



International Convention on the Elimination of All Forms of Racial Discrimination

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Information received from Netherlands on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/NLD/CO/17-18)

Netherlands* **

Reply to the issues raised in paragraph 4 of the concluding observations (CERD/C/NLD/CO/17-18)

1. The Dutch government informed Parliament by letter of 13 September 2010 of its action programme to combat discrimination, setting out its strategy in relation to the various areas and issues involved. See the accompanying annexe for the text of the letter. The action programme contains measures to tackle discrimination at local level. Their success depends to a great degree on a joint approach involving the public, CSOs, local government and other authorities. Where possible, discrimination must be tackled at source, which is often at grassroots level. Crucial elements here include social control mechanisms, social participation and trust in social pacts at neighbourhood and community level, and in local organisations and associations. This can only be achieved from the bottom up, which will take time and cannot be brought about solely through government measures, but also requires the active participation of the public.

Reply to the issues raised in paragraph 8 of the concluding observations

2. With regard to the political and social climate, it is important to be aware of the following. Dutch society is characterised by great diversity. This pluralism is made possible

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation service.

** Additional annexes can be consulted in the files of the Secretariat.

by the free and open nature of society. The freedoms in question are anchored in the Dutch constitution and in human rights conventions, which are thus a bedrock of broadly shared principles.

3. Dialogue on social issues is crucial in a democratic state governed by the rule of law. The same applies to issues concerning the exercise of constitutional freedoms. Dialogue is in fact central to the way in which Dutch democracy functions. However, it goes without saying that action is taken against utterances incompatible with provisions of law or with legal frameworks created at national and international level with a view to eliminating discrimination. It should be noted that this will depend on the nature and the tenor of such utterances, whether they form part of a cohesive whole, and the context in which they were made.

4. While public debate of political issues is possible, the intimidation of political candidates is not tolerated. Politicians have more leeway in public debate than members of the public. The leeway enjoyed by politicians in parliamentary discussion and debate is even greater.

Reply to the issues raised in paragraph 10 of the concluding observations

5. The Dutch police have been drawing up national crime pattern analyses for discrimination since 2008. This involves analysing all incidents of a discriminatory nature reported to them, from actual discrimination to crimes of other kinds that involve an element of discrimination. Crimes are classified according to grounds and manner of discrimination. Categories include racial discrimination, anti-Semitism and discrimination against homosexuals. The national crime pattern analysis for discrimination in 2009 (Poldis 2009) is enclosed as an annexe. The analysis for 2010 will be completed in June.

6. The Public Prosecution Service also draws up an annual report on discrimination, based on cases handled. See the annexe '*Cijfers in Beeld 2009*'. At present the report does not extend to crimes of other kinds that involve an element of discrimination, though these will be included as of 2012.

7. The police and the Public Prosecution Service are working towards producing a joint national analysis for discrimination.

Annexes

Annex I

I. Letter from the Minister of the Interior and Kingdom Relations/Minister of Justice

To the President of the House of Representatives

The Hague, 13 September 2010

Dear Madam President,

I am pleased to present you with a copy of Poldis 2009, the police's national crime pattern analysis for discrimination (CPD).¹ and ² I am also pleased to present the programme of action to tackle discrimination, both in my own capacity and on behalf of the Minister for Housing, Communities & Immigration, the Minister of Health, Welfare & Sport, and the State Secretary for Education, Culture & Science.

The programme of action incorporates a response to the motion tabled by Van der Staaij et al. (32 123 VI, no. 111). This motion (passed on 29 June 2010) was submitted during the emergency debate on anti-Semitism with the House on 24 June 2010, and calls for a programme of action to combat anti-Semitism. During this debate I announced to the House that I would respond to this motion in the wider context of discrimination in general, with a special focus on combating anti-Semitism. The programme of action also touches on the motion tabled by Voordewind et al. (32 123 VI, no. 113), also adopted on 29 June 2010, which called on the government to request the police and the justice authorities to again register reports of anti-Semitism.

Moreover, the programme of action looks in closer detail at my promise to draw on lessons learned from the programme on safe working conditions for public sector employees, where it relates to willingness to lodge criminal complaints of discrimination against public service employees, in encouraging people to report discrimination.

II. Police national crime pattern analysis for discrimination

A. Poldis 2009 – crime pattern analysis for discrimination

1. Poldis 2009, the police's national crime pattern analysis for discrimination, provides an overview and analysis of police data regarding incidents of discrimination in 2009, examining the nature and extent of discrimination. This includes the main grounds for, and forms of, discrimination, and the locations in which it took place. Poldis 2009 was drawn up on the basis of the case overviews compiled by the 26 police forces, and commissioned by the discrimination portfolio manager of the Board of Chief Constables (RKC).

