

Report of Xenophobia and Radical nationalism in Netherlands (2017)

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All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.¹

1. Legislation

The Ministry of the Interior and Kingdom Relations (Department of Constitutional Affairs) co-ordinates all activities in the area of EU law implementation issues, since all equal treatment legislation is (also) seen as part of the general principle of equality and nondiscrimination included in Article 1 of the Constitution.²

The Ministry of Social Affairs and Employment is responsible for activities to enhance compliance with the equal treatment legislation, as far as this legislation applies to employment relationships.³ The same goes for the Ministry of Health, as far as discrimination on the ground of disability is concerned, and the Ministry of Education in relation to discrimination in this area. The latter Ministry is also responsible for general policies concerning sex/gender and LGBT issues. Finally, the Ministry of Foreign Affairs plays a role in assembling and disseminating the information that is needed to issue periodic reports to the international monitoring bodies (CEDAW, the CERD Committee and the UN Human Rights Committee).⁴

¹ The Constitution of the Kingdom of the Netherlands, 2008

² <http://www.sidi-isil.org/wp-content/uploads/2017/10/Indice-1.pdf>

³ Ibid.

⁴ Ibid.

The Ministry of the Interior and Kingdom Relations co-ordinates a network of professionals and experts on equal treatment and discrimination issues, consisting of civil servants from the relevant ministries (such as Social Affairs and Employment, Education, Health, Security and Justice) and national labour and employers' organisations and NGOs which are active in this field.⁵

- **Discriminatory legislation affecting minorities.**

No legislation in the Netherlands is explicitly discriminatory towards minorities. However, Dutch authorities remain unwilling to implement a recommendation by the UN Committee on Economic, Social and Cultural Rights to put in place a comprehensive strategy to ensure that everyone, including undocumented migrants, enjoys the minimum essential levels of all Covenant rights (such as the rights to food, housing, health, water and sanitation) and ensure this is supported by adequate funding.⁶

Furthermore, there are concerns that antiterrorism measures may have detrimental effects on human rights.⁷

On February 7, 2017, the Dutch Senate (Eerste Kamer) adopted three laws related to combatting terrorism as part of the fulfillment of the country's Integral Approach Jihadism Action Programme. The program's aim "is to protect democracy based on the rule of law, to combat and weaken the jihadist movement in the Netherlands, and remove the breeding ground for radicalization."⁸

Regarding revocation and withdrawal of citizenship, two new provisions inserted in article 14 of the Dutch Nationality Act state: 1) that the Minister of Justice may revoke the Dutch citizenship of a person 16 years of age or older who voluntarily enters the armed services of a state involved in

⁵ Ibid.

⁶ Ibid.

⁷ www.amnesty.nl/content/uploads/2017/05/EUR3554622016ENGLISH.pdf?x54649

⁸ <http://www.loc.gov/law/foreign-news/article/netherlands-three-new-laws-adopted-to-further-counterterrorism-efforts/>

combat operations against the Kingdom or against an alliance of which the Kingdom is a member; and 2) that, in the interest of national security, the Minister may withdraw the Dutch citizenship of a person who has attained 16 years of age and who is outside the Kingdom, if it appears that he has joined an organization that is on a list of organizations participating in a national or international armed conflict and that poses a threat to national security. These measure does not require definitive proof that an individual has joined a terrorist organization, only evidence that the person has made plans to become a member, and because it is illegal to leave a person stateless, it can only be used on people who have dual citizenship in the Netherlands and another country. The changes also make it easier to ban entry to the Netherlands and to require terrorism suspects to register with authorities.⁹ However, the Amendment Law also inserts in the Nationality Act a new section on legal protection for those persons whose citizenship has been revoked.¹⁰ For example, a person may directly lodge an appeal with the district court of the Hague to challenge the revocation order.¹¹

The Senate also adopted a new law, effective March 1, 2017, on several administrative measures that the government can impose on the basis of practices that can be tied to terrorist activities or the support of such activities.¹² The Minister of Security and Justice is authorized under this new Law to restrict the freedom of movement of an individual for purposes of national security if the person's conduct can be related to terrorist activities or the support thereof, by requiring the person to report to the police, by imposing a ban on the person's being located in the vicinity of certain specific objects or in a certain part or parts of the Netherlands, or by prohibiting the individual from being in contact with one or more specific persons. In addition, provided that it is necessary to protect national security, the Minister may impose a ban on a person's leaving the country

⁹ <http://www.loc.gov/law/foreign-news/article/netherlands-three-new-laws-adopted-to-further-counterterrorism-efforts/>

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

when there are justifiable reasons for assuming that he or she wants to travel from the Schengen Area to join a terrorist organization.¹³

The third law adopted on February 7 2017 amends the Dutch Passport Act in order to regulate matters related to the travel ban in the Interim Law on Counterterrorism Administrative Measures and to the Integral Approach Jihadism Action Programme. This third law provides that passports and identity cards will expire automatically when a ban from leaving the country is imposed by the Minister of Security and Justice. The aim is to prevent persons from leaving the country to travel to jihad areas.¹⁴

In June 2017, the Senate voted in a legislative amendment which states that all immigrants to the Netherlands must sign a pledge to uphold and support Dutch values as part of their integration exam.¹⁵ This pledge is specifically aimed at asylum seekers, and people who move to the Netherlands "in the context of family formation or family reunification."¹⁶

From April 2017, refugees with a residency permit have no longer priority for social housing.¹⁷

In July 2017, the law on the Intelligence and Security Services was adopted. It gave sweeping surveillance powers to intelligence and security services, threatening the rights to privacy, freedom of expression and non-discrimination.¹⁸ Safeguards against abuse of these powers were insufficient. Serious concerns remained about the possibility of information-sharing with

¹³ <https://www.eerstekamer.nl>

¹⁴ <http://www.loc.gov/law/foreign-news/article/netherlands-three-new-laws-adopted-to-further-counterterrorism-efforts/>

¹⁵ <https://nltimes.nl/2017/06/21/immigrants-netherlands-must-now-pledge-uphold-support-dutch-values>

¹⁶ The amendment was proposed by Minister Lodewijk Asscher of Social Affairs. "The statement of participation makes newcomers aware of the unalterable rights and duties and the fundamental values of Dutch society. For us, these rules are obvious, for newcomers often not. It is therefore important that we are very clear about this from the very first day." Ibid.

