



european network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

Racism in the Netherlands

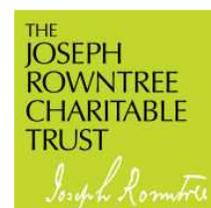
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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

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 with 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 the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

In 2008, the public debate in the Netherlands around the topics of discrimination and racism was dominated by the discussions surrounding the position of Muslims in the country. Frequently, Islam is portrayed as a threat to Dutch society by politicians and pundits. This has led to an increasingly polarised debate on the topics. **Opinion-leaders in and outside the government should work on an accurate and fair discourse.**

The position of ethnic minorities in the labour market is relatively weak compared to that of the native Dutch. Especially with regard to access to employment, ethnic minorities encounter problems. Nonetheless, there are indications that the situation is improving, as more businesses take on ethnic minority employees. It is important that employers are made aware of the ways in which they can ensure equal treatment for applicants and employees. Especially at a time of rising unemployment, it is vital that employees are treated equally, also with respect to redundancies. **It is also crucial that the labour inspection has the means and resources to implement the non-discrimination clause that has been added to the Working Conditions Act.**

In housing, discrepancies between the living situation of ethnic minorities and the native Dutch have to do with the general socio-economic position of ethnic minorities and the areas which they live in. It is clear that people from ethnic minorities are more likely to live in problematic urban areas with fewer social services than the native Dutch which obviously has an impact on the housing patterns. The trend however is generally positive, with especially people from Turkish and Moroccan origin catching up with regard to quality of housing. However, the groups of people that continue to experience significant problems in housing are Roma, Sinti and Travellers. They encounter difficulties when looking for mortgages for caravans, and there is a general lack of halting sites. **The government should reconsider its approach to the housing issues for these groups by creating sufficient halting sites and working together with banks on finding a solution to the mortgage issue.**

In Dutch schools, pupils from ethnic minorities display lower performances than native Dutch pupils. This is shown by research by the Education Inspection. Schools with a high percentage of pupils from non-Western ethnic minorities often display a high percentage of failing students. Pupils from ethnic minorities are also more likely to leave school prematurely. It is not clear whether discrimination plays a role in this, but the deprivation of ethnic minority pupils is a cause for concern. In a positive development, schools are legally required to foster active citizenship and social integration and are monitored on this obligation by the Education Inspection. However, **schools and teachers should be more clearly instructed to provide education on the topics of discrimination and tolerance.**

Current knowledge about ethnic differences in health care in the Netherlands demonstrates a less favourable position for ethnic minorities compared to native Dutch. It appears that the match between the healthcare system and the needs of people from ethnic minorities is not always optimal. It is unclear to what extent discrimination plays a role in the lack of access and quality of care for migrants. Some of the problems can be seen as indirect or institutional forms of discrimination. **Doctors and practitioners need to be made aware of the specific needs of ethnic minorities, and better education on issues related to healthcare is needed for people from ethnic minorities, in order to improve the fit between the care sector and the group of ethnic minorities.**

The access to healthcare of undocumented migrants continues to pose a problem. Undocumented migrants are not allowed to buy health insurance and are thus dependent on special regulations for the financial reimbursement of their health care costs. These regulations however do not cover all necessary care. The resulting problems are placed on the shoulders of care institutions, charities, councils and the migrants themselves. **The government needs to take more care that the human right to health is upheld also for undocumented migrants.**

In efforts to improve the conduct of the police in discrimination cases, the National centre for diversity and discrimination (*Landelijk expertise centrum Diversiteit en Discriminatie*, LECD) plays a crucial role by gathering expertise and information. It is thus very important that this centre of expertise gets support on a structural basis instead of being discontinued in 2010, as currently planned.

The hardening of the general atmosphere around ethnic minorities and Muslims can also be seen on the internet; insults, threats and hatred are often expressed, especially on weblogs and discussion forums. It is complicated to combat discrimination on the internet by means of Dutch (criminal) law, due to the difficulty to trace the person who wrote down the discriminatory expressions and because internet crosses national borders. Thus, **webmasters themselves should gain more knowledge about anti-discrimination laws and should be more aware of the negative consequences of prejudice and discriminatory debate for individuals and society as a whole.**

After the announcement in 2006 by the Dutch Government that it would set up a nationwide network of municipal Anti-discrimination agencies (ADAs), a bill to give legal backing to these plans was presented to Parliament in 2008. This bill was passed by the lower chamber of parliament in February 2009. Although the presence of an ADA does not necessarily lead to a higher rate of reporting in the heavily underreported field of discrimination, it is a step towards making the barriers to reporting as low as possible.

The separate act on compulsory integration in the country of origin, the Integration Abroad Act, is still in force. The Act requires applicant immigrants from certain countries to pass an examination showing a basic level of knowledge of Dutch language and Dutch culture, before they are eligible for a long-term visa. **It is recommended to remove the discrimination of citizens from Southern countries in the Act.**

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III. Introduction

In 2008, the public debate in the Netherlands around the topics of discrimination and racism was dominated by the discussion on the position of Muslims in the country. Frequently, Islam is portrayed as a threat to Dutch society by politicians and pundits. This attitude is sometimes extended to include a general rejection of immigration and migrants, often expressed under the cover of freedom of speech. The public debate on the topic has become very sharp and polarised in this process. Two high-profile judicial proceedings have received a lot of attention in this context, one against a cartoonist and another against a member of parliament, because of possibly discriminatory expressions in the public sphere. As in earlier years, several initiatives for the improvement of the societal atmosphere were also launched, such as the project “Name and Build” (*Benoemen en bouwen*) and “Holland Loves Muslims”. Nonetheless, the public debate continues to be very sharp.

There is no discernible trend in the reporting of racial discrimination in the Netherlands. The numbers of complaints are relatively stable. It is still the case that discrimination is heavily underreported, with just about five to ten per cent of all cases being registered as official complaints¹. While not every municipality has access to an Anti-discrimination agency (ADA) yet, efforts are being made to increase the number. It is expected that with the extension of the network of ADA, the rate of reporting will also go up, as the barriers to reporting are kept as low as possible. In 2008, a bill was set up which requests all municipalities to ensure access to an ADA. This bill was passed by the lower chamber of parliament in February 2009. However, the bill also received criticism from ADAs and the umbrella organisation Art.1, as the funding specified does not cover activities such as awareness raising. These tasks can however be financed by the councils themselves.

This shadow report gives an overview of the state of affairs concerning racism and racial discrimination in the Netherlands in 2008. The first chapter gives an outline of the groups that are vulnerable to racism. The report then moves on to identify the specific manifestations of racism and religious discrimination in areas that are important for the status and participation of ethnic minorities in Dutch society, such as employment, housing and education. Hereby, the context of the specific area is explained briefly, before moving on to the particular problems of racial discrimination and wider-ranging issues and dilemmas which ask for attention but may not directly result from racism or racial discrimination. The report then looks into the political and legislative developments in the fields of anti-discrimination, migration and integration, criminal justice and social inclusion. Finally, it gives recommendations about what needs to be done to tackle the

¹ Re Andriessen, I., Dagevos, J., Nievers, E., Boog, I., *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007* (SCP/Art.1, 2007).

problems described in the previous chapters. The report covers the developments in the year 2008, though at specific points developments from 2007 and 2009 are presented as background and follow-up information.

IV. Communities vulnerable to racism

This section provides information on communities which are vulnerable to discrimination and racism. Based on information from different sources, those communities that are most vulnerable in the Netherlands are identified. As background information, statistics concerning the Dutch population are given.

Population Statistics

The Netherlands has a total population of 16,486,587². This subsection presents key figures on the population by origin, religion and status of non-citizens.

Ethnic minorities

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 1,664,500 first generation migrants and 1,625,171 second generation migrants³. First generation migrants are born outside of the Netherlands, while second generation migrants are the descendants of first 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. In practice, the difference refers not so much to Western and non-Western countries as to industrialised and non-industrialised countries⁴. There are 1,809,732 non-Western migrants in the Netherlands⁵. The Dutch government regards migrants from non-Western countries as ethnic minorities. They are the target groups for integration policies.

The four biggest groups of non-Western migrants are Turks, Surinamese, Moroccans and Antilleans: there are 378,400 Turks, 338,519 Surinamese, 341,640 Moroccans, and 134,486 Antilleans of both first and second generation. Smaller migrant groups from non-Western countries include Chinese (45,000), Somalis (20,000), Afghans (38,000), Iraqis (44,000), Iranians (29,000), Cape Verdeans (20,000) and Ghanaians (20,000)⁶.

² see <http://statline.cbs.nl/StatWeb> (accessed 15-05-09)

³ *Ibid.*

⁴ For example, Statistics Netherlands considers Japan a Western country. Migrants from Indonesia are also identified as Western migrants because they have integrated successfully in Dutch society ('Moluccans' are the exception).

⁵ see <http://statline.cbs.nl/StatWeb> (accessed 15-05-09)

⁶ *Ibid.*

Roma and Sinti

There are no official figures on Sinti, Roma or Travellers in the Netherlands. In the past, several different (governmental) organisations have been estimating the number of Roma and Sinti in the Netherlands⁷. These estimates range from 3,500 to 6,000.⁸ Travellers are estimated at 30,000⁹. Differences in estimates are to a large extent due to the use of different criteria¹⁰.

Refugees and asylum seekers

Refugees who have settled in The Netherlands during the last decade mainly come from former Yugoslavia, Somalia, Iran, Iraq, Afghanistan and China¹¹. In 2008, the number of asylum applications almost doubled compared to the year before. In 2008, there were 13,400 and in 2007 7,400 asylum applications for the Netherlands. Around 50% of asylum seekers received a temporary permit to stay in the Netherlands.

Religious minorities

Muslims are the largest religious minority in the Netherlands (estimated at 850,000¹²; ca. 5% of the total population), followed by Hindus (95,000) and Jews (40,000). 52% of the population identify themselves as a member of one of the Christian churches in The Netherlands and 40% do not adhere to any religion.

Undocumented migrants

According to the most recent estimation between well over 74,000 and almost 184,000 persons without residency rights lived in the Netherlands between the 1st of April 2005 and the 1st of April 2006. The number of irregular migrants from Europe has probably decreased over recent years due to the enlargement of the European Union in 2004 and 2007. It is expected that the number of non-

⁷ E.g. Landelijke Sinti Organisatie, Statistics Netherlands, Anne Frank Stichting, Forum, Dokters van de Wereld.

⁸ Re Rodrigues, R. & Matelski, M., *Roma en Sinti*. (Amsterdam/Leiden: Anne Frank Stichting/ Universiteit Leiden, 2004).

⁹ Re Van Donselaar, J. & Rodrigues, P.R., *Monitor racisme en extreem-rechts, vierde rapportage*. (Leiden: Anne Frank Stichting / Universiteit Leiden, 2001).

¹⁰ Re Rodrigues, R. & Matelski, M., *Roma en Sinti*. (Amsterdam/Leiden: Anne Frank Stichting/ Universiteit Leiden, 2004).

¹¹ The number of asylum applications dropped dramatically between 2000 and 2002. In 2000 there were 43,560 applications, in 2001 there were 32,580 and in 2002 there were 18,670. This decline in asylum applications has been attributed to a new 'aliens law' introduced on 1 April 2001.

¹² Herten, M. van en Otten, F.: "Naar een nieuwe schatting van het aantal islamieten in Nederland" Bevolkingstrends 3 (2007)

This is the most recent estimate on the number of Muslims in the country. It is based on self-identification of respondents and is thus likely to be more accurate than earlier estimates focusing solely on ethnic background.

European irregular migrants in the Netherlands will also decrease as a result of a regularisation scheme which has been in force since June 2007¹³.

Vulnerability

Different sources are used to identify the communities that are most vulnerable to racism in the Netherlands.

Moroccans

The data on the number of complaints received by the ADAs consistently indicate that, among the four biggest groups of non-Western migrants, people of Moroccan descent report by far the most experiences of racial discrimination¹⁴. The relatively large number of Moroccan complainants was also evident in an analysis of the rulings of the Equal Treatment Commission (ETC) on racial discrimination in employment from 2004-2006¹⁵.