¹ This fulfils the promise made by the then Minister of the Interior and Kingdom Relations to submit the crime pattern analysis for discrimination to the House this summer (Parliamentary Papers II 2009-2010, 27 017, no. 69)

² Available for consultation at the House of Representatives Information Centre

2. Before examining the main results, we should note that there are reservations regarding the figures for 2009. Research conducted for Poldis 2009 revealed that incidents of discrimination are still not being registered consistently by different regional police forces. The conclusion is that the 2009 transition to the police's new national registration system, the Basic Law Enforcement Database (*Basisvoorziening Handhaving*, BVH), has negatively impacted registration. We are currently working to improve the BVH. The national case overview, developed for registering incidents of discrimination, is applied in most regions. Although most regions comply with national agreements, data collection remains vulnerable to regional shifts in focus and personnel. Moreover, victims' willingness to come forward and file a criminal complaint is still cause for concern. Many incidents of discrimination are not reported to the police. The findings of Poldis 2009 should, therefore, be interpreted with caution.

3. The main conclusions of Poldis 2009 are:

(a) In total, 2,212 incidents of discrimination were registered by the police in 2009. The figures are more or less the same as for 2008 (26 fewer incidents).

(b) Discrimination on the grounds of origin and ethnicity is the most common among all incidents registered by police. Nationally, though, there were fewer incidents in 2009 than in 2008 (761 compared with 898). There has been a striking fall in the number of incidents relating to origin and ethnicity registered by the Amsterdam-Amstelland regional police force, accounting for more than half of the drop in numbers.

(c) Discrimination on the grounds of sexual orientation increased from 380 incidents in 2008 to 428 in 2009. Given the regional variations and, especially, shifts in reporting, the researchers warn against drawing conclusions regarding any rise or fall in societal discrimination on the grounds of sexual orientation. According to police registers, discrimination on the grounds of sexual orientation largely takes the form of insults and verbal abuse (318 incidents). The number of registered violent crimes (assault and street violence) committed on the grounds of sexual orientation is 71, representing 35% of the 199 registered violent crimes of a discriminatory character.

(d) According to the figures, insults and verbal abuse are still the main manifestation of discrimination (58%). Daubing extreme rightwing graffiti on buildings, or scratching it on cars, also constitutes a high proportion (26%) of discriminatory incidents registered by police.

(e) Most discriminatory incidents take place in the local neighbourhood or the personal relationships of those involved (30.5%). 10.5% of registered incidents relate to the work environment. Discrimination in the entertainment sector or bars and at school or in school-related environments still accounts for 5%-6% of incidents. Places of worship (churches, mosques and synagogues) are relatively rarely the target of discriminatory incidents (less than 1%).

(f) The figures show an increase in the proportion of women among both suspects (an increase from 6.7% to 10.1%) and victims (an increase from 6.7% to 14.2%). Most suspects and victims are still men.

(h) The number of anti-Semitic incidents registered by the police has increased by 68 (from 141 to 209 in 2009). Further analysis has shown that most of the increase can be attributed to the rise in incidents in the Rotterdam-Rijnmond region (an extra 48). The region saw a large increase in all types of incidents of discrimination in 2009, due to the switch to the national registration system.

4. The following can be noted in connection with the growth in the number of cases of anti-Semitism registered by the police (in addition to the switch in the method of registration in Rotterdam-Rijnmond). On 1 July 2010 the 2009 Racial Discrimination

Monitor was submitted to the House (Parliamentary Papers II 2009-2010, 30 950 no. 18). The Monitor listed reports and complaints of discrimination on the grounds of race, skin colour, origin, nationality and ethnicity received between 2005 and 2008 by anti-discrimination bureaus, the Internet Discrimination Hotline (MDI), the police, the Public Prosecution Service (OM) and the Equal Treatment Commission (CGB). It also examined trends in these types of complaint. Although there was an increase in anti-Semitic incidents reported to the police in 2009, the Monitor shows a fall in such incidents in the period up to 2008. However, the Monitor notes that, at times of Middle East conflicts involving Israel, the number of anti-Semitic reports and incidents in the Netherlands can peak briefly, but sharply. The increase in police registrations of such incidents in 2009 may indeed relate to developments in the Middle East, given the Gaza war at the end of 2008/beginning of 2009.

5. In the programme of action I will look in greater detail at the measures taken to improve regional and national crime pattern analysis for discrimination.

B. Anti-discrimination action programme

6. The Dutch government believes it is very important to combat discrimination. It is the duty of a democratic state governed by the rule of law to stand up for the human dignity of every individual. Every discriminatory act or form of treatment must be vigorously suppressed. Article 1 of the Constitution establishes an important principle for a democracy governed by the rule of law: '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.' The democratic state and the rule of law invoke values such as freedom, equality, solidarity and room for diversity, meaning that people are held accountable for their behaviour, not for their origin, sex, religion, or any other quality or background.