¹⁷ <https://www.dutchnews.nl/news/2016/12/new-rules-and-benefits-what-changes-in-2017/>

¹⁸ Ibid.

intelligence agencies in countries that might use such information to target human rights defenders and government opponents.¹⁹

- **Advancement of anti-discrimination legislation.**

No changes with regard to anti-discrimination legislation have been made in 2017. The National Action Program against Discrimination however utilize existing legislation to address tensions in Dutch society between various groups. Similarly, a three-year programme (2016-2019) has been launched by the Netherlands Institute for the Human Rights to combat discrimination and stereotyping in the labour market.²⁰

- **Government's compliance with anti-discrimination legislation.**

The Netherlands continues to face several challenges and obstacles that hinder the full implementation of anti-discrimination legislation. Such challenges include an increased politicised exploitation of human rights issues, including immigration and asylum, and the growing danger of extremism and terrorism²¹.

For example, the country lacks a clear regulatory framework for the industries under its jurisdiction to ensure that their activities, both at home and abroad, did not negatively affect human rights or endanger environmental and other standards.²²

The National Action Programme against Discrimination which was launched in 2016 includes the promotion of diversity in the labour market as one of its four main starting points. However, the goals set do not include hard quota but are directed at stimulating broad, general policies by both public and

¹⁹ <https://www.amnesty.org/en/countries/europe-and-central-asia/netherlands/report-netherlands/>

²⁰ <https://www.equalitylaw.eu/downloads/4352-the-netherlands-country-report-non-discrimination-2017-pdf-1-63-mb>

²¹ <http://www.gicj.org/conferences-meetings/upr-sessions/1078-netherland-s-upr-2017>

²² <https://www.permanentrepresentations.nl/permanent-representations/pr-un-geneva/the-mission/organisation/political-affairs/human-rights>.

private employers to improve diversity. Up to this day, however, the Netherlands have not ratified the Convention on Migrant Workers that may enable implementation of the the National Action Program in the area. The country remains strongly opposed to the idea that there is no difference between aliens and residents who have legal rights.²³

Notably, the police has received training and information in order to help police officers recognize discrimination quicker. In 2017, 3499 discrimination incidents were registered with the police in the Netherlands (a decrease of 20 percent compared to 2016).²⁴ The decline is particularly visible at police units Amsterdam, Midden-Nederland and Oost-Nederland. A total of 603 discrimination reports including violence. The most common ground for discrimination was the victim's descent. There were 1,450 incidents of discrimination based on descent. In more than a third of these cases, the discrimination had to do with the victim's skin color.²⁵ Just over a quarter of the cases involved discrimination based on the victim's sexual preference. The number of incidents of discrimination include 162 Islamophobic and 284 anti-Semitism cases.²⁶

With regard to Roma people, there wasn't documented cases of discrimination in 2017. It should be noted that Roma people who live in trailer camps (as well as other Travellers) do receive special attention from local authorities, as their specific housing situation in many regards demands a specific policy.²⁷

- Legislation aimed at combating hate crime (criminal cases and convictions related to hate crime).

²³ <https://www.equalitylaw.eu/downloads/4352-the-netherlands-country-report-non-discrimination-2017-pdf-1-63-mb>

²⁴ <https://nltimes.nl/2018/04/27/fewer-discrimination-reports-filed-police>

²⁵ Ibid.

²⁶ Ibid.

²⁷ According to the Netherlands' Ombudsman's report of 17 May 2017, Roma, Sinti and Travellers are often discriminated by the public authorities in respect of housing (see, <https://www.equalitylaw.eu/country/netherlands>).

There is not an official registration of hate crimes. According to non-governmental organization, there were 144 confirmed crimes motivated by xenophobia in the Netherlands in 2017.²⁸ It is about intimidation, vandalism, attacks and incitement of hatred or violence. In 7% of cases, the reason for attacks was "religion or lifestyle" (including Muslims becoming victims), in 8% of cases - homosexual orientation.²⁹ The report indicates 187 cases in which xenophobia was not the main motive, but was indicated as an aggravating circumstance. Of these, 9% were associated with anti-Semitism, and the same percentage - with anti-Islamic sentiment. In three out of four cases, crimes motivated by anti-Semitism were associated with the actions of football fans. The report did not cover incidents concerning LGBT people.³⁰

In relation to hate speech, Articles 137(c) and 137(d) of the Dutch Criminal Code prohibit making public intentional insults, as well as engaging in verbal, written, or illustrated incitement to hatred, on account of one's race, religion, sexual orientation, or personal convictions. Accordingly, the two prominent convictions (based on these articles) in 2017 marked broader social and political debate around hate speech and (lawful limits to) freedom of expression.

In May, Dutch court convicted 20 people of sexist and racist online hate speech directed against a black politician and media personality Sylvana Simons.³¹ The court said it had focused on prosecuting those who had made the worst comments and whose identities could be ascertained. "Freedom of opinion is great, especially if it fits into a social debate," the court said in a statement. "But when this opinion is an insult, threat, riot or discrimination, there is a criminal offense."³²

²⁸ <https://www.timesofisrael.com/targeting-of-jews-in-the-netherlands-hits-a-5-year-high/>

²⁹ Ibid.

³⁰ Ibid.

³¹ <https://www.nytimes.com/2017/05/18/world/europe/sylvana-simons-netherlands-hate-speech.html>

³² Ibid.

In October, the appeal in the hate speech trial against right wing leader Geert Wilders started.³³ In December 2016, Wilders was found guilty of insulting a group of people and inciting discrimination.³⁴ "Partly in view of the inflammatory nature and manner of these statements, others were hereby incited to discriminate against persons of Moroccan origin", the court ruled. The court did not give him any form of punishment, saying that the verdict is punishment enough.³⁵

2. Law enforcement practices affecting minorities.

- Discriminatory practices

Xenophobic climate is at times reflected in institutional discrimination, in particular the sustained problem of ethnic profiling in Dutch policing. The institutional nature of profiling is readily apparent in the rates at which different ethnic groups are suspected of crimes, with statistics from the Netherlands Institute of Social Research suggesting that people of non-Western backgrounds are four times as likely to be suspected of committing a crime than Dutch natives.³⁶

Furthermore, the employment participation rates and incomes of those with non-Western backgrounds are significantly lower than their Western counterparts.³⁷ Contrastingly, educational outcomes for children of non-Western ethnicities have been steadily improving, however they are still

³³ The case revolves around statements Wilders made about Moroccans while campaigning in the Hague in 2014. Wilders said that The Hague should be a city with fewer problems and, if possible, fewer Moroccans. The PVV leader also asked a cafe full of his followers whether they want more or fewer Moroccans in The Hague and the Netherlands, to which they responded by chanting "fewer, fewer, fewer". Wilders then said he would arrange that. The court considered this a punishable offense.

³⁴ <http://cjel.law.columbia.edu/preliminary-reference/2017/group-defamation-and-incitement-in-the-netherlands-the-conviction-of-geert-wilders/>

³⁵ <https://nltimes.nl/2017/10/24/appeal-wilders-hate-speech-trial-starts>

³⁶ <http://minorityrights.org/country/netherlands/>

³⁷ Ibid.

lower than those of a Western ethnic profile.³⁸ The law enforcement agencies still need to improve adequate protection against discrimination in the area of housing.³⁹

Shifting policies on migration have seen greater emphasis on integration while at the same time public assistance, such as language instruction, has been rolled back – measures that have only served to further sideline many migrants. In 2017, the Dutch Court of Audit released a report criticizing legislative changes to the integration of recent migrants as they found that the modified integration process failed to provide adequate support to new migrants.⁴⁰

The principle in Dutch law is that ‘all persons in the Netherlands shall be treated equally in equal circumstances’, as provided for in Article 1 of the Constitution.⁴¹ Thus, the protection against discrimination provided by criminal law, civil law, equal treatment legislation and administrative law covers any person on the territory of the Netherlands. Accordingly, migrants, regardless of their specific legal status, are also protected by this broad range of non-discrimination law if they encounter discrimination on grounds of, for instance, their race or ethnic origin, or their religion. A case has been brought to the national equality body, in which several people alleged they had been singled out by the local authorities because of their Egyptian and Somali origin for a fraud investigation regarding the social benefits they received. The NIHR accepted this could amount to discrimination on grounds of race.⁴²

³⁸ Ibid.

³⁹ <https://www.groene.nl/artikel/rachid-is-ook-gewoon-een-nette-jongen>

⁴⁰ Ibid.

⁴¹ <https://www.equalitylaw.eu/downloads/4352-the-netherlands-country-report-non-discrimination-2017-pdf-1-63-mb>

⁴² The issue has been in fore of media attention after the researchers from De Groene Amsterdamer applied for 250 rental properties under the names of ‘Jaap’ (typical Dutch name) and ‘Rachid’ (recognizable Muslim name), and record the responses when asking if the property was still available. 116 responses for Rachid came through, in comparison to 162 for Jaap. In another part of the study, they called 50 real estate offices pretending that they wanted to rent out their home now that they live abroad. They then asked them if they could not let the property out

Law enforcement agencies are occasionally comforted with situations that involve contradictory legislations. At present, police officers are prohibited from wearing wear religious attire such as headscarves or crucifixes and other religious or political symbols with the police uniform on the grounds that such accoutrements could harm the impartiality of the police and that officers should present a neutral and uniform appearance, and the ban was aimed at the safety of the officers.⁴³ However, the issue of whether or not police officers should be permitted to wear headscarves has been under discussion for some time.

In May 2017, the Amsterdam police had proposed allowing it “to promote diversity in the corps and attract more police officers with an immigration background,” but because it proved to be too controversial, National Police Chief Erik Akerboom decided to maintain the ban⁴⁴. In November 2017 the Netherlands Institute for Human Rights (College voor de rechten van de mens), issued a non-binding ruling to the effect that the Dutch police were wrong to prohibit a Muslim woman officer from wearing a headscarf in a job in which contact with the public is limited.⁴⁵ Given the fact that the police must not make a “forbidden distinction on the basis of religion,” the ruling applies only to a case of above mentioned police officer without offering a broader interpretation of the prohibition on display of religious symbols such as the wearing of headscarves.⁴⁶

- Anti-discrimination practices.

to foreigners to see if they would grant this. 31 did it *no questions asked* and the other 15 were skeptical, knowing it was against the law, but did it anyway. Only 4 declined this request. <https://www.equalitylaw.eu/downloads/4352-the-netherlands-country-report-non-discrimination-2017-pdf-1-63-mb>

⁴³ <http://www.loc.gov/law/foreign-news/article/netherlands-human-rights-institute-rules-police-administrative-staffer-can-wear-hijab-with-uniform/>

⁴⁴ <https://nltimes.nl/2017/05/18/headscarf-ban-prevents-amsterdam-police-recruiting-minorities-top-cop>

⁴⁵ <http://www.dutchnews.nl/news/archives/2017/11/police-admin-worker-can-wear-hijab-with-a-uniform-says-human-rights-council/>

⁴⁶ <http://www.loc.gov/law/foreign-news/article/netherlands-human-rights-institute-rules-police-administrative-staffer-can-wear-hijab-with-uniform/>

In 2017, several important steps have been taken to enhance antidiscrimination practices:⁴⁷

- The police adopted a code to prevent ethnic profiling, which includes a professional standard and guidance for how to act in situations when they must stop citizens.
- Specific attention is paid to countering anti-Semitism in the National antidiscrimination action programme. Education on the holocaust is part of schools' curriculums.
- A draft bill was submitted by parliament to clarify discrimination on the grounds of gender in the Equal Treatment Act, so it would thereafter include physical sexual characteristics, gender identity and gender expression.⁴⁸
- A covenant has been concluded between the Public Prosecution Office, the police and anti-discrimination organisations to promote cooperation in the area of freedom of expression. Most notably, a public awareness campaign against hate speech on the Internet was launched (ibid). In addition, an independent hotline has been set-up regarding hate speech on the internet and that the government had established a broad anti-discrimination campaign which included online hate speech.

3. Manifestations of xenophobia and hate speech among the executive and legislative powers.

Asylum and migration have been hotly debated during the 2017 electoral campaign. Discussions have covered topics such as security, integration, tolerance and (national) identity. The discourse of the political parties was noticeably charged: appeals to morals and values as well as in- and out-

⁴⁷ <https://www.rijksoverheid.nl>

⁴⁸ <http://www.gicj.org/conferences-meetings/upr-sessions/1078-netherlands-upr-2017>.

group rhetoric were heavily used throughout their campaigns. Public discourse before and after the elections made it clear that the influx of migrants and asylum seekers is perceived by many as one of the main challenges for the Netherlands at the moment. The Dutch SGP (a radical Christian party) published a manifesto, which argued that “the love offer of Jesus Christ and Muhammad’s use of violence are as different as day and night.”⁴⁹ Some intellectuals, discussed whether the number of Muslims could be reduced by deportation. Prominent Law Professor Paul Cliteur was present during the debate and discussed how this could be made possible legally.⁵⁰

Although right-wing nationalist Geert Wilders—party leader of the Party for Freedom in the Netherlands—did not receive the most votes in the 2017 parliamentary elections, it is questionable whether this result really marks a retreat of nationalist and xenophobic politics.⁵¹ In the months leading up the elections in March of 2017, polls had indicated a potential victory of Wilders’ party with a margin as big as 8 percent to its nearest rivals in January of the same year. However, the traditional centrist parties have slowly adopted Wilders’ position on Islam, Muslim-Dutchmen, immigration, refugees, and the EU.⁵² Mark Rutte, who leads the VVD party, which won the largest number of seats in the election, talked of “something wrong with our country” and claimed “the silent majority” would no longer tolerate immigrants who come and “abuse our freedom”.⁵³ He publicly

⁴⁹ SGP, “Manifest islam in Nederland”, retrieved January 26, 2018, from <https://www.sgp.nl/actueel/manifest--islam-in-nederland/6125>.

⁵⁰ https://www.islamophobiaeurope.com/wp-content/uploads/2018/04/EIR_2017.pdf

⁵¹ Witteveen, D. (2017). The Rise of Mainstream Nationalism and Xenophobia in Dutch Politics. *Journal of Labor and Society*, 20(3), 373-378.

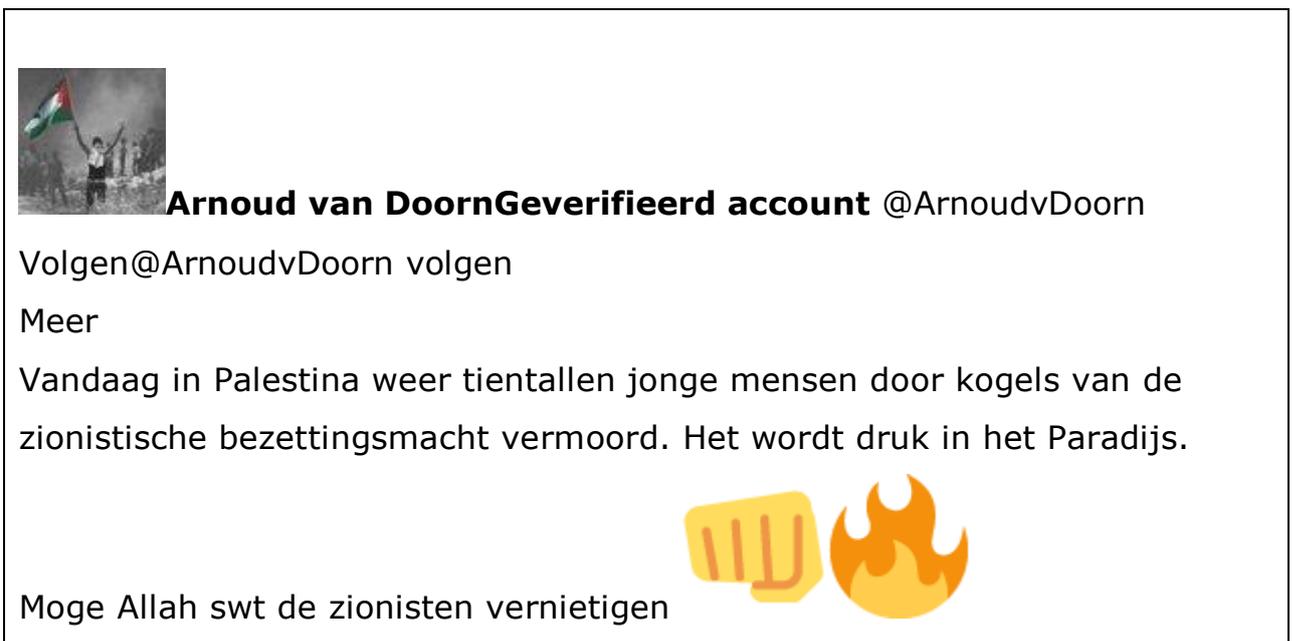
⁵² Witteveen, D. (2017). The Rise of Mainstream Nationalism and Xenophobia in Dutch Politics. *Journal of Labor and Society*, 20(3), 373-378.