In a survey carried out in 2005, more than half of the Moroccans and slightly less than half of the Turks reported having experienced racial discrimination on one or more occasions in the year prior to the survey¹⁶. A striking outcome is that higher educated Moroccans more often claim to have experienced discrimination than lower educated Moroccans. The percentage of Surinamese and Antilleans who said they had encountered discrimination is slightly lower: 40% and 37% respectively. Approximately 2% of the Dutch natives stated that they had been personally confronted with racial discrimination¹⁷.

Muslims

In the past year 'islamophobia' has become a more prominent phenomenon¹⁸. This is expressed in negative changes in public opinion as well as an increase in

¹³ Re Kromhout, M. H. C., Wubs, H., & Th. Beenackers, E. M., *Illegaal verblijf in Nederland : Een literatuuronderzoek* (Den Haag: Min. Van Justitie WODC – 2008).

¹⁴ Re Boog, I., Coenders, M., & Dinsbach, W. *Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten* (Landelijk Bureau Art.1, 2008.)

¹⁵ Re Andriessen, I., Dagevos, J., Nievers, E., Boog, I., *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007* (SCP/Art.1, 2007).

¹⁶ Re Boog, I. (ed.), *Monitor Rassendiscriminatie 2005* (Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie, 2006). For the Monitor Rassendiscriminatie 2005 published in spring 2006, the *Discriminatie-ervaringen 2005* survey was carried out studying people's experiences of discrimination. About 1700 respondents took part in the survey (conducted using questionnaires and in-depth interviews), consisting of Dutch natives and people from the four largest migrant groups: Turks, Moroccans, Antilleans and Surinamese.

¹⁷ Ibid.

¹⁸ recent research by the Pew Global Attitudes Project in several European countries has shown that anti-Muslim attitudes are often related to anti-Jewish attitudes, in the sense that in European countries where a high percentage of people express negative attitudes about Muslims, they will also express negative attitudes about Jews. This research was not carried out in the Netherlands.

(The Pew Global Attitudes Project, "Unfavorable views of Jews and Muslims on the increase in Europe", (Washington, D.C.: PewResearchCenter, 2008)

violence towards this group. Moreover verbal offences against Muslims have been tolerated more than in previous years¹⁹.

Research by the Anne Frank Foundation and the University of Leiden shows that in 2007 out of 187 racist acts of violence 82 were of an anti-Islamic nature, compared to 62 in 2006. Whereas the number of recorded racist crimes has been decreasing in recent years, the number of anti-Islamic incidents has been increasing significantly²⁰.

The third report on the Netherlands by the European Commission against Racism and Intolerance (ECRI) identifies a dramatic growth of islamophobia since 2000. ECRI concludes that the public debate on integration has changed, partly in reaction to incidents in both the Netherlands and other countries. This has had an impact on the position of ethnic and religious minority groups and on attitudes towards them. These developments seem to affect Muslims more than other groups, according to the ECRI. In the last decade Muslims have increasingly been subject to stereotyping, stigmatising and sometimes blatant racist political vocabulary, accompanied by prejudiced reporting by the media. In addition, Muslims are – more than any other ethnic or religious group – a specific target group for government policy concerning for instance public security.²¹

A trend analysis on the subject of polarisation and radicalisation, issued by the Ministries of Justice and Internal Affairs, reports that in 2006 40% of the Dutch population thought there were too many people from ethnic/religious minorities living in the Netherlands. In previous years around 50% of the population were of this opinion²². Dutch people are especially critical of Muslims, although this is changing for the better: between 2004 and 2006 35-40% of the Dutch population had a negative opinion on Muslims; in 2008 this was 19-24%. However, in 2008 71% of the Dutch population believed the integration of Muslims in Dutch society will never succeed completely (opposed to 65% in 2006)²³.

Roma and Sinti

There is no recent data available on the vulnerability to racism of Roma and Sinti. Research in 2004 showed that discrimination of these groups occurs in different areas of social life, like housing, education, employment and goods and services. It appears that incidents of discrimination are hardly reported to the regular authorities such as the ADAs, the ETC, the police or the Public Prosecution Service. The position of Roma and Sinti on the labour market and in housing and education is relatively unfavourable. The problems Roma and Sinti encounter in

¹⁹ Re Donselaar, van J., Rodrigues & Peter R., *Monitor Racisme & extremisme: achtste rapportage*. (Amsterdam/Leiden: Anne Frank Stichting / Universiteit Leiden, 2008).

²⁰ Ibid.

²¹ Europese Commissie tegen Racisme en Intolerantie (ECRI), "Derde rapport over Nederland" (June 2007).

²² Ministeries van Justitie en van Binnenlandse Zaken en Koninkrijksrelatie, "Trendanalyse Polarisation en Radicalisering 2008" (December 2008).

²³ Ibid.

Dutch society were discussed at a Conference organised in 2008 due to the visit of the Council of Europe²⁴:

Undocumented migrants

Research among undocumented migrants is complicated. Therefore, data on their vulnerability to racism is not available. The societal position of irregular migrants is vulnerable because of their status as non-citizens, which makes them liable to unequal treatment. For example, they are at risk to be in work situations that are reminiscent of exploitation. Next to that, it appears that irregular migrants who rent in the private sector live in rather poor circumstances: the properties are often subject to overdue maintenance and a lack of hygiene²⁵. When it comes to healthcare it is very difficult for undocumented migrants to insure themselves against medical expenses. Access to care is sometimes hindered by ignorance about their rights and the opportunities for funding, among the irregular migrants themselves as well as health care providers and receptionists. Furthermore, there were problems in both the educational sector and the youth care sector surrounding the financing of services for undocumented children²⁶. Several NGOs report on the vulnerable position of people without residence permits²⁷.

²⁴ Forum, "Onderwijs en Scholing voor Roma en Sinti in Nederland" (November, 2008).

²⁵ Re Kromhout, M. H. C., Wubs, H., & Th. Beenackers, E. M., *Illegaal verblijf in Nederland : Een literatuuronderzoek* (Den Haag: Min. Van Justitie WODC – 2008).

²⁶ Ibid.

²⁷ E.g. Amnesty, Pharos, Defence for children international, Dokters van de wereld, Johannes Wier Stichting etc.

V. Manifestations of racism and religious discrimination

This section provides an overview of the situation of racism and discrimination in the Netherlands. It is divided into eight subtopics: employment, housing, education, health, policing and racial profiling, racist violence and crime, access to goods and services in the public and private sector, and media including the internet. For each area, examples of good practices by NGOs are added in text boxes.

V.i Employment

Context

The position of ethnic minorities in the labour market is relatively weak compared to that of the native Dutch. Nonetheless, there are indications that the situation is improving. The Annual Report on Integration by Statistics Netherlands in 2008 shows that the difference between natives and people with a non-Western ethnic background has gotten smaller²⁸. The Trendmeter 2008, an annual survey of employers assessing the position of ethnic minorities in medium and small businesses, also reported positive developments. In 2008, it showed a 14% rise in the number of businesses with employees from ethnic minorities. Nine out of ten employers state not to see any differences between the performance of native and non-native employees²⁹. However, other research carried out in 2008 came to slightly different conclusions. It examined the risk of social exclusion on a flexible labour market, and specifically looked at the different ethnic groups' chances of re-entering the labour market after a period of absence due to unemployment, domestic care or disability³⁰. It was found that people with a Turkish or Moroccan background "have by far the longest expected unemployment duration (around three years) and natives the shortest (about five months)"³¹. This pattern does not apply to the cases of domestic care and disability.

It is not clear whether the weak position of ethnic minorities in the labour market is the result of discrimination or other factors. In the earlier mentioned research on social exclusion in the labour market, the most significant factor for re-entering employment in all cases seemed to be someone's employment history. However,

²⁸ CBS, "Jaarrapport Integratie 2008" (November 2008). Online accessible: <http://www.cbs.nl/NR/rdonlyres/37812C9B-39B7-46FC-A893-294F18933E81/0/2008b61pub.pdf> (accessed 01-05-09)

²⁹ Forum / Motivaction, "Trendmeter 2008". (October, 2008). Online accessible: <http://files.motivaction.nl/?f=5015&o=5880&key=8704> (accessed 28-04-09)

³⁰ Tinbergen Institute, "Unequal chances on a flexible labour market, the case of the Netherlands" (2008). Online accessible: <http://www.tinbergen.nl/discussionpapers/08005.pdf> (accessed 01-05-09)

³¹ Ibid. p. 13

the researchers leave the possibility open that racial discrimination might play a role³².

Manifestations of discrimination

Information on (experienced) discrimination is based on the yearly publication on complaints registered by the ADAs (not yet available for 2008) and on research by the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau, SCP*) and Art.1 on discrimination of non-western minorities on the labour market³³. The latter research suggests that racial discrimination hinders the access of non-Western migrants to the labour market, and is also an obstacle in securing permanent employment. Racial discrimination is also an issue for non-Western migrants who already are employed, but does not seem to have a direct negative effect on occupational positions and salaries³⁴. This study also suggests that, of all ethnic minority groups, Moroccans experience the most discriminatory incidents in the labour market. One hypothesis derived from this study is that racial discrimination affects men more than women³⁵.

Results from qualitative research carried out for the same study show that non-Western migrants “feel that they have to work harder than their indigenous counterparts to achieve the same labour market position” and that they “feel that they constantly have to demonstrate that they do not fit the – unfavourable – stereotypical image of their group”³⁶.

Combating and preventing discrimination

As a result of the aforementioned report by the SCP and Art.1, the ministry of employment adopted some of the recommendations brought forward in the report, announcing several measures in April 2008³⁷. Firstly, the ministry wants to address the negative image employers appear to have about employees from ethnic minorities. Secondly, it took steps to include discrimination in the law on working conditions (*Arbeidsomstandighedenwet*), along the same lines as bullying and sexual intimidation. As a consequence, the labour inspection (*Arbeidsinspectie*) will be able to monitor the situation in businesses and make sure employers address the problems³⁸. In a continuation of the study project, situation tests were carried out in 2008³⁹. The results will be published in 2009, as will a follow-up report on the labour market.

³² Ibid.

³³ Re Andriessen, I., Dagevos, J., Nievers, E., Boog, I., *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007* (SCP/Art.1, 2007).

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Parliamentary Documents II, 2007/08, 29 544, no. 149 (28.04.2008)

³⁸ The bill in which the proposed addition was included was adopted by the Second Chamber in May 2009. At the time of writing this report, the bill is pending before the Senate.

³⁹ By the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau, SCP*)

Examples of NGO Good Practice

- Since the end of 2007, Amnesty in the Netherlands asks directors to fight discrimination and promote diversity within their companies. Amnesty provides directors with a statement of intent in which 19 regulations on fighting discrimination and promoting diversity are stated. Directors are asked to mark the regulations that state what has already been done in their firm and the regulations they intend to implement in the next year. With the execution of the regulations the companies make sure that within their company signals of discrimination are taken seriously and that diversity is promoted and discrimination is prevented.
- In 2008 Art.1 carried out the project 'Recruitment without pain', which was financed by the European Commission and the Dutch Ministry of Social affairs and Employment. It aimed at promoting equal treatment in the process of recruiting and selecting new employees. The project consisted of three parts. Firstly, anti-discrimination workshops were developed and organised for employees of the Centre of Work and Income (CWI) in the Netherlands. Secondly, a conference for HRM-professionals on discrimination and diversity management took place. Thirdly, a reference book was written in which information was gathered on the subject of fair recruitment and selection and on how to combat discrimination on the labour market. In this book, a chapter was added on how to implement diversity policies, written by Div-Management⁴⁰.
- A new instrument, a situational insight test, was developed in 2008, which aims at more reliable testing of minority candidates⁴¹. As existing assessment instruments are not always applicable to the group of ethnic minorities, new tests are needed⁴². Situational insight tests consist almost exclusively of visual material, whereby for example the command of the Dutch language does not play a role. As a result, these tests are expected to produce more reliable results than the traditional intelligence tests.

⁴⁰ See for more information on the organisation <http://www.div-management.nl/> (accessed on 26-05-09).

⁴¹ Re Meijer, L. de, *Effecten van etniciteit bij de selectie van politieagenten: kandidaats-, beoordelaar-, en selectiemethodefactoren*, (Rotterdam: Erasmus Universiteit, 2008)

⁴² http://www.art1.nl/artikel/3924-Uitsluiting_etnische_minderheden_door_psychologische_tests (accessed on 26-05-09).

V.ii Housing

Context

The housing market in the Netherlands is strictly regulated. It follows the so-called 'supply-model' (*aanbodmodel*) whereby available housing is advertised publicly and the selection of tenants is structured along objective and transparent criteria. As a consequence, the space for direct discrimination on the housing market is relatively small⁴³. Nonetheless, there are clear differences between the living situation of ethnic minorities and the native Dutch, especially regarding house ownership and the frequency of movement. These discrepancies have to do with the general socio-economic living situation of ethnic minorities and the areas which they live in. For it is clear that people from ethnic minorities are more likely to live in problematic urban areas with fewer social services than the native Dutch which obviously has an impact on the housing patterns. The trend however is generally positive, with especially people from Turkish and Moroccan origin catching up with regard to quality of housing⁴⁴.

While 92% of native Dutch people state to be (very) pleased with their living situation, amongst ethnic minorities this percentage is about 20 percentage points lower. While there are no indications that these differences are caused by discrimination or racism, they can also not easily be explained by economic factors. The research found indications of a certain reluctance amongst ethnic minorities to move into predominantly 'white' areas, apparently due to earlier experiences of exclusion or the fear thereof. Conversely, the research showed that among Dutch people scepticism exists about the idea of having a neighbour from an ethnic minority⁴⁵. It has also been shown that in very rural areas people of native Dutch origin are more wary and distrustful of ethnic minorities when compared to more urbanised areas⁴⁶.

Manifestations of discrimination

Roma, Sinti, Travellers and bullying in the neighbourhood

The groups of people that continue to experience significant problems in housing are Roma, Sinti and Travellers. The problems they face are twofold. Firstly, it continues to be very difficult to obtain a mortgage on caravans or 'chalets' and secondly, the (increasing) shortage of caravan sites limits the housing

⁴³ Re Houtzager, D., Schriemer, R., "Huisvesting en interetnische problemen in de woonbuurt" in Boog, I. (ed.), *Monitor Rassendiscriminatie 2005* (Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie, 2006).

⁴⁴ Kullberg, J., Vervoort, M., Dagevos, J., *Goede bureen kun je niet kopen* (Den Haag: SCP, 2009). Available online: <http://www.scp.nl/dsresource?objectid=20093&type=org> (accessed 19-06-09)

⁴⁵ Ibid.

⁴⁶ Re Vermeij, L., Mollenhorst, G., *Overgebleven dorpsleven. Sociaal kapitaal op het hedendaagse platteland* (Den Haag: SCP, 2008). Available-online: <http://www.scp.nl/publicaties/boeken/9789037703672/Overgebleven%20dorpsleven.pdf> (accessed 08-04-09)

opportunities for this group significantly. With regard to mortgages, banks often reject requests from Travellers, as their caravans mostly do not stand on their own land, but on sites owned by a council. Some lenders also claim that different rules apply to caravans than to static housing. As councils mostly do not offer to sell the sites to travellers, these impediments to the access to mortgages could potentially be classed as discrimination on the ground of race. Support groups of Roma, Sinti and Travellers have lamented the fact that the availability of caravan sites for settlement continues to be limited. Though according to representative groups around 3200 more places are needed, in 2008 only 8319 places for caravans existed in the Netherlands, which actually constitutes a drop in the number of places⁴⁷.

A different issue that has generated a lot of discussion in 2008 is the occurrence of targeted racist bullying in neighbourhoods. While it is not clear how frequent these incidents occur, it is worth mentioning due to the amount of attention that was paid to the issue, especially to one particular case in the town of Waspik. In April 2008, the report on the case of a refugee family from Liberia that was discriminated against and bullied by neighbours for one and a half years was published⁴⁸. The family ended up having to move to a different place, after the bullying had become unbearable and no sufficient help was offered. It was stated in the report that local authorities, police and social workers did not realise the gravity of the situation and failed in providing adequate support to the family. Significantly, it was either not realised or at least not put into practice that the racist nature of the bullying required a special approach to the problem and no common action was agreed on among the different public actors. The report emphasised that it is important that people, institutions and local governments have access to specialised ADAs in their neighbourhood. A law that will most probably be implemented in 2009 will require every council to make sure that this is indeed the case⁴⁹.

Dilemmas from the perspective of equal treatment

Segregation

Segregation has long been treated as a problem by the Dutch government and municipalities. It is argued that segregation in cities poses an obstacle to social cohesion and to the integration of migrants into Dutch society. Projects aimed at the restructuring of certain areas and the mixing of their residents (in ethnic as well as socio-economic terms) are often seen as a solution. However, the discourse on this topic has changed over the last year. Firstly, it has been shown that improvements in one area can lead to a worsening of the situation in another one, as people from the lower strata of society are forced to move into different

⁴⁷ Travellers' Magazing Het Wiel, " 10 jaar na afschaffing van de woonwagenwet " (January 2009)

⁴⁸ Re Onderzoekscommissie 'Liberiaans gezin', *Racistische overlast in Waspik. Analyse van de aanpak en lessen voor gemeenten* (Rotterdam: Ger Guijs, 2008)

⁴⁹ See also http://www.art1.nl/artikel/7687-Waspik_belangrijke_les_voor_gemeenten. (accessed 08-04-09)

districts (the so-called waterbed-effect)⁵⁰. Secondly, the desirability of forcibly mixed districts has been called into question. It has been suggested that the mixing of the population of a certain area, especially when forced through restructuring projects, can lead to tensions in itself, much more so than the existence of ethnically homogenous areas. Leading researchers have called for a re-examination of the reasons for which segregation is deemed harmful in the first place and what exactly one hopes to achieve through restructuring policies⁵¹. It is not clear whether this change in approach will be adopted by policy makers.

Examples of NGO Good Practice

- The Bureau Discriminatiezaken Hollands Midden en Haaglanden (ADA region The Hague) has launched a new website providing information on discrimination in the neighbourhood. It provides support on how to maintain a good relationship with one's neighbours and also advises on how to deal with a situation that has got out of hand. There is specific information about institutions, charities and NGOs available for several districts in and around The Hague⁵².
- In November 2008, the first National Week of the Dialogue was organised. 32 councils organised their own Day of the Dialogue, in which people are invited to come together at dialogue tables set up in public places and converse over a chosen topic. The goal of this initiative is to foster trust and social cohesion in a safe environment. Days of the Dialogue have been held in Rotterdam and other places for the last 7 years, but this was the first time that a coordinated national approach was taken⁵³.

V.iii Education

Context

In Dutch schools, pupils from ethnic minorities display lower performances than native Dutch pupils. This is shown by research by the Education Inspection. Schools with a high percentage of pupils from non-Western ethnic minorities often display a high percentage of failing students. Pupils from ethnic minorities are also more likely to leave school prematurely. In 2008 the Education Inspection reported that in the preceding school year between 34% and 48% of

⁵⁰ Re Slob, A., Bolt, G., van Kempen, R., *Na de sloop. Waterbedeffecten van gebiedsgericht stedelijk beleid* (Den Haag: Nicis Institute, 2008)

⁵¹ Re Bolt, G. en van Kempen, R., *De Mantra van de mix. Hoe ideaal is een gemengde wijk?* (Utrecht/Rotterdam: FORUM, Ger Gijs, 2009)

⁵² see <http://www.standpunddenhaag.nl> (accessed 08-04-09)

⁵³ see http://www.nederlandindialoog.nl/91-Week_van_de_Dialoog.html (accessed 09-04-09)

secondary schools (depending on the educational level of the school) reported incidents occurring between native Dutch pupils and pupils from ethnic minorities. It is hard to say whether these statistics are related to discrimination⁵⁴.

Manifestations of discrimination

Iranian students

As part of a new sanction regime for Iran, implemented in response to UN Security Council Resolution 1737, a new regulation was put in place in July 2008. This regulation determines that students with Iranian nationality are not to be allowed onto nine Masters courses, dealing with sensitive research regarding nuclear proliferation. Non-adherence to this ban is punishable by law. Students can request to be treated as an exception in cases where it is not likely that the Iranian government will profit from their knowledge, such as in cases of double nationality. Nonetheless, this regulation appears to go against Dutch fundamental rights and equal treatment legislation⁵⁵. In April 2009, a group of Dutch students with Iranian background has taken the Dutch state to court over this regulation, which they perceive as discriminatory. The result of the case is pending.

Dilemmas from the perspective of equal treatment

Segregation

Dutch education remains strongly segregated, especially in urban areas. This is partly due to the segregation in housing, and partly a result of the free choice of school for parents. However, this cannot completely account for segregation in education. At the start of 2008, the Ministry of Education announced a number of initiatives that aim to tackle this phenomenon, such as exchange between schools and diverse parental initiatives⁵⁶. Once again the idea of separate waiting lists or special quotas was brought up. However, Dutch equal treatment legislation does not allow these. Next to that, they go against the free choice of school that parents have in the Netherlands. Recent research called into question the effort to achieve more ethnically mixed schools. It is not clear whether the ethnic make-up of a school has a significant impact on interethnic contact between pupils or on the creation of stereotypes and prejudice⁵⁷.

⁵⁴ Inspectie van het Onderwijs: *De staat van het onderwijs. Onderwijsverslag 2006/2007* (May 2008) available online: http://www.onderwijsinspectie.nl/html/ivhointernet/document_download.cfm?doc=F13DF6E0-5056-8874-1622F6B403FC049A.PDF&doc_name=Onderwijsverslag%202006/2007 (accessed 09-04-09)

⁵⁵ See [http://www.art1.nl/artikel/7970-Art1 weigeren Iraanse studenten is discriminatie](http://www.art1.nl/artikel/7970-Art1_weigeren_Iraanse_students_is_discriminatie) (accessed 14-04-09)

⁵⁶ see <http://www.forum.nl/paoo/artikelen/BriefDijksma-segregatie13mei2008.pdf> (accessed 14-04-09)

⁵⁷ Re Lindo, F., *Interetnische contacten tussen scholieren in het voortgezet onderwijs: Een analyse en waardering van het onderzoek binnen het paradigma van de contacthypothese* (Den Haag: Wetenschappelijk Onderzoek en Documentatiecentrum, 2008). Available online: http://www.wodc.nl/images/1389_volledige_tekst_tcm44-103968.pdf (accessed 14-04-09)

Burqa ban

In September 2008, the cabinet announced that it wants to introduce a mandatory ban on all face-covering clothing, a regulation aimed at people wearing a burqa. Higher education aside, this should in practice be applied to the entire terrain of a school or institution, and thereby affect pupils, teachers and parents who want to enter the school. Later it was announced that the prohibition should apply to higher education as well. While there are potentially relevant arguments for not allowing face covering clothing in teaching, concerns have been raised about the question of whether banning parents as well from wearing such clothing is disproportionate.

Combating and preventing discrimination

Schools in the Netherlands are legally required to foster active citizenship and social integration. The Education Inspection monitors this obligation. Since the academic year of 2007/2008 this is also the case in vocational education. This regulation could provide a framework in which to integrate the topics of discrimination and tolerance into the curriculum. However, a lot of school struggle to fulfil their obligation.⁵⁸

Example of NGO Good Practice

PRIMOnh, centre of expertise for social practice, has set up the project 'Respect Estafette' (Respect Relay). This project, which moves from school to school and region to region, pairs pupils up with pen-pals who are in a vulnerable position for example due to their ethnicity, disability or sexuality. After exchanging letters with their pen-pals, the pupils make a short film about what they have learned from the experience⁵⁹.

V.iv Health⁶⁰

Context

Current knowledge about ethnic differences in health care in the Netherlands demonstrates a less favourable position for ethnic minorities compared to native Dutch. Minorities report a lower subjective state of health than natives. Furthermore, numbers show that the morbidity and mortality rates of minorities are generally higher than those of native Dutch⁶¹. Research on pregnancy and birth found out that perinatal death occurs more frequently among newly born

⁵⁸ Ibid.

⁵⁹ see <http://www.respectestafette.nl/> (accessed 14-04-09)

⁶⁰ drafted with the help of Nanda Jansen, intern at Art.1

⁶¹ Re Lanting, L., *Ethnic differences in utilization of an outpatient clinic in the Netherlands; a study of diabetes patients with gastrointestinal symptoms*. (Rotterdam: Erasmus Universiteit, 2007).

children of non-western ethnic minorities than among those of indigenous Dutch people. The incidence frequency of death of mothers from ethnic minorities during pregnancy and birth is also much higher than the incidence frequency of death of native Dutch mothers⁶².

The match between the healthcare system and the needs of people from ethnic minorities is not always optimal. Some of the problems can be seen as indirect or institutional forms of discrimination. For instance, research found out that there is little interest for Sickle Cell Anemia and Thalassemia in Dutch medicine, because the majority of patients with Sickle Cell Anemia is not indigenously Dutch⁶³. Lack of knowledge among health practitioners about diseases that have a high incidence among people from ethnic minorities will threaten the quality of care for this group. In addition, health care institutions do not always take the abilities and needs of certain groups into account, which makes care for these groups less accessible. For example, it was found that people who have problems with speaking and understanding Dutch do not make use of care as much as would be expected given their health⁶⁴. On the basis of research among mothers from ethnic minorities, it was concluded that improvement of the communication between this group and their doctors is needed in order to solve the problem of the relatively high incidence frequency of death during pregnancy and birth⁶⁵. The way institutions and healthcare practitioners operate is not always in agreement with migrants' norms and consequently fail to meet migrants' needs. For example, it is known that non-western migrants are less likely than native Dutch to use mental health services when needed.⁶⁶ Migrants from non-western countries tend to attribute mental health problems to external causes rather than to internal causes, whereas most mental health services in the Netherlands focus on internal causes. Therefore, it is suggested to take into account biographical factors and social factors more, in order to meet the needs of non-Western migrants⁶⁷.

Manifestations of discrimination

Investigation showed that the concepts of externalizing disorders, like hyperactivity and conduct problems, as handled for Dutch children are also applicable to children from ethnic minorities. Yet they are less likely to be treated for their problem behaviour. This was associated with a lower detection rate of externalizing disorders, like hyperactivity and conduct problems, among the

⁶² Re Waelput, A.J.M., & Achterberg, P.W., *Etniciteit en zorg rondom zwangerschap en geboorte*. (Bilthoven: RIVM, 2007).

⁶³ Re Roozendaal, S., *Een vreemde ziekte: patiënten met sikkelcel en beta-thalassemie*. (Soesterberg: Aspekt, 2007).

⁶⁴ Re Engelhard, D., *Met kennis van feiten: vluchtelingen, nieuwkomers en gezondheid in cijfers*. (Utrecht: Pharos, 2007).

⁶⁵ Re Waelput, A.J.M., & Achterberg, P.W., *Etniciteit en zorg rondom zwangerschap en geboorte*. (Bilthoven: RIVM, 2007).

⁶⁶ Re Verheusden, K., *Mental health problems and barriers to service use in Dutch young adults*. (Own publication, 2008).

⁶⁷ Ibid.

parents⁶⁸. Research found that in mental health care there is a tendency towards attributing the same behaviour of native Dutch people and people from ethnic minorities to different sources. People from ethnic minorities are more often labelled 'criminal', while native Dutch people are more often labelled 'sick'⁶⁹. The same could be the case for children with externalizing disorders.

Dilemmas from the perspective of equal treatment

Care for asylum seekers and undocumented migrants

In centres for asylum seekers, the people that failed to get a residence permit do not always receive the medical care they need. Certain regulations limit doctors in the care they can give to them. Doctors frequently come across patients who are too sick to be staying in those centres. In addition, sick asylum seekers are sent home before continuity of their care is arranged.⁷⁰

On the 1st of January 2009, a new law for the payment of medical care of undocumented migrants came into force⁷¹ which distinguishes between directly accessible or acute care and planned care. Acute care can be given by all institutions, planned care only by contracted institutions. Planned care is reimbursed according to the agreements stated in the contract. While care during pregnancy and labour is now reimbursed for 100%⁷², in cases of acute care, 20% of the costs is not reimbursed. Therefore, problems with instalment arrangements still exist and the lack of covering all costs might result in doctors or institutions refusing to give medical care. Although oral surgery and special dental care is reimbursed for everyone, dental care is only refunded for people under the age of 22. Since only a few institutions are contracted to give planned medical care, patients might often have to travel a long way to get to a hospital. Health minister Klink intends to monitor the effects of the new regulations and improve them when needed.⁷³ Although the Dutch government aims at discouraging people without legal documents to stay in the Netherland, it is unacceptable to violate the right to care that all humans have.

⁶⁸ Re Zwirs, B. W. C., *Externalizing disorders among children of different ethnic origin in the Netherland*. (Own Publication, 2008).

⁶⁹ Bos, F. "Institutioneel racisme en epidemie van dwangopnames in psychiatrie en gevangnissen: zorgelijke signalen op studiedag 'Psychiatrie, recht en cultuur'". *PandoraNieuws Dwangspecial Intercultureel* (May 2007). Online accessible: <http://www.stichtingpandora.nl/bymysite.v3/id/1CD29F44-C5B4-4E0D-AA01-B677E744CC48> (accessed on 28-04-09)

⁷⁰ see http://www.wereldjournalisten.nl/artikel/2008/03/05/medische_hulp_in_detentiecentra_schiet_tekort/ (accessed on 14-04-09)

⁷¹ Ibid.

⁷² www.lampion.info (accessed on 16-04-09).

⁷³ Waard, de E., & Westerink, H., "Nieuw zorgsysteem werpt veel drempels op voor illegalen" *De fabel van de illegaal: de krant tegen racisme* (maart/ april 2009). Online available: http://www.gebladerte.nl/Fabel-krant_2009_099.pdf (accessed on 29-04-09)

Examples of NGO Good Practice

- In 2008, Pharos started the program 'Quality and Effectivity Somatic Care 2009-2011' to improve the quality and effectivity of somatic care for migrants, which is currently lower than the quality and effectivity of somatic care for ethnic Dutch patients. Factors that are responsible for these differences are, for example, a lack of scientific and practical knowledge about ethnic differences in sickness and treatment, lack of knowledge on health and Dutch healthcare among migrants and communication problems. The program focuses especially on the improvement of health literacy, self-management of migrants with a chronic disease, intercultural communication and bundling and dissemination of existing knowledge⁷⁴.
- In 2007 'Dokters van de Wereld' started the MEDOC project which aims at facilitating the access to care for undocumented migrants and to improve the quality and continuity of care. Information and education is given to undocumented migrants and medical caregivers about the rights and duties to give care to undocumented migrants in order to increase the access to care and to prevent abuses. Furthermore, the migrants are provided with a 'mobile medical document' in which their medical history is reported. In 2008 the project was expanded with extra information for undocumented migrants about the accessibility of care⁷⁵.

V.v Policing and racial profiling

Policing

Complaints about police conduct can be made at special complaints commissions. Due to shortfalls in the registration system of the police however, there are no figures available on how many complaints on police conduct involved discrimination. In 2007, the Public Order and Safety Inspectorate issued an advice to standardise the complaints procedure to the police⁷⁶. This has not been realised yet. There is also no complaint data for 2008 available from ADAs.

In cases where the police does not adequately address a complaint about its own conduct, the complaint can be forwarded to the National Ombudsman. The National Ombudsman received several complaints about police treatment in recent years, not only about conduct in the context of public order, but also about the

⁷⁴ Pharos. "Meerjarenplan kwaliteit en effectiviteit somatische zorg 2009-2011" (2008). Online available: http://www.pharos.nl/uploads/site_1/Pdf/Meerjarenprogramma/Meerjarenprog_Kwaliteit_effectiviteit_somatische_zorg_2009-2011.pdf (accessed 27-05-09)

⁷⁵ see <http://www.doktersvandewereld.org/cms/publish/content/showpage.asp?pageid=392> (accessed 28-05-09)

⁷⁶ Re Boog, I., Coenders, M., & Dinsbach, W. , *Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten* (Landelijk Bureau Art.1, 2008.)

searching of people by border control officers at Schiphol or elsewhere. In a lot of these problematic cases it is difficult to determine whether the attitude of the officers was biased or not. Especially when there are no witnesses or proof. The Ombudsman has ruled that even the appearance of discriminatory conduct needs to be prevented. Officers and civil servants should be aware of the ways that citizens can experience and interpret their conduct, and therefore need to make sure that they clearly explain their actions⁷⁷. In practice this means that the suspicion of unequal treatment is sufficient for holding state institutions responsible for careless conduct, even in the absence of concrete proof.

In efforts to improve the conduct of the police in discrimination cases, the National centre for diversity and discrimination (LECD) plays a crucial role by gathering expertise and information⁷⁸. It is vital that this centre gets supported on a structural basis instead of being discontinued in 2010 as currently planned.

Racial profiling

At present, there is virtually no data available regarding discrimination complaints submitted in connection with racial profiling as such or more particularly on preventive searches or mandatory identification⁷⁹. In practice, more focus should be given to this subject in order to prevent or minimize undesirable conduct.

V.vi Racist violence and crime

Context

Racist violence is one of the focus areas of the police, the public prosecution service and the ADAs⁸⁰. However, the extent to which it occurs in the Netherlands is hard to specify. The police hardly ever registered the possible racist motivation behind incidents of violence in their registration system. Therefore, it used to be impossible to obtain reliable data on racist violence. As a result, in 2008 a separate code for discrimination was introduced in the new policing system in order to facilitate the registration of violence with racist intent. Still, until today the public prosecution has not provided any data about violence with racist intent. Only cases of 'pure discrimination' (e.g. hate-speech etc.) have been reported⁸¹. It is prosecution policy to increase the demanded amount of

⁷⁷ De Nationale Ombudsman, rapportnummer 2008/171. Online available: http://www.ombudsman.nl/rapporten_db/rapport.asp?rapportnummer=20080171 (accessed 19-06-08).

⁷⁸ see www.lecd.nl (accessed on 15-05-09)

⁷⁹ In 2008, the legislation on the extensive identification duty was evaluated. The execution of this law possibly creates space for discriminating application. No complaints have however been filed at ADAs and other agents about this. But some ADAs have learnt from contacts with the public that the feeling exists among ethnic minorities that they are more prone to inspection.

⁸⁰ On account of the Hate Crimes Project of the police: www.hatecrimes.nl (accessed on 17-05-09)

⁸¹ Art.1/LBR, "Rapportage Evaluatie Aanwijzing Discriminatie 2003 – 2007", (November 2006)

punishment by 25 per cent in cases where a racist intent is signalled⁸². However, there is no information available on whether this policy is implemented⁸³.

Manifestations of discrimination

The ADAs provide data on experienced discrimination, including racist violence. In 2007, the ADAs received 2229 complaints on discrimination on the grounds of race, religion or nationality. Around 40% of those complaints entail defamation, mostly verbal defamation. Almost 3% of the complaints are about racist violence, 1% is about racist threats. Numbers for 2008 are not yet available.

Combating and preventing discrimination

In 2008 a system of cooperation between the local police, the public prosecution and the local ADA has been introduced in all regions of the Netherlands.⁸⁴ They cooperate by discussing incidents, seeing to the best course of action and register these incidents in a specially devised system. This enables all parties to actively monitor the decided course of action of each individual case, produce an overview of incidents per region including incidences of racist violence, recognise local trends and incorporate this information in local policy. This cooperation is part of the national policy on discrimination, the Guideline on Discrimination re-issued by the public prosecution service in 2007⁸⁵. In 2009, this structure and the registration will be evaluated by the LECD, the public prosecution and Art.1

V.vii Access to goods and services in the public and private sector

Context

Providers of services and goods that exclude persons on the basis of their ethnic origin, their nationality or their belief, may act in violation of the equal treatment laws in the Netherlands. Discrimination by private actors and some public actors is forbidden by the existing civil and criminal legislation. Not all services delivered by public bodies fall under the protection of the non-discrimination legislation: one-sided acts, such as issuing licenses, are not covered under the equal treatment laws⁸⁶. Discriminatory acts of the government are deemed to be a violation of the government's duty to act fairly and evenly and can be challenged under general administrative law. Data on the number and type of complaints in this area are not available. An exception is the area of social protection because the scope of the Dutch equal treatment law has been broadened with the implementation of the Racial Equality Directive (2000/43/EC) in 2004. The implementation

⁸² Ibid.

⁸³ See also: Re Brants, C., Kool, R., & Ringnalda, A., *Strafbare discriminatie* (Den Haag: Boom Juridische Uitgevers, 2007)

⁸⁴ *Startbijeenkomst RDO*, 20th of March 2008, organised by the national centres of expertise of the police, public prosecution and Art.1

⁸⁵ Art.1/LBR, "Rapportage Evaluatie Aanwijzing Discriminatie 2003 – 2007", (November 2006)

⁸⁶ Equal Treatment Commission, opinion no. 2007-2.

of the Directive brought Article 7a in the Equal Treatment Act, allowing the ETC to test decisions in the area of social security and social protection⁸⁷.

Manifestations of discrimination

The complaints received by ADAs and the ETC are small in number and cover various areas. On the basis of this data it is not possible to determine areas within goods and services where discrimination occurs more than in others. However, discrimination in bars and discotheques continues to be a problem. This sector receives specific attention from local authorities and ADAs. Other sectors where a number of complaints have arisen are the access to fitness centres for Muslim women and the provision of mobile phone subscriptions.

Over the past years, the ADAs received more than 300 complaints per year about discrimination in the provision of goods and services⁸⁸. The number of complaints brought to the ADAs for 2008 are not yet available. In 2008, the ETC delivered significantly fewer opinions in the area of goods and services on the grounds of race or ethnic origin, nationality and religion than in the previous year; the ETC has not analysed this reduction. The ETC gave its opinion in a total of 14 cases⁸⁹. Of these, three concerned race or ethnic origin, two related to (Islamic) belief and two related to nationality. The other cases related to gender, transgender and civil status. Although the ETC consequently applies the shift of the burden of proof where this applies, it still seems to be difficult for petitioners to establish facts and circumstances that lead to a presumption of discrimination. Two examples will illustrate this difficulty.

One example is the case of a Dutch-Moroccan man who wanted to celebrate New Year's Eve in a local club. Although in possession of a valid entrance ticket, the man was refused entrance by the bouncer allegedly because he was not accompanied by a woman. The next day, the man complained by e-mail to the club. In its reply, the club stated that he was not refused because of his Moroccan origin, but because of his behaviour. The same e-mail stated that many of the people causing trouble in the club were of Moroccan origin. In the ensuing procedure, the bouncer convinced the ETC that not the origin, but the man's behaviour led to the decision not to let him in.

A second example is the case of the client of a bank of non-Dutch origin, whose banking relation was terminated by the bank on account of two incidents. Two branches refused to accept a 200-Euro-note of the man on suspicion that it was fraudulent, as a result of which a debate between the bank clerk and the client began. The bank then terminated the relation, citing the man's intimidating behaviour as a reason. In the procedure before the ETC, the man stated that the clerk

⁸⁷ Equal Treatment Commission, opinion nos. 2006-206, 2007-4, 2007-12, 2007-152 and 2008-1.

⁸⁸ Boog, I. et al, "Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten" (Rotterdam: Landelijk bureau Art.1, 2008)

⁸⁹ In 2007, the ETC gave 29 opinions, of which 17 on grounds of race, belief or nationality.

had referred to his foreign origin and that that was the reason for the termination of the relationship. The ETC considered that there were contradicting statements and that the petitioner had not been able to substantiate his claim through the use of witnesses. A presumption of discrimination could not be established⁹⁰.

The policy of several fitness centres not to allow any head covers on their premises has led to a number of requests by Muslim women wearing headscarves for an opinion of the ETC. In all cases, the ETC concluded that the refusal was direct or indirect discrimination without an objective justification⁹¹. As part of its follow-up procedure, the ETC brought its opinions to the attention of the State Secretary of Sports. The State Secretary stated that she would discuss the membership policy with the sector organisation⁹².

The ETC also concluded that a mobile telephone provider had acted in violation of the Equal Treatment Act by refusing services to a woman of Indonesian origin, on the basis that she could not show a residence permit. The ETC considered that the procedure which describes the exemptions for not possessing a residence document, was so unclear that indirect discrimination based on nationality could be established⁹³.

⁹⁰ Equal Treatment Commission, 3.06.2008, opinion no. 2008-58.

⁹¹ Equal Treatment Commission, opinion nos. 2006-48, 2007-20, 2007-136, 2007-173, 2008-12 and 2008-146.

⁹² See http://www.ad.nl/rotterdam/waterweg/2890939/Bussemaker_begrip_voor_sportmoslima.html (accessed on 17-04-09).

⁹³ Equal Treatment Commission, 18.12.2008, opinion no. 2008-156.

V.viii Media, including the internet

Manifestations of discrimination

Reporting on ethnic minorities in the media

The ADAs register complaints about discrimination in the media or in advertising. Reports about manifestations on the internet are referred to the Dutch Complaints Bureau for Discrimination on the Internet (MDI). In the past few years (2004-2007) the ADAs received on average 100 complaints per year (2.5% of the total number of complaints) concerning discrimination in the media or in advertising on the grounds of race, religion or nationality⁹⁴.

A monitoring study of the municipality of Amsterdam showed that amongst cases reported by people of Moroccan descent a high percentage referred to expressions in the media.⁹⁵ In different research it appeared that the native Dutch participants consider items showing a negative image of ethnic minorities as more reliable than participants with an ethnic minority background⁹⁶. The research found that ethnic minorities regard the portrayal of their group in the media as prejudiced. Another study looked at how the media reports on emancipation of Muslim women⁹⁷. It concluded that the mainstream media usually compare Muslims with non-Muslims, whereas the multicultural media deals differently with emancipation, trying to provide a more in-depth image of the matter by means of covering stories and news items. Both mainstream and multicultural media portrays Muslim women generally as being traditional and religious which will contribute to the one-sided image of Muslim women.

Discriminatory expressions on the internet

An exploration of right-wing expressions on internet demonstrated that the number of right-wing and right-wing extremist websites increased after the attacks in New York (2001), after the rise of politician Pim Fortuyn, the political murders of Pim Fortuyn (2002) and Theo van Gogh (2004) and after the rise of politician Geert Wilders (end of 2004)⁹⁸. It is important to note however that the use of the internet in general is growing in the Netherlands⁹⁹. Comparative

⁹⁴ The number of complaints in 2008 the ADAs is not available yet.

⁹⁵ Dienst Onderzoek en Statistiek, *Burgermonitor 2007* (Amsterdam: Dienst Onderzoek & Statistiek, 2007).

⁹⁶ Re Wallinga, D., *De vele kleuren van het nieuws. Een empirisch onderzoek naar de effecten van nieuwsframes en etnische (re)presentatiekenmerken in actualiteitenrubrieken op (allochtone) jongeren* (Amsterdam.: Vrije Universiteit, 2008)

⁹⁷ Alciyan, D., *Moslima: een mediacreatie ? De manier waarop de media omgaan met moslimemancipatie*, *Master Thesis Opleiding Media en Journalistiek* (Rotterdam: Erasmus Uniersiteit, 2007).

⁹⁸ NRC (24-08-2007, gewijzigd 28-05-2008). *Inventarisatie van vrijspreekende, rechtse en extreemrechtse uitingen op het web* Online available: http://nrc.nl/redactie/binnenland/overzicht_websites.htm (accessed on 15-05-09)

⁹⁹ CBS (28-10-2008). "Mediaproducten steeds meer via internet". Den Haag: CBS. Online available: <http://www.cbs.nl/NR/rdonlyres/B6BD7026-9407-4667-9E8E-F38072D8FE96/0/pb08n071.pdf> (accessed on 15-05-09)

research found that crude and banal posts on news sites were more frequent among the Dutch than among other Europeans¹⁰⁰.

In comparison to 2007 (1046), the MDI received more reports in 2008 (1226). Discrimination on the internet does not appear only on the websites of radical organisations and extremist movements, but are also expressed on sites that have nothing to do with organised racism or extremism, such as popular discussion forums and weblogs. The number of reports expressing views that according to the MDI are probably sanctionable, decreased from 1078 in 2007 to 899 in 2008. Most reports concerned anti-Semitism and anti-Islamism. After reception, the MDI examines the complaint. When necessary, the MDI will ask the author or the administrator of a website to delete the expression, in cases of punishable expressions filing a complaint with the public prosecution service.

In 2008 several cases of internet discrimination led to strong discussions in the Netherlands. An artist who made discriminating cartoons of Muslims and people with a dark skin-colour and put them on his personal website was arrested at his home by the police. This was seen as out of proportion by some people and organisations, like the Dutch Association of Journalists NVJ¹⁰¹. Another case was the appearance on the internet of an anti-Islam movie made by the politician Geert Wilders¹⁰². Furthermore, there were complaints about offensive and provoking texts on the forums of particular websites. The owner of one of these websites was summoned to the police station, which was again disapproved of and seen as an overreaction by some people and organisations. The administrator of another reprimanded website decided to put a button on the website that made it easy for visitors to send their complaints directly to the police¹⁰³. In all these cases of internet discrimination the main discussion is about the balance between non-discrimination and freedom of speech. One of the aspects of importance is the extent to which an expression is seen as contributing to the public debate¹⁰⁴.

Combating and preventing discrimination

It is complicated to combat discrimination on the internet by means of Dutch (criminal) law, due to the difficulty to trace the person who wrote down the discriminatory expressions and because internet crosses national borders. Dutch law is applicable to expressions which can be observed in the Netherlands. However, to put sanctions on foreigners, the Netherlands is dependent on the cooperation of the country in which the suspect resides¹⁰⁵. In 2007, 11 participants or administrators were convicted or got arrested because of hate speech or

¹⁰⁰ Trouw, "Schelden op internet typisch Nederlands", (June 2008)

¹⁰¹ Nieuwsbrief Nederlandse Vereniging van Journalisten (NVJ), (may 2008). see <http://www.nvj.nl/nieuws/bericht/reactie-nvj-op-aanhouding-nekschot/> (accessed: 01-05-09)

¹⁰² [www.art1.nl/artikel/7707-Uitspraken Wilders juridische analyse Art1](http://www.art1.nl/artikel/7707-Uitspraken_Wilders_juridische_analyse_Art1)(accessed 01-05-09), see paragraph VI.iii.i

¹⁰³ Algemeen dagblad, "Marokko.nl krijgt kliklink naar politie", (December 2008) see http://www.ad.nl/multimedia/2827102/Marokkonl_krijgt_kliklink_naar_politie.html (accessed 05-04-2008)

¹⁰⁴ see [http://www.art1.nl/artikel/7707Uitspraken Wilders juridische analyse Art1](http://www.art1.nl/artikel/7707Uitspraken_Wilders_juridische_analyse_Art1)(accessed: 01-05-09)

¹⁰⁵ Re Van der Linden-Smith, Cf., *Discriminatie op Internet: wat doen we eraan?* (Utrecht: CGB, 2008).

discrimination in the Netherlands¹⁰⁶. In 2003, the Netherlands signed the Additional protocol to the Convention on Cybercrime¹⁰⁷ which confirms that acts of a racist nature committed through computer systems are also seen as criminal. On the 29th April 2009 the proposal for approval of this additional protocol was sent to parliament¹⁰⁸.

In 2008 the ECRI advised the Dutch Government in their report to prosecute more stringently all crimes committed via internet¹⁰⁹. While it would be best if webmasters and moderators themselves kept an eye on their websites, this does not happen very often. Firstly, one can consider deleting expressions from visitors as a restriction on the freedom of speech. Secondly, it is difficult, especially for people without legal education, to judge whether a remark is forbidden by law. Thirdly, there might be commercial reasons to leave controversial statements on a website, since that will probably attract visitors.¹¹⁰.

- Reactions on the website of a national newspaper led to many complaints to the MDI.¹¹¹ As a result, the frequency with which the MDI had to ask to remove these reactions was so high, that they put forward several recommendations to the newspaper. As a consequence, they clarified visitors regulations, simplified the handling of complaints on the website, appointed more moderators who were trained in how to recognise discrimination¹¹².
- Art.1 organised the event 'Highlights of multicultural television' together with broadcasting agency NPS and the Dutch institute for Image and Sound. The event was mainly directed at producers of television programmes and students with a major on Journalism. Multicultural television programmes were shown and a discussion between the producers and the public took place. The event aimed at stimulating people to cover news in a balanced way¹¹³.

¹⁰⁶ Research by NRC Handelsblad

¹⁰⁷ Ibid.

¹⁰⁸ Parliamentary Documents II, 2007-2008, no. 31 838 (R 1874), nr. 1

¹⁰⁹ Europese Commissie tegen Racisme en Intolerantie (ECRI), "Derde rapport over Nederland" (June 2007).

¹¹⁰ MDI, "Jaarverslag 2006" (June 2007)

¹¹¹ Trouw (18-07-2008) Toename strafbare uitingen op internet taant.

¹¹² MDI, "Jaarverslag 2008" (June 2009)

¹¹³ see http://www.art1.nl/artikel/8191-Programma_Hoogtepunten_van_Multiculturele_Televisie_2008 (accessed on 16-05-09)

VI. Political and legal context

VI.i Anti discrimination

Both the government and NGOs as well as activists try to tackle and prevent discrimination in the Netherlands. In 2008, the most important developments took place on the governmental level, as a new national framework for victim support was agreed upon. Several smaller initiatives were also organised.

National network of ADAs

After the announcement in 2006 by the Dutch Government that it would set up a nationwide network of municipal anti-discrimination facilities, a bill to give legal backing to these plans was presented to Parliament in 2008¹¹⁴. The bill entails that each of the 440 municipalities in the Netherlands have the duty to provide its citizens access to an anti-discrimination facility, where they can submit a complaint. Such a facility is supposed to provide support services to victims of discrimination and additionally provide counselling to victims, advise clients on how to file a report with the police or how to request an opinion at the ETC. This setup would be in line with the requirement of articles 7.2 and 13 of the Racial Equality Directive.

The national government has encouraged the municipalities to liaise with the existing local and regional ADAs. In the course of 2008, most of the municipalities have started negotiations with existing ADAs to provide services.

In order to maintain the network of ADAs, the government has allocated € 6 million annually. The ADAs and their national association, Art.1, have however requested Parliament to amend the bill, because the proposal limits the scope of work to victim support and registration of complaints. In practice, the agencies also give information, carry out awareness raising activities and give policy advice. They want these activities to be covered in the bill. The government refused to extend the scope of the bill, stating that municipalities could decide for themselves whether or not to pay for these extra activities out of their own funds. The additional activities are however mentioned in the accompanying regulation and the government does advise councils to enable ADAs to carry them out. In March 2009, the Second Chamber adopted the bill in its original form. It is expected that the Senate will accept the bill as well and that the new Act will come into power in September 2009.

¹¹⁴ Parliamentary Documents II, 2007-2008, no. 31 439.

International developments

The United Nations International Convention on the Elimination of all forms of Racial discrimination (UNICERD) was ratified by the Netherlands since the 10th of December 1971. The Dutch government periodically reports on the state of affairs; the latest report was submitted in 2008. The CERD committee will discuss the Dutch report in its session in January 2010¹¹⁵.

The Dutch government decided to boycott the Durban Review Conference in April 2009. The Minister of Foreign Affairs stated that the final conference declaration would unfavourably single out Israel, which was deemed to be unacceptable¹¹⁶. NGOs condemned the government's decision. It was argued that the Netherlands had missed a chance to contribute to the international debate and to discuss many aspects of racism and discrimination¹¹⁷.

Civil society initiatives

In 2008, several manifestations against racism and xenophobia took place. Around the annual Day against racism (21st of March), the organisation *Nederland Bekent Kleur* held a rally on the Dam square in Amsterdam, which attracted more than a thousand people. The meeting focused on political hate speech, specifically the statements of populist politicians.

In August 2008, the 25th annual *Kerwin memorial* took place, also in Amsterdam. The event is held in memory of a Dutch-Caribbean boy, Kerwin Duinmeijer, who was beaten to death by a skinhead in 1983¹¹⁸.

For information about the procedures against member of parliament Geert Wilders, refer to section VI.iii.i.

VI.ii Migration and integration 2008

Migration

In 2008, the detention of undocumented migrants and asylum seekers was on the public agenda.

Amnesty International carried out research about the detention of migrants. It is estimated that around 20,000 migrants are placed in detention centres in preparation of their return. Amnesty is concerned about the number of irregular migrants and asylum seekers in detention, the length of their detention, and the fact that other vulnerable groups, such as unaccompanied minors and torture

¹¹⁵ The text of the Dutch report can be viewed at <http://www2.ohchr.org/english/bodies/cerd/future.htm> (accessed 30-06-09)

¹¹⁶ See <http://www.minbuza.nl/en/news/newsflashes,2009/04/Netherlands-will-not-participate-in-UN-anti-racism.html> (accessed 30-06-09)

¹¹⁷ See the commentary on <http://www.e-quality.nl/e-quality/pagina.asp?pagkey=104480> (accessed 30-06-09)

¹¹⁸ See <http://www.kerwin.nl/english.htm> (accessed on 02-06-09)

victims continue to be detained. The conclusion of Amnesty International about the situation in the Netherlands is that detention of migrants has effectively become a tool of deterrence and punishment, which conflicts with international human rights standards. Thus the report concludes that elements of Dutch policies and practices constitute human rights violations¹¹⁹.

In a reaction to protests against the detention of children accompanying their parents in so-called eviction-centres (*uitzettingcentra*), the government decided to ease the detention of children below the age of 18¹²⁰. Despite the announced change in policy, children that newly arrive with or without parents, continue to be detained in reception centres.

The legislation on migration did not change in the Netherlands in 2008.

Integration

The government decided in 2008 that the Integration Act would be evaluated. There have been numerous, often practical problems with the implementation of the integration scheme for newcomers to the Netherlands. Although integration activities, such as language courses and cultural schooling, are compulsory for those who have been given a residence permit, many of the eligible persons do not attend classes. The providers of these classes are not able to attract these people and to retain them to finish the courses. Causes are often logistical and financial¹²¹. Even though the Dutch government played an active role in the framing of the eleven Common Basic Principles for Immigrant Integration Policy in the EU, these principles are not referred to in the shaping of national integration policies.

The separate act on compulsory integration in the country of origin, the Integration Abroad Act, is still in force. The Act requires applicant immigrants from certain countries to pass an examination showing a basic level of knowledge of Dutch language and Dutch culture, before they are eligible for a long-term visa. The fact that inhabitants from some countries (EU-Member States, Canada, the United States, Japan, South Korea and some others) are exempt from the examination, is the reason that the act has been termed discriminatory, among others by Human Rights Watch (HRW)¹²². In a reaction to the HRW report, the Minister for integration stated that the level of cultural, economic and social development of these countries is comparable to that of the Netherlands. According to the minister, this provides an objective justification for this distinction¹²³.

¹¹⁹ Amnesty International, "The Netherlands. The detention of irregular migrants and asylum-seekers" (Amsterdam: Amnesty International, 2008)

¹²⁰ Parliamentary Documents II, 2007/08, 29 344 and 19 637, no. 66 (29.01.2008)

¹²¹ See <http://international.vrom.nl/pagina.html?id=37735> (accessed on 19-06-09)

¹²² See <http://www.hrw.org/en/news/2008/05/14/netherlands-discrimination-name-integration> (accessed 12-06-09)

¹²³ Parliamentary Documents II 2007/08, 29 700, no.56, p. 3.

VI.iii Criminal justice

VI.iii.i Racism as a crime

Context

Racism is prohibited in the Netherlands as a crime against the public order. In articles 137c to 137g and in article 429quater of the Dutch penal code, discrimination is stipulated as a punishable crime and misdemeanour (article 429quater).

The following conduct is punishable as a crime or misdemeanour against the public order:

- 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.

Legislative developments

On 28th of November 2008 the Council of Europe adopted the Framework Decision on combating racism and xenophobia - exactly seven years after it had first been presented by the European Commission. The Dutch government has however not yet taken steps to implement the Framework Decision in Dutch law.

In a related development, in 2008 the political party ChristenUnie has further developed their proposal to make denial of the Holocaust and genocides punishable under Dutch penal law¹²⁴. Although the Supreme Court has made it clear that denial of the Holocaust is already punishable¹²⁵, the ChristenUnie wants to make the legal norm more explicit and wants to include insulting denial of genocide in more general terms.

Policing and prosecution

¹²⁴Trouw, "Straf ontkennen genocide" (December 2008). Online available: www.trouw.nl/nieuws/nederland/article1921881.ece/ 'Straf ontkennen van genocide' .html (accessed on 13-06-09)

¹²⁵ Supreme Court of the Netherlands, 05.11.2002 LJN: AE8821, 01362/02 U

Research has shown that, judging from present legislation and its implementation in the period from 2000 to 2005, the approach to tackling discrimination needs to be improved. Less ambiguous methods and a broadening of the expertise of police and public prosecution are required¹²⁶. There appears to be too much space for individual interpretation of the scope of the legislation or even ignorance of the legal criteria. As a consequence discrepancies can occur in the implementation of the law. The interpretation of the police, public prosecution and lawyers can thus differ. Sometimes these are marginal cases where the judge is expressly asked to bring clarity into the debate. In other cases however, we are indeed dealing with problematic differences in interpretation or ignorance of the issues¹²⁷.

Prosecution

One case that demonstrates the complexity of these questions is the prosecution of Geert Wilders, a member of parliament and leader of the right-wing party Party for Freedom (*Partij voor de vrijheid, PVV*), in the context of his controversial film *Fitna* and other statements he has expressed in earlier years. After the release of the film, more than 100 reports about racist insult and incitement to discrimination in the film and in previous statements about Muslims were submitted to the police. The public prosecution decided not to prosecute Wilders for these statements, stating the reasoning that his statements fell within the scope of free speech¹²⁸. In a reaction, a group of complainants appealed to the Appeals Court of Amsterdam. On 21 January 2009, the Appeals Court considered that many of the statements by Wilders could possibly be in violation of non-discrimination sections in the penal code after all. It therefore ordered the prosecution service to start proceedings against the politician¹²⁹. Politically, Wilders appears to have benefited from the Appeals Court's decision, as his party gained significant support in opinion polls following the developments.

Guideline on Discrimination

The work of the police and the public prosecution is based on a so-called 'Guideline on Discrimination' (*Aanwijzing Discriminatie*)¹³⁰. This guideline is supposed to provide direction in the approach towards discrimination. Furthermore, in 2006 a handbook on discrimination was published by the public prosecution service which explained the legislation. In 2007, a new guideline was issued which states the responsibilities of the police and the public prosecution service in more detail than before.

¹²⁶ Re Brants, C., Kool, R., Ringnalda, A., *Strafbare discriminatie* (Den Haag: Boom Juridische Uitgevers, 2007)

¹²⁷ *Ibid.*

¹²⁸ See http://www.om.nl/algemene_onderdelen/uitgebreid_zoeken/@148332/wilders_not/ (accessed on 05-06-09)

¹²⁹ Appeals Court Amsterdam, 21.01. 2009, LJN: BH0496.

¹³⁰ *Aanwijzing Discriminatie*, 2007A010

Notable is the importance that is attached in the guideline to national and local cooperation between the police, the public prosecution service and the ADAs and Art.1. This cooperation is supposed to lead to better overviews of discriminatory incidents and to the improvement of data that is provided for policy development at local level¹³¹. In 2009, this cooperation in the different regions will be evaluated in order to see in what way it should be continued. Special attention will be given to the expertise of officers with the discrimination portfolio at the police, public prosecution and ADAs; the need for sufficient capacity to give attention to the issue of discrimination as specified in the Guideline on Discrimination; a clear profile for the portfolio of discrimination for police officers; and further questions relating to the cooperation of these different organisations¹³².

VI.iii.ii Counter terrorism

Context

In the last few years, 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, this is often regarded in relation to Islam and Muslims. The public debate about muslims has led to a fear of 'Islamic' terrorism by, most prominently, Moroccans in the Netherlands. In turn, this debate raises anger among exactly those groups that threaten to commit violent acts in the name of Islam. This point is made in the annual report of the General Intelligence and Information Service (*Algemene Inlichtingen- en Veiligheidsdienst, AIVD*). The report also states that it was, among other things, the critical debate about Islam that motivated the elevation of the national threat level from 'moderate' to 'substantial'. The release of the movie *Fitna* by PVV leader Geert Wilders in March 2008 was especially important in this context. The AIVD notes that initially *Fitna* did not cause much of a commotion among Muslims, either in the Netherlands or elsewhere. However, in the long run the film proves to be of great influence on the profile of the Netherlands as used by jihadist networks. Jihadists consider *Fitna* to be an insult to Islam which therefore legitimates the designation of The Netherlands and/or Dutch interests as a target¹³³.

Section VI.iii.i contains more information on the judicial proceedings against Wilders.

Radicalisation

As a consequence of the above, Muslims are one of the main target groups in the prevention of terrorism. In August 2007 the national government announced

¹³¹ One of the wishes expressed by the police, public prosecution and Art.1 during the kick-off meeting of the Regional discrimination council (*Regionaal discriminatie overleg, RDO*), 20th of May 2008, which is referred to in the Guideline on Discrimination.

¹³² The evaluation is in planning, but there are no official results or documents in existence yet which could be referred to at this point.

¹³³ See <http://www.minbzk.nl/aspx/download.aspx?file=/contents/pages/99443/jaarverslag2008engels.pdf> (accessed on: 28-04-09)

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 radicalisation¹³⁴.

Besides tackling the threat of violence, the national government is also aware of the causes of radicalisation, among which are discrimination, continuing marginalisation and unequal or negative treatment.

A trend analysis of the Ministry of Justice on the subject of polarisation and radicalisation distinguishes the following trends in the Netherlands: ongoing segregation and relatively little contact between different ethnic groups, discriminatory experiences of native Dutch people and (mainly higher educated) non-western ethnic minorities, a negative view of Islam among non-Muslims, and an increase of confrontations of a (violent) racist nature.¹³⁵

Several measures have been or will be taken to prevent and deal with terrorist actions. Although the legislative proposals are not discriminatory in intent, there is some risk in their application because the powers are less bound by hard criteria. All of the proposals entail limitations of liberties and rights, for example of the freedom of speech of civilians, and can be applied selectively¹³⁶.

VI.iii.iii Racial profiling

There are several practices of racial profiling that continue to be used by different institutions in the Netherlands. These are controversial in nature, as they can lead to unequal treatment and have negative implications for the public image of ethnic minorities.

Continuation of 100% checks at Schiphol airport

Since 2003, '100%-controls' are executed at Schiphol Airport. This means that travellers from the Dutch Antilles, Aruba, Suriname and South-Africa are closely inspected for the possession of drugs in and on their bodies. The inspections led to complaints from passengers who experienced the inspections as humiliating and discriminating, because only travellers from the mentioned areas, and especially people with a dark skin colour, are inspected this way. The national ombudsman judged that the strip searches are not an appropriate means for inspection, because they violate bodily integrity. On the other hand, although many passengers experienced the inspections as discriminating, the

¹³⁴ Ministry of Justice, "Actieplan polarisatie en radicalisering 2007-2011" (Den Haag, Ministry of Justice, 2007), accessible online: http://www.justitie.nl/images/actieplanpolarisatieenradicalisering_tcm34-82141.pdf (accessed on: 07-08-2008)

¹³⁵ Tweede Kamer, "Trendanalyse Polarisatie en Radicalisering december 2008", (Den Haag: Tweede Kamer), p. 24, online accessible: http://www.tweedekamer.nl/images/297540141bijlage03_tcm118-182861.pdf (Accessed on 29-05-09)

¹³⁶ Ibid.

ombudsman did not acknowledge this. In 2007, a judge deemed the inspections as illicit, because travellers from the specific areas are subject to a criminal investigation in the absence of a motive.

Database of Antillean youths

In 2006, the Dutch authorities introduced a temporary registration system for Antilleans, the so-called reference index for Antilleans (*Verwijsindex Antillianen, VIA*). The goal of this system is to enable various institutions (like the police, educational and care institutions) to reach Antillean youth who are deemed to be at risk more effectively. According to the Dutch government, this is an important measure, because many young Antilleans do not register their place of residence in the Netherlands and are thus difficult to reach. For registration in the database, any young person of Antillean origin who lives up to certain criteria, would be included. The database is supposed to be used by so-called 'case managers', social workers in various municipalities. Police and criminal rehabilitation services would also have access to the database. Individuals included in the database would be placed under enhanced scrutiny, including preventive law enforcement interventions.

A number of NGOs have claimed that this system discriminates directly as the registration is based on ethnic origin. In December 2006, the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens, CBP*) approved the system, but in July 2007 the Regional Court of The Hague ruled the system inadmissible. The court was of the opinion that the registration of ethnic descent in VIA is not an appropriate means to reach the intended goals. The necessity to register personal data on Antillean descent in view of common public interest had not been justified, according to the court. The government, together with the 21 municipalities that intend to use the database, appealed the decision before the highest administrative court in the Netherlands, the Administrative Jurisdiction Division of the Council of State. This court reversed the previous decision of the The Hague court and, referring to the urgent problems attributed to groups of young Antilleans, allowed the waiver. The court also referred to the European Court of Human Rights (ECtHR) decision in *D.H. and others vs. Czech Republic*, but found no violation of the norm set by the ECtHR.

However, after sustained protests by the Antillean community and the governments of the Dutch Antilles and Aruba, and after a renewed advice by the Council of State, the Cabinet decided to withdraw the Reference Index for Antilleans¹³⁷. The minister for integration Van der Laan announced a discussion on the use and the admissibility of registration of ethnic data for use in prevention of crime and social problems¹³⁸.

Identification checks

¹³⁷ Parliamentary Documents II 2008/09, 31 855, no. 4.

¹³⁸ *Ibid.*

A danger of discriminatory selection also arises in identification checks by the police. Since January 2005, police officers have been empowered to ask people for proof of identity in the course of their duties and people must therefore be able to produce proof of identity upon request. In 2008, this legislation on the extensive identification duty was evaluated. The execution of this law possibly creates space for discriminating application. No complaints have however been filed at ADAs and other agents about this, but given the low reporting rate of discrimination incidents in general, this does not mean that the identification duty does not lead to discriminating incidents.

In 2008, the Minister of the Interior proposed to start registering the ethnicity of criminals. The minister wanted to get rid of the taboo on ethnicity and claimed to see the registering of ethnicity as a form of 'neutral target group analysis', which can also be helpful in issues like discrimination control. Although some approved of the idea, fundamental objections against this kind of registration were raised from within the minister's own party, other political parties and NGOs. Especially the diffuse character of the notion ethnicity and the potential negative consequences for people from ethnic minorities caused objections. So far, the minister has not responded to the criticism.

Vi.iv Social inclusion

In 2005 the Dutch government formulated the 'National Reform programme' (*Nationaal Hervormingsprogramma*) containing measures to implement the Lisbon Strategy. One of the main goals of the programme is to improve the labour participation of specific groups, like women, ethnic minorities and the elderly¹³⁹.

Concerning ethnic minorities, the government focuses on three issues. Firstly, the government aims to strengthen programmes targeted at the improvement of language skills and the prevention of students dropping out of school. After all, it is supposed that the relatively low labour participation of ethnic minorities is related to their lower level of education. Central to this undertaking is more effective cooperation between the national government, municipalities, parents, schools, employers, social services and the police. Secondly, the government wants to focus on combating discrimination. The monitor study on discrimination of non-Western ethnic minorities in employment¹⁴⁰ (see chapter V.i) is one of the tools to develop a strategy, in cooperation with employers, labour unions and minority groups. Third, measures to integrate newcomers (to promote

¹³⁹ Ministry of Economic Affairs, "Nationaal Hervormingsprogramma Nederland 2005-2008, In het kader van de Lissabonstrategie" (Den Haag: Ministry of Economic Affairs, 2005), online accessible: <http://www.ez.nl/dsresource?objectid=113344&type=PDF> (accessed on 13-05-09)

¹⁴⁰ Re Andriessen, I., Dagevos, J., Nievers, E., Boog, I., *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007* (SCP/Art.1, 2007).

economical, social and cultural participation) are supposed to be improved¹⁴¹. The effects of this programme have not yet been evaluated.

Problematic districts

In 2008, the Netherlands Court of Audit has analysed the implementation of the national policy on problematic districts in the Netherlands¹⁴². This so-called *krachtwijken*-policy (literal translation: power districts), addresses specific problems in forty Dutch city districts, aiming to improve the situation of the inhabitants of the districts. The report concluded that even though the policy had a difficult start, the minister of housing, districts and integration now can use a number of instruments to monitor the progress of the policy. These instruments include a so-called 'outcome-monitor' which examines whether the goals of the policy are being reached; a long-term research project which examines the effects of movement from one district to another among the inhabitants; a 'livability barometer' (*Leefbaarometer*) which looks out for the shifting of problems from one district to the next; an 'output-monitor' in which local policy evaluation will be brought together; and finally a qualitative research project which will look at the unexpected results of the policy¹⁴³.

Pearls of Integration

The annual initiative Pearls of Integration presents in the form of a competition the most innovative projects to promote integration. In 2007, the project 'From inside to outside' (*Van binnen naar buiten*) in the town of Utrecht received the award. The activities in the project were centred around home visits and encouraging people to ask for support and to participate in various activities. In 2008 the Pearls of Integration are focused on active citizenship. From among 93 projects, six Pearls of Integration were nominated¹⁴⁴.

¹⁴¹ Ministry of Economic Affairs, "Voortgangsrapport 2007 van het Nationaal Hervormingsprogramma Nederland 2005 – 2008 In het kader van de Lissabonstrategie" (2008), online <http://www.rwi.nl/CmsData/Voortgangsrapportage%20EZ%20Lissabonstrategie.pdf> (accessed 14-07-08).

¹⁴² Parliamentary Documents II, 2008/09,31 723, (09.10.2008)

¹⁴³ Ibid.

¹⁴⁴ Nicis Institute: "Parels van integratie" (Den Haag: Nicis Institute, 2008), Online accessible: <http://www.nicis.nl/binaries/webwinkel/bulk/pdfs/parels2008.pdf> (accessed on 25-05-09)

VII. National recommendations

VII.i General

- With reference to the unfavourable image of Muslims and other minorities, in the communication material of the Dutch government, attention should be given to positive role models of ethnic and religious minorities.
- In order to prevent stigmatisation of ethnic and religious minorities, opinion leaders in and outside of the government should work on an accurate and fair discourse.
- The Minister of Social Affairs should ascertain that the labour inspection has the means and resources to implement the non-discrimination clause in the Working Conditions Act.
- It is recommended that in selection processes where psychological tests are used, only those tests are utilized which have been proven to be applicable to the group of ethnic minorities.
- It is recommended that, in cases of discrimination and racial conflicts in neighbourhoods, local authorities and police work closely together with anti-discrimination agencies.
- The Dutch government should, both at the national as well as at the local level, reconsider their present policies regarding halting sites and housing issues for Roma, Sinti and Travellers by providing sufficient halting sites and conversing with banks about possible solutions to the mortgage issues.
- The Education Inspection should communicate more clearly to schools and teachers that the topics of discrimination and tolerance should be incorporated into their teaching on citizenship.
- Ethnic minorities should receive better education and awareness about health care and risk factors.
- Health institutions should take into account the different health patterns of ethnic minorities and their different ways of seeking help and adapt their services accordingly
- The government needs to ensure that the human right to health is upheld also for undocumented migrants.
- Webmasters should gain more knowledge about anti-discrimination laws and should be more aware of the negative consequences of prejudice and discriminatory debate for individuals and society as a whole.

VII.ii Migration and integration

- It is recommended to remove the discrimination of citizens from Southern countries in the Act on integration abroad.

VII.iii Criminal Justice

VII.iii.i Racism as a crime

- It is important to preserve the National Expertise Centre on Diversity and Discrimination for the police (LECD). This centre has an important advisory role and supports the police in the fight against discrimination.
- The system of exchange of police data on discrimination incidents needs to be implemented in all police regions as soon as possible.
- The collaboration between police, public prosecutor and anti-discrimination agencies at the local and regional level should be improved further and should focus on capacity building in the field of anti discrimination.

VII.iii.ii Racial profiling

- In order to prevent degrading treatment and possible discrimination based on skin colour, it is recommended that the Dutch government reconsiders the 100% checks at Schiphol airport.
- It is recommended that the registration of ethnicity and the use of ethnic data is restricted and subject to strict regulation. All use of ethnic data should be in conformity with European Union data protection regulations. The Dutch government is urged to carry out research into the possible discriminatory or stigmatising impact of racial profiling.

VIII. Conclusion

While in 2007 the ENAR network registered a positive policy shift from a one-sided focus on integration and assimilation towards an approach centred around participation of ethnic minorities, in 2008 the discourse has taken an unwelcome turn towards marginalisation and stigmatisation of ethnic minorities. Fuelled by rhetoric of politicians, ethnicity-based and culturalist approaches to societal problems in the Netherlands have regained the common ground of public debate. Generalising and unfounded statements about groups of people with a certain ethnic or religious background are a frequent occurrence. Even though this has led to the prosecution of a member of parliament, Geert Wilders, for discriminatory expressions and incitement to hate, opinion polls and the results of the 2009 election for the European Parliament indicate that the negative attitudes towards ethnic minorities are shared by significant parts of the population for the Netherlands.

These attitudes do not necessarily lead to discriminatory or racist behaviour. However, the negative and polarising discourse can be seen as a problem in itself, as it marginalises and potentially insults certain groups of society. NGOs working in the field of anti-discrimination thus need to ask themselves the question whether they want to focus their efforts on applied, practical action 'on the ground' – as is currently mostly the case –, or whether they want to try to influence the negative discourse on a more political level. The impression that the political arena has been surrendered to politicians with unfounded rhetoric may need to be addressed.

On another level, the promotion of equal treatment of ethnic minorities on the labour market continues to be crucial to their position in society at large. Several studies have shown that the position of ethnic minorities is comparatively weak when compared to Dutch natives, and that discrimination does occur. This can be structural, intentional and unintentional in nature. Especially in times of economic crisis, these are issues that are important to be kept in check. As a consequence of recent research, the ministry of employment has made it a priority to raise awareness amongst employers about their duties and instruct them on ways to prevent discrimination during recruitment and on the shop floor. For NGOs this provides an opportunity to hand on their expertise to businesses and to check the government on its priorities.

IX. Bibliography

Alciyan, D., *Moslîma: een mediacreatie ? De manier waarop de media omgaan met moslimemancipatie*, Master Thesis Opleiding Media en Journalistiek (Rotterdam: Erasmus Uniersiteit, 2007).

Amnesty International, "The Netherlands. The detention of irregular migrants and asylum-seekers" (Amsterdam: Amnesty International, 2008)

Andriessen, I., Dagevos, J., Nievers, E., Boog, I., *Discriminatiemonitor niet-westerse allochtonen op de arbeidsmarkt 2007* (SCP/Art.1, 2007).

Bolt, G. en van Kempen, R., *De Mantra van de mix. Hoe ideaal is een gemengde wijk?* (Utrecht/Rotterdam: FORUM, Ger Gijs, 2009)

Boog, I. (ed.), *Monitor Rassendiscriminatie 2005* (Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie, 2006).

Boog, I., & Coenders, M., "Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten" (Rotterdam: Landelijk bureau Art.1, 2008)

Boog, I., Coenders, M., & Dinsbach, W. , *Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten* (Landelijk Bureau Art.1, 2008.)

Bos, F. "Institutioneel racisme en epidemie van dwangopnames in psychiatrie en gevangenissen: zorgelijke signalen op studiedag 'Psychiatrie, recht en cultuur'". *PandoraNieuws Dwangspecial Intercultureel* (May 2007)

Brants, C., Kool, R., & Ringnalda, A., *Strafbare discriminatie* (Den Haag: Boom Juridische Uitgevers, 2007)

CBS, "Jaarrapport Integratie 2008" (November 2008).

De Nationale Ombudsman, rapportnummer 2008/171

Dienst Onderzoek en Statistiek, *Burgermonitor 2007* (Amsterdam: Dienst Onderzoek & Statistiek, 2007).

Donselaar , van J. , Rodrigues, Peter R. (red.), *Monitor Racisme & extremisme: achtste rapportage*. (Amsterdam/Leiden: Anne Frank Stichting / Universiteit Leiden, 2008).

Engelhard, D., *Met kennis van feiten: vluchtelingen, nieuwkomers en gezondheid in cijfers*. (Utrecht: Pharos, 2007).

Europese Commissie tegen Racisme en Intolerantie (ECRI), "Derde rapport over Nederland" (June 2007).

Forum, "Onderwijs en Scholing voor Roma en Sinti in Nederland" (November, 2008).

Forum / Motivaction, "Trendmeter 2008". (October, 2008).

Herten, M. van en Otten, F.: "Naar een nieuwe schatting van het aantal islamieten in Nederland" *Bevolkingstrends* 3 (2007)

Houtzager, D., Schriemer, R., "Huisvesting en interetnische problemen in de woonbuurt" in Boog, I. (ed.), *Monitor Rassendiscriminatie 2005* (Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie, 2006

Inspectie Openbare orde en veiligheid, "Klagen staat vrij" (January 2007)

Inspectie van het Onderwijs 2008: *De staat van het onderwijs. Onderwijsverslag 2006/2007* (May 2008)

Jansen, A., *Moslimvrouwen in beeld: De invloed van stereotiepe berichtgeving op stereotype-activatie, geheugen en wij/zij-kennis* (Utrecht: Universiteit van Utrecht, 2007).

Kromhout, M. H. C., Wubs, H., & Th. Beenackers, E. M., *Illegaal verblijf in Nederland : Een literatuuronderzoek* (Den Haag: Min. Van Justitie WODC – 2008).

Kullberg, J., Vervoort, M., Dagevos, J., *Goede bureu kun je niet kopen* (Den Haag: SCP, 2009).

Landelijk Bureau Art.1, "Kerncijfers 2007. Jaaroverzicht discriminatieklachten bij antidiscriminatiebureaus en meldpunten" (2008).

Lanting, L., *Ethnic differences in utilization of an outpatient clinic in the Netherlands; a study of diabetes patients with gastrointestinal symptoms*. (Rotterdam: Erasmus Universiteit, 2007)

LBR, "Rapportage Evaluatie Aanwijzing Discriminatie 2003 – 2007", (November 2006)

Linden-Smith, van der Cf., *Discriminatie op Internet: wat doen we eraan?* (Utrecht: CGB, 2008).

Lindo, F., *Interetnische contacten tussen scholieren in het voortgezet onderwijs: Een analyse en waardering van het onderzoek binnen het paradigma van de contacthypothese* (Den Haag: Wetenschappelijk Onderzoek en Documentatiecentrum, 2008).

Meijer, L. de, "Effecten van etniciteit bij de selectie van politieagenten: kandidaats-, beoordelaar-, en selectiemethodefactoren" (Rotterdam: Erasmus Universiteit, 2008)

Ministry of Economic Affairs, "Nationaal Hervormingsprogramma Nederland 2005-2008, In het kader van de Lissabonstrategie" (Den Haag: Ministry of Economic Affairs, 2005)

Ministry of Economic Affairs, "Voortgangsrapport 2007 van het Nationaal Hervormingsprogramma Nederland 2005 – 2008 In het kader van de Lissabonstrategie" (Den Haag: Ministry of Economic Affairs, 2008)

Ministeries van Justitie en van Binnenlandse Zaken en Koninkrijksrelatie, "Trendanalyse Polarisatie en Radicalisering 2008" (December 2008).

Ministry of Justice, "Actieplan polarisatie en radicalisering 2007-2011" (Den Haag, Ministry of Justice, 2007),

Nicis Institute: "Parels van integratie" (Den Haag: Nicis Institute, 2008)

Onderzoekscommissie 'Liberiaans gezin', *Racistische overlast in Waspik. Analyse van de aanpak en lessen voor gemeenten* (Rotterdam: Ger Guijs, 2008)

The Pew Global Attitudes Project, "Unfavorable views of Jews and Muslims on the increase in Europe", (Washington, D.C.: PewResearchCenter, 2008)

Pharos (2008). Meerjarenplan kwaliteit en effectiviteit somatische zorg 2009-2011.

Rodrigues, R. & Matelski, M. *Roma en Sinti*. (Amsterdam/Leiden: Anne Frank Stichting en de Universiteit Leiden, 2004).

Roosendaal, S., *Een vreemde ziekte: patiënten met sikkelcel en beta-thalassemie*. (Soesterberg: Aspekt, 2007).

Simon Wiesenthal Center, "Facebook, YouTube +: How Social Media Outlets Impact Digital Terrorism and Hate" (2009).

Slob, A., Bolt, G., van Kempen, R., *Na de sloop. Waterbedeffecten van gebiedsgericht stedelijk beleid* (Den Haag: Nicis Institute, 2008)

Tinbergen Institute, "Unequal chances on a flexible labour market, the case of the Netherlands" (2008). Online accessible: <http://www.tinbergen.nl/discussionpapers/08005.pdf>

Travellers' Magazing Het Wiel, " 10 jaar na afschaffing van de woonwagenwet " (January 2009)

Trouw, "Schelden op internet typisch Nederlands", (June 2008)

Tweede Kamer, "Trendanalyse Polarisatie en Radicalisering december 2008", (Den Haag: Tweede Kamer)

Vermeij, L., Mollenhorst, G., *Overgebleven dorpsleven. Sociaal kapitaal op het hedendaagse platteland* (Den Haag: SCP, 2008)

Verheusden, K., *Mental health problems and barriers to service use in Dutch young adults*. (Own publication, 2008).

Waard, de E., & Westerink, H., "Nieuw zorgsysteem werpt veel drempels op voor illegalen" *De fabel van de illegaal: de krant tegen racisme* (maart/ april 2009).

Waelput, A.J.M., & Achterberg, P.W., *Etniciteit en zorg rondom zwangerschap en geboorte*. (Bilthoven: RIVM, 2007).

Wallinga, D., *De vele kleuren van het nieuws. Een empirisch onderzoek naar de effecten van nieuwsframes en etnische (re)presentatiekenmerken in actualiteitenrubrieken op (allochtone) jongeren* (Amsterdam.: Vrije Universiteit, 2008)

Zwirs, B. W. C., *Externalizing disorders among children of different ethnic origin in the Netherland*. (Own Publication, 2008).

X. Annex 1: List of abbreviations and terminology

- ADA: Anti-discrimination agency
- AIVD: General Intelligence and Information Service (*Algemene Inlichtingen- en Veiligheidsdienst*)
- CBP: Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*)
- CBS: Statistics Netherlands (*Centraal Bureau voor de statistiek*)
- ECRI: European Commission against Racism and Intolerance
- EctHR: European Court of Human Rights
- ETC: Equal Treatment Commission (ETC)
- HRW : Human Rights Watch
- LECD: National centre for diversity and discrimination *Landelijk expertise centrum Diversiteit en Discriminatie*
- MDI: Dutch Complaints Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet*)
- PVV : Party for Freedom (*Partij voor de vrijheid*)
- SCP: The Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*)
- VIA: Reference index for Antilleans (*Verwijsindex Antillianen*)



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