7. Combating discrimination starts with promoting mutual respect. The point is recognising the value of other people. Mutual respect is rooted in democracy and the rule of law, in which the state shows in word and deed that every individual is important, regardless of their personal characteristics or way of life. History has taught us what can happen when people are excluded on the grounds of such characteristics and ways of life. The significance of the words 'never again' echoes from our past. We must hear these words and put them into practice now and in the future.

8. That is why the government is fighting to protect the principle of equality enshrined in article 1 of our Constitution and the inviolability of human dignity enshrined in article 1 of the Charter of Fundamental Rights of the European Union.³

9. The programme of action sets out the measures and new initiatives for combating discrimination, specifically focusing on anti-Semitism. Areas relevant within this framework are the local approach, reporting incidents and lodging criminal complaints, registration and insight, investigation and prosecution of offences, and education and public information about discrimination. This meets the requirements of the Van der Staaij motion.

10. The programme of action focuses, for example, on the importance of cooperation at local level between the authorities and Jewish and other interest groups, and on projects specifically aimed at combating xenophobia and anti-Semitism among young people. It also

³ This government's continuous efforts are also set out in its response to the advisory report of the committee on propagating the core values of the rule of law, Parliamentary Papers II 2008-2009, 29 279, no. 83).

looks at the importance of reporting discrimination and lodging criminal complaints, and of informing the public about how to do so. Measures taken by the government to combat discrimination and anti-Semitism on the internet also feature explicitly.

11. The government attaches importance to improving the registration of discrimination and monitoring specific forms of discrimination, such as anti-Semitism. This includes measures for improving registration by the police and the justice authorities, as well as ways of ensuring that different registers are better coordinated. We also examine investigation and prosecution, and how anti-Semitism features in teaching and in public information about the Second World War.

12. The main principles of the programme of action were discussed at an interministerial meeting, chaired by the Ministry of Housing, Spatial Planning and the Environment (VROM), with a number of national Jewish organisations. As coordinating ministry in the field of racial discrimination, VROM will continue these discussions in the future. Specific elements of this programme of action, and other subjects, will feature in these discussions.

1. Local approach

13. Discrimination often manifests itself in people's immediate surroundings, for example in the area or neighbourhood in which they live. With the introduction of the Municipal Anti-Discrimination Services (ADV) Act, which entered into force in 2009, the legislator made it possible for everyone to report discrimination directly to an easily accessible ADV in their own vicinity, or to ask the ADV for help and advice. ADVs provide municipalities with annual figures on reports of discrimination at local level. The ADV Act provides municipalities with pointers for steering anti-discrimination activity at local level, so that they can formulate local anti-discrimination policy in cooperation with the Public Prosecution Service, the police and the ADVs.

14. The Ministry of the Interior and Kingdom Relations is currently working to commission a survey of the national coverage of municipal anti-discrimination services. The results of this survey will be sent to the House at the end of this year.

15. Given the importance of the connecting role of municipalities, in autumn 2009 the then Minister for Housing, Communities and Integration and the then Minister of the Interior and Kingdom Relations organised three regional meetings with the Association of Netherlands Municipalities to inform municipalities about the ADV Act. These introduced the guidelines for a local approach to discrimination, entitled 'Everyone=equal', which focus on contact and cooperation with local interest groups.

(a) Regional forum on discrimination (RDO)

16. Cooperation between the Public Prosecution Service, the police and the ADVs primarily takes place within the RDOs, which are chaired by the public prosecutor with responsibility for discrimination cases. The case overviews drawn up by regional police forces and the reports made to anti-discrimination bureaus are discussed and their seriousness assessed. There are also strategic consultations on identifiable trends and developments in discrimination, which can serve as a basis for local policy and appropriate measures.

(a) RDOs will be encouraged to keep in contact with local interest groups, such as the gay rights organisation COC and the local Jewish community, and to take account of their observations. These organisations can also share information.

(b) The importance of professional annual reports drawn up by regional police forces (regional crime pattern analysis of discrimination) and anti-discrimination services will also be emphasised. After all, they provide input for regional and local anti-

discrimination policy, including combating anti-Semitism, which should be developed and implemented under the direction of the municipality.

(b) Dealing with street culture

17. It is the government's duty to ensure that undesirable, violent expressions of street culture are dealt with. Street culture often expresses itself in a lack of respect and in intolerance for women, homosexuals, Jews and people with a disability and can be discriminatory. It is characterised by macho behaviour, which can be offensive and violent. It is mostly displayed by unsupervised, poorly educated youths, typically around 18 years of age, in response to peer pressure. This behaviour is unacceptable and, in certain cases (including discrimination), criