic and religious minorities regarding available mechanisms to redress violations.

Criminal justice

Undertake initiatives aimed at monitoring and collecting data on all forms of discrimination including on grounds of religion or belief, ethnicity and gender as well as the intersections among these grounds. In light of this aim, increase support for projects promoted in the past (such as Monitor Racial Discrimination) and pursue initiatives to raise awareness among ethnic and religious minorities regarding available mechanisms to seek redress for discrimination.

Media

Webmasters should gain more knowledge about anti-discrimination laws and should be more conscious of the negative consequences of prejudice and discriminatory debate for individuals and society as a whole.

10. Conclusion

The Dutch government has stated repeatedly that it is opposed to discrimination in all its forms and on all grounds and acknowledges that discrimination threatens social cohesion and creates division in society. However, the government sees itself only in a supportive role to ensure the registration of discrimination complaints and, when needed, enforcement of the non-discrimination prohibition.¹⁴⁰

Such a limited role does not meet international human rights standards to respect, protect and fulfil the principle of non-discrimination. These obligations include for instance, a duty to take temporary special measures to ensure equality of all in practice, to take proactive measures to address the root causes of discrimination and to promote greater tolerance and understanding. In this way the government also fails to address concerns about discrimination on the part of the authorities, such as ethnic profiling by police and discrimination in the juvenile justice system, as brought to light in various studies.¹⁴¹

In the Netherlands discrimination based on race is still the most common form of discrimination. The data on the number of complaints received by the ADAs in the years before this reporting period consistently indicate that among the biggest groups of non-Western migrants, people of Moroccan descent - most of them Muslims - report by far the most experiences of racial discrimination. The increasing number of violent incidents against Muslims in the Netherlands and the fact that most of the discriminatory statements reported on the Internet and social media websites are concerned with hatred against Muslims, make it necessary and urgent to take specific measures against racial discrimination and Islamophobia in order to eliminate prejudices, racial violence and more structural forms of discrimination.

¹⁴⁰ Ministry of Security & Justice and the Ministry of Interior & Kingdom Relations, *Policy letter on anti-discrimination*, 7 July 2011, p. 4.

¹⁴¹ Boog, Igor, Dinsbach, Wies, Donselaar, Jaap van, and Rodrigues, Peter R. (red.), *Monitor rassendiscriminatie 2009*, p. 132 and 136; see also Peter R. Rodrigues and Jaap van Donselaar (eds.), *Racism and Extremism Monitor: ninth report*, p.131.

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Annex 1: List of abbreviations and terminology

- ADA/ADV: Anti-discrimination agency
- AMA: Unaccompanied Minor Asylum Seeker (*Alleenstaande Minderjarige Asielzoeker*)
- ADV Act (Municipal Anti-Discrimination Services Act (*Wet gemeentelijke antidiscriminatievoorzieningen*))
- CBS: Statistics Netherlands (*Centraal Bureau voor de statistiek*)
- CGI: Contact Group Islam
- ECRI: European Commission against Racism and Intolerance
- EctHR: European Court of Human Rights
- ETC: Equal Treatment Commission (ETC)
- LBA: National Branch Organisation of Antidiscrimination agencies (*Landelijke Brancheorganisatie van Antidiscriminatiebureaus*)
- LECD-police: National Expertise Diversity Centre of the Dutch police (*Landelijk expertiseCentrum Diversiteit*)
- MDI: Dutch Complaints Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet*)
- MDRA: Complaints Bureau for Discrimination Amsterdam region
- Muslims and Government Contact Platform (CMO)
- NBBU: Dutch Association of Mediation and Employment Agencies
- NMO (Dutch Muslim Broadcasting Association (*Nederlandse Moslim Omroep*))
- PVV : Party for Freedom (*Partij voor de vrijheid*)
- SAN: Partner Anti-discrimination Agencies Netherlands (*Samenwerkende Antidiscriminatiebureaus Nederland*)
- SCP: The Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*)



european network against racism

ENAR Shadow Report 2011-2012