⁵³ <https://www.theguardian.com/commentisfree/2017/mar/17/geert-wilders-racism-netherlands-far-right>

complained about those who refuse to accept Dutch values and said immigrants should “act normal, or go away.”⁵⁴

A new trend in Dutch politics is represented by a white supremacist and alt right leader Thierry Baudet.⁵⁵ His Forum for Democracy (Forum Voor Democratie in Dutch) which endorse a nationalistic, anti-EU, direct democracy platform won the two seats in 2017 elections. Baudet has openly talked about the “homeopathic thinning” of the Dutch population with “other peoples”, he’s claimed that women enjoy being sexually assaulted.⁵⁶

Like in previous years, anti-Semitic statements increase in aftermath of Gaza conflicts. Arnoud van Doorn, council member for the Party of the Unity (PvdE) in the Hague city council wrote on May 14 on Twitter “May Allah destroy the Zionists”, in combination with two violent emoticons (see below).⁵⁷



⁵⁴ <https://www.migrationpolicy.org/article/top-10-2017-issue-9-nativism-goes-mainstream-moving-needle-migration-policy>

⁵⁵ <https://decorrespondent.nl/7738/thierry-baudet-ontmoette-in-het-geheim-een-amerikaanse-racist-van-alt-right/376817386-2d11d76b>

⁵⁶ <https://decorrespondent.nl/7738/thierry-baudet-ontmoette-in-het-geheim-een-amerikaanse-racist-van-alt-right/376817386-2d11d76b>

⁵⁷ <https://www.cidi.nl/cidi-en-cijo-doen-aangifte-tegen-haags-gemeenteraadslid-partij-van-de-eenheid/>

4. Statements against xenophobia and radical nationalism among government representatives and prominent political activists.

The two parties have not adopted nationalistic discourse: D66, pro-European liberals, and GreenLeft. In particular, Jesse Klaver, GreenLeft leader kept a vision of national identity centred on tolerance, openness and internationalism⁵⁸. He endorses an open, fair society: "stand for your principles," he told voters. "Be straight. Be pro-refugee. Be pro-European". His message to Wilders: "I want my country back". In TV debates he told Wilders that Islam wasn't the problem in Holland, Wilders was.⁵⁹

5. Position of immigrants in the country

The number of cases of discrimination of Jews in the Netherlands in 2017 reached a five-year maximum, reports JTA with reference to the state prosecutor's office of the Netherlands.⁶⁰ Crimes against Jews accounted for 41% of all cases of xenophobia in the country. At the same time, the share of the Jewish population is about 0.2% of the total number of residents.

The position of refugees and migrants is overly disadvantages.⁶¹ In particular, undocumented migrants continued to be deprived of their rights. The number of people in immigration detention increased, after years of decline. Insufficient attention was given by the authorities to alternatives to detention, while the necessity and proportionality of an individual's (continued) detention were also insufficiently assessed. A draft law on

⁵⁸ <https://www.economist.com/news/europe/21718921-identity-does-not-have-be-exclusive-preserve-far-right-dutch-election-suggests>

⁵⁹ <https://www.theguardian.com/commentisfree/2017/mar/17/geert-wilders-racism-netherlands-far-right>

⁶⁰ <http://jewish.ru/ru/news/articles/186236/>

⁶¹ <https://www.amnesty.org/en/countries/europe-and-central-asia/netherlands/report-netherlands/>

amending immigration detention rules was pending at the end of the year. Although the bill offered minor improvements, the detention regime would remain “prison-like” in terms of facilities, detention conditions and the use of disciplinary measures, including isolation cells and use of handcuffs.⁶²

Despite a deteriorating security situation in Afghanistan, the Netherlands continued to forcibly return asylum-seekers whose claims were rejected to Afghanistan, including families with children, in breach of the principle of *non-refoulement*.⁶³

-Advancements in immigration laws;

Instead of adopting a singular refugee integration program run by central or municipal agencies, the Netherlands offer new arrivals integration courses run by third parties, mostly private companies and civic organizations.⁶⁴ The courses are unsubsidized and cost up to 10,000 euro. Public loans are available. Governments certify the providers and set guidelines for which topics and how many hours of instruction these programs must include. At the same time, the providers retain significant leeway in how they run the courses. Integration exams must be passed within 3 years. Economic support for immigrants during this period is 70 percent of national minimum wage.⁶⁵

-Observance of immigrations laws by the law enforcement (law enforcement practices)

Anti-immigration sentiments;

The Dutch election shows the nuanced relationship between immigration rates, immigration attitudes, and variance in the support of populist radical right parties. Higher immigration rates seem to go hand in hand with the recent surge in support for the PVV. However, attitudes towards immigration are fairly stable in the general population. Salience plays a key role in

⁶² Ibid.

⁶³ Ibid.

⁶⁴ <https://www.migrationpolicy.org/article/newcomers-north-labor-market-integration-refugees-northern-europe>

⁶⁵ Ibid.

explaining the PVV's rising performance in the polls: immigration's salience rises along with actual waves of immigration and their coverage in the media.

According to the 2017 IPSOS polls, 83 percent of Netherlanders are concerned about Dutch norms and values, and 81 percent is concerned about immigration. Fifty percent of respondent see non-Western migrants as a threat to their way of life.⁶⁶ According to the 2017 PEW research,⁶⁷ almost one third of Dutch population reported to feel threatened by large influx of refugees.

-Social support available to immigrants;

National legislation prohibits discrimination in the following areas: social protection, including social security and healthcare as formulated in the Racial Equality Directive. 'Social security' concerns the statutory social insurance schemes which cover the risks that occur if a person loses their income as a result of, for example, unemployment, illness, disability, age or death. Moreover it covers child benefits.⁶⁸

Generally speaking, migrants have a right to equal treatment in relation to education.⁶⁹ There is no significant case law regarding discrimination against migrants as such under non-discrimination law. The right to equal treatment extends to undocumented minors, who have a right to education notwithstanding their lack of legal residence status.

However, there has been some discussion in the Netherlands about whether local government has the right to 'disperse' people of non-Dutch descent or people with low incomes as far as housing and schools are concerned, in

⁶⁶ <https://nos.nl/artikel/2159741-sombere-kiezer-vooral-bezorgd-over-normen-en-waarden.html>

⁶⁷ <http://www.pewglobal.org/2017/08/01/globally-people-point-to-isis-and-climate-change-as-leading-security-threats/>

⁶⁸ Ibid.

⁶⁹ Ibid.

order to prevent 'black neighbourhoods' or 'black schools' from emerging⁷⁰. One of the reasons for 'black schools' developing is the fact that, in the Netherlands, schools run on a religious or other special basis (such as a specific educational philosophy, e.g. anthroposophy) have the constitutional freedom to develop their own identity and to conduct their own admissions policies. As long as such schools comply with the general quality requirements for education, public funding for them is guaranteed. Of course, they also have to comply with the boundaries placed by nondiscrimination law on the freedom of ethos-based organisations to protect their identity. Thus any restrictions on the admission of pupils must be closely linked to preserving the identity of the organisation and must be part of a consistently applied policy. Nevertheless, a restrictive admissions policy among state-funded Christian schools is alleged to be one cause of the growth of 'black' state schools. Currently, only 30 percent of schools are state-run, while the remaining 70 percent are overwhelmingly Christian.⁷¹

6. Society's attitude towards immigrants, foreign nationals and various ethnic minorities.

In total, 3499 discrimination incidents were registered with the police in the Netherlands.⁷² Racial discrimination has dropped from 26% (in 2016) to 16%, (2017). However, racial discrimination is not becoming less prominent.⁷³ This is illustrated by an ongoing controversial practice of Zwarte Piet, or 'Black Pete' – a Christmas celebration that sees revellers in cities across the country painting their faces black. Attempts by activists to protest an event in the town of Dokkum in November 2017 were obstructed by a group of far-right extremists.⁷⁴

⁷⁰ Ibid.

⁷¹ <https://www.equalitylaw.eu/downloads/4352-the-netherlands-country-report-non-discrimination-2017-pdf-1-63-mb>

⁷² <https://nltimes.nl/2018/04/27/fewer-discrimination-reports-filed-police>

⁷³ <https://dutchreview.com/news/dutch/discrimination-in-the-netherlands-its-not-just-nationality/>

⁷⁴ The practice (condemned by the UN in 2015 as a 'vestige of slavery'), has been altered or removed in some cities in response to pressure from anti-racism campaigners, but many other municipalities continue to host Zwarte Piet festivities. <http://minorityrights.org/country/netherlands/>

Racism is apparent in companies. For example, Dutch supermarket chain Albert Heijn is teaching new employees about "client profiles" that include a black woman with a child to represent clients who buy cheaper products, and a white man as a "Premium client". The Netherlands Institute for Human Rights and a number of anti-discrimination organizations call the profiles stigmatizing and stereotypical.⁷⁵

According to national surveys⁷⁶, over two-thirds of Dutch, 68 percent, are against discrimination. But a slightly larger group of 72 percent think that in some cases people are too quick to shout discrimination. 22 percent of respondents said that they are sometimes discriminated against. People with higher levels of education and left-wing voters are more outspoken against discrimination, 76 percent and 83 percent respectively say they are against it.

Over half, 54 percent, said they feel that there is more discrimination now than there was 20 years ago. They attribute this to the fact that minority groups now have more visibility, people are more open about the sexual orientation, for example. According to the respondents, the groups that face the most discrimination in the Netherlands are LGBT people, ethnic minorities, Muslims and people with disabilities (ibid).

According to the PEW survey from spring 2017⁷⁷, 67 percent of Dutch population views ISIS as a major threat to the society; 64 percent views global climate change as a major threat. Fifty-seven percent perceive cyber-attacks from other countries as the most hazardous, while 31 percent view refugees as the major threat. Moreover, 44 percent view Russia's power and influence and 19 percent view China as a major threat to the society.

⁷⁵ <https://nltimes.nl/2018/01/15/dutch-supermarket-albert-heijn-accused-racism-client-profiles>

⁷⁶ <https://nltimes.nl/2017/06/29/dutch-aware-skeptical-discrimination-planning-office>

⁷⁷ <http://www.pewglobal.org/2017/08/01/globally-people-point-to-isis-and-climate-change-as-leading-security-threats/>

Negative attitudes are rather stable towards immigration and are primarily directed toward non-European immigrants and refugees. In the aftermath of Brexit, Dutch are rather positive about remaining in the EU. Perceived threat is related to cyber threats and non-EU powers, such as Russia and China.⁷⁸

7. Neonazi and far-right manifestations

Patriotic Front numbers 553 numbers, some of which are associated to Freedom Party.⁷⁹

According to Volkskrant, in February 2017, a local right wing activist Paul Röbbcke from Oude Pekela, founded a "citizen guard" to defend his village against dangerous foreigners.⁸⁰

Freedom Party seems to attract a growing number of neonazi sympathisers. It is manifested by open display of fascist symbols, such as during the demonstration in Rotterdam, when some people carried orange, white and blue flags (used by the Dutch Nazi party during World War II) and collaboration with foreign extreme right activists, such as Filip de Winter, leader of the right wing populist Vlaams Belang, as well as members of various far right Dutch groups.⁸¹ Moreover, some 2,000 people (including former right-wing politician Rita Verdonk, pro-Zwarte Piet activist Jenny Douwes and Canadian professor Jordan Peterson) took part in a 'politically incorrect debate' to work out new ways of dealing with 'the problems surrounding immigration.'⁸² Few days after 'politically incorrect debate' De Nederlandse Leeuw (the Dutch lion), published a list of recommendations,

⁷⁸ <http://www.pewglobal.org/2017/06/15/most-europeans-judge-brexit-as-bad-for-eu-and-uk/>

⁷⁹ Ibid.

⁸⁰ <https://www.volkskrant.nl/binnenland/in-oude-pekela-weten-ze-een-ding-heel-zeker-asielzoekers-deugen-niet~a4378891/>

⁸¹ <https://www.dutchnews.nl/news/2018/01/pvv-demo-draws-neo-nazi-flags-while-politically-incorrect-debate-attracts-2000/>

⁸² Ibid.

aimed at stimulating Dutch people to have more children and supporting bigger families as well as denying access to the Dutch healthcare system to people who had not worked for five years.⁸³

Anti-Semitic incidents

- In July 2017, participants in a rally in Rotterdam that was co-organized by a Hamas operative and promoters of a boycott against Israel shouted in Arabic about killing Jews.⁸⁴ The rally was advertised by the Rotterdam branch of the Boycott, Divestment and Sanctions movement and a newly-formed organization called the Palestinian Community in the Netherlands. Participants in the rally, which was to protest the use of security measures by Israel around the Al Aqsa mosque following a deadly terrorist attack there, shouted in Arabic: "Jews, remember Khaybar, the army of Muhammad is returning." The event, including the anti-Semitic chants, were broadcast live by the Shebab News Agency.⁸⁵

- In June 2017, a Dutch Muslim city councilman blasted a group of Israeli high school students who were visiting the Dutch parliament, calling them "future Zionist terrorists, occupiers and those who murder children."⁸⁶

- In March 2017, radical Muslims shouted anti-Semitic slogans amid violent clashes with police over authorities' refusal to allow a Turkish Cabinet minister to campaign in Holland for a Turkey referendum vote.⁸⁷

According to the CIDI there was 137 incidents of anti-Semitic discrimination, including 4 cases of violence⁸⁸.

Violence	4
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⁸³ Ibid.

⁸⁴ <https://www.israelnationalnews.com/News/News.aspx/234855>

⁸⁵ Ibid.

⁸⁶ <https://www.israelnationalnews.com/News/News.aspx/230878>

⁸⁷ Ibid.

⁸⁸ <https://www.cidi.nl/wp-content/uploads/2018/03/Monitor-antisemitische-incidenten-in-Nederland-2017.pdf>

Threat	2
Insults	23
Vandalism	28
Cases of everyday discrimination (neighborhood, school, work	21
Letter, stickers, private online messages	14
Hate speech in public domain (politics, sport, demonstration)	20
Hate speech in internet (twitter, facebook, youtube)	24
Total	141

8. Radical nationalist groups and parties.

Freedom Party and Forum for Democracy are the most prominent radical nationalist parties in the Netherlands. The extreme right-wing Rechts in Verzet is behind against most of anti-Islamic actions, including attacks on mosques. Dozens of Dutch Neo-Nazi have been integrated in mainstream rights wing movement.⁸⁹

9. Hate crime.

According to the OSCR, in 2016 4376 cases of hate crimes have been reported to the police, of which 1723 were categorized under "racism and xenophobia"; 335 as "anti-Semitism"; 352 as "bias against other religion"; 1320 as "bias against sexual minorities"; and others are unspecified.⁹⁰ The police figures include hate speech incidents, data reported by local anti-discrimination services, and online hate speech incidents, which could not be separated.

⁸⁹ <https://www.ad.nl/binnenland/enschede-staat-grootste-neo-nazi-bijeenkomst-in-jaren-te-wachten~ac0a7fa5/>

⁹⁰ <http://hatecrime.osce.org/netherlands>

According to the Dutch police, there have been 3499 reported incidents of discrimination in 2017. This number include 603 were violent incidents and 477 verbal threats. 192 of total cases were categorised as islamophobic. 284 of total cases were anti-Semitic.⁹¹

A worrisome trend seems to emerge in Amsterdam. According to mayor Jozias van Aartsen, the number of incidents targeting minorities in the city is on the rise.⁹² In 2017, the discrimination hotline for the Amsterdam region received more and increasingly violent reports.⁹³ The hotline received a total of 392 reports about discrimination based on origin, skin color or ethnicity, an increase of 25 percent compared to 2016.

- **Vandalism at cemeteries and religious sites.**

In November 2017, members of Pegida attempted to prevent the construction of a mosque in the Netherlands by dumping pig's blood on the site.⁹⁴ Dressed as a priest, a Pegida member planted a wooden cross on the site of a new mosque in the Dutch municipality Enschede and then proceeded to rub the cross with pig's blood.

The members of the far-right ID Verzet movement hunged Islamophobic and racist signs on the roof and minaret of the Tevhid Mosque under construction in the city of Venlo (see image bellow).⁹⁵

⁹¹ <https://discriminatie.nl/files/2018-04/discriminatiecijfers-in-2017.pdf>

⁹² <https://nltimes.nl/2018/01/25/minorities-increasingly-targeted-amsterdam-mayor>

⁹³ Ibid.

⁹⁴ <http://www.newsweek.com/far-right-anti-islam-pegida-mosque-netherlands-pigs-blood-europe-hate-crimes-711435>

⁹⁵ <https://www.moroccoworldnews.com/2017/09/227749/far-right-group-desecrates-dutch-mosque-islamophobic-attack-islamophobia/>



ID Verzet, who took responsibility act, wrote on the signs in Turkish and Dutch, "Stay away, the Netherlands belongs to us. We do not want a mosque in our neighborhood, we do not want Islamists."

ID Verzet shared called on social networks its sympathizers to "occupy the mosque!"⁹⁶

Recent incident (conducted by the members of the same movement) involved a decapitated doll being left at the Emir Sultan Mosque in Amsterdam.⁹⁷ The images bellow have been placed on twitter account of RIV @recht in verzet ("ID Verzet" movement).

- Cases of violence motivated by racial, ethnic or religious differences, attacks on human rights activists and antifascists.

Four anti-Semitic in 2017 involved physical violence. In one case, two Israelis were stabbed in an elevator on July 18 in a suburb of Amsterdam. A witness later testified that the assault was anti-Semitic. Two 18-year-old men were sentenced to prison for the assault. The victims were not in the Netherlands during the trial and therefore the witness' testimony was not

⁹⁶ The perpetrators have been apprehended by police and placed in custody. Ibid.

⁹⁷ Ibid.

substantiated. Another incident, dated 26 June, involved a Jew of Syrian descent who was assaulted on Amsterdam's Dam Square for wearing a Star of David pendant.⁹⁸

On 7 December 2017, a man attacked a kosher restaurant in Amsterdam while waving a Palestine Liberation Organization (PLO).⁹⁹ The synagogue incident occurred on 31 December 2017 at Chabad Central Amsterdam, when unidentified individuals hurled bricks at one of the building's windows in what a police spokesman told the weekly was an incident "with all the signs of a deliberate attack against a Jewish institution."¹⁰⁰

- **Terrorist attacks motivated by radical nationalism or religion.**

No such attacks took place on Dutch soil. Significant law enforcement and judicial actions related to counterterrorism in 2017 included:¹⁰¹

- On November 13, a district court in Rotterdam convicted a Dutch woman for preparing and promoting acts of terrorism but acquitted her of participation in a terrorist organization. She traveled to Syria in 2015. She was sentenced to two years in prison, with 13 months suspended.
- On November 2, a district court in Rotterdam convicted a man for preparing to commit a terrorist attack and sentenced him to four years in prison. Authorities arrested him in December 2016 after hearing of plans to attack the Turkish Consulate in Rotterdam. Police found an AK-47, ammunition, illegal heavy fireworks, and instructions on how to make a bomb in his residence.
- On September 13, the Minister of Justice and Security announced the revocation in absentia of Dutch citizenship for four foreign terrorist fighters. This marked the first time the government used new legislation, which entered into law March 1. All four individuals are presumed to be in Syria.

⁹⁸ <https://www.haaretz.com/world-news/europe/anti-semitic-vandalism-in-holland-reaches-highest-levels-since-2007-1.5889731>

⁹⁹ <https://www.haaretz.com/world-news/europe/dutch-jewish-establishments-suffer-spat-of-vandalism-1.5748601>

¹⁰⁰ Ibid.

¹⁰¹ <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=23530>

10. Holocaust denial.

In December 2017, A professor emeritus from an esteemed university in the Netherlands whose father was a Nazi called Jews “parasites” in a televised interview.¹⁰² Jan Tollenaere, a lecturer on medicinal chemistry who retired from the Utrecht University in 2001, also questioned the historical record on the Holocaust in an interview aired Thursday by the *Canvas* broadcaster in Belgium about children of Nazi collaborators. Tollenaere, whose father, Raymond, was in charge of propaganda for the Belgian pro-Nazi collaborationist government of Flanders during the German occupation of Belgium in World War II, said Jews “are not a nice people, I don’t feel any warmth toward them.” They are, he added, “parasites, speculators and mean people.” About the Holocaust, Tollenaere said: “Was it really a reality? I think there was propaganda in play to underscore the Holocaust, to exaggerate it and cynically use it, leverage it to extract money.”¹⁰³

11. Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.

In September 2017, unknown number of anti-fascist activists were arrested during demonstrations in Enschede organized by extreme right-wing collaboration group Fortress Europe (which includes Pegida). Neo-Nazi German band Kategorie C. performed at the Fortress Europe demonstration which included far-right speakers from Finland, Germany, Austria and England, among others.¹⁰⁴

Conclusions

The main issue of concern regards the increasing tensions in Dutch society between various minority and majority groups which seem to enhance exclusion and discrimination. This was especially evident in the lead-up to the 2017 general election, with the Party for Freedom adopting rhetoric that, while primarily anti-Islamic, has also targeted groups based on ethnicity

¹⁰² <https://www.israelnationalnews.com/News/News.aspx/239395>

¹⁰³ <https://www.israelnationalnews.com/News/News.aspx/239395>

¹⁰⁴ <https://nltimes.nl/2017/09/18/30-arrested-enschede-demonstrations>

including those of a Moroccan background, with the party leader Geert Wilders referring to them as 'scum' in the lead-up to the 2017 election. This rising political rhetoric has been mirrored in Dutch society with an escalation in incidents of hate speech and crimes targeting ethnic and religious minorities. According to the mayor of Amsterdam, Jozias van Aartsen, the city's discrimination hotline had received 392 reports of hate based on origin, skin colour or ethnicity in 2017 – a rise of 25 per cent compared with 2016. The mayor's comments came after a decapitated doll had been left outside a mosque, sparking widespread condemnation.¹⁰⁵

The principal issue of concern with regard to the implementation and practical application of the anti-discrimination directives at national level is the huge gap between the prevalence of discrimination that appears in research and the comparatively low number of cases that come before the courts, either in the context of the equal treatment legislation or in the context of the criminal law provisions prohibiting discrimination.

In particular, hate speech and vandalism based on origin and religious affiliation, such as antisemitism, Islamophobia and racism pose the biggest challenge for both policy and law enforcement agencies.

Recommendations:

General recommendations for the accession to international agreements and conventions.

Freedom of expression is protected by the Dutch constitution and international agreements. But it is not a licence to incite hatred or promote

¹⁰⁵ <http://minorityrights.org/country/netherlands/>

radicalisation. For that reason, insulting individuals or groups of people on the grounds of who or what they are (article 137c of the Criminal Code) should be treated as a criminal offence. In a similar vein, the incitement to hatred (article 137d of the Criminal Code) should be persecuted as such.

Democracy and the rule of law in the Netherlands must be made more resilient to radical antidemocratic forces. The provisions of law prohibiting radical organisations that aim to overthrow or destroy democracy and the rule of law will be enhanced by applying article 20 of Book 2 of the Civil Code. This legislation should be applicable and implemented regardless of ideological motivation.

General recommendations for adjustments to the legal framework.

Legal framework is in accordance to international and European treaties and conventions. There is no need to amend the provisions of the Criminal Code prohibiting discrimination. Implementation however remains challenge.

General recommendations for the executive bodies in the field of law enforcement and human rights.

In the Netherlands everyone is equal. People have the freedom to express their identity visibly. The government should actively intervene where this freedom is curtailed, where people are discriminated against or where their safety is at stake.

The executive bodies in the field of law enforcement and human rights should aim at increasing the public's willingness to report hate crimes, to prioritize and shorten case processing times, with a view to ensuring that crime does not go unpunished. A promising development in this direction is a proposal to consider aggravating circumstances in violence with a racist, anti-Semitic or homophobic objective.¹⁰⁶

¹⁰⁶ www.tweedekamer.nl

In case of juvenile (extremist/terrorist) suspects and offenders, the government should improve the efficiency and effectiveness of juvenile sentencing to prevent recidivism and prevent prison radicalization.

Promoting equal opportunities for disadvantaged people is important. Concrete measures should be adopted to tackle discrimination, in accordance to the article 1 of the Constitution prohibiting discrimination.

The Equal Treatment Act should be amended to clarify the legal status of immigrants and refugees.

The government should work towards a humane, effective policy on migration and integration at both national and EU level, a policy that will improve opportunities for newcomers and encourage their participation in society soon after their arrival.

Hate crime registration should not be restricted.

In the education sector, including in teacher training, civic and human rights should have more prominent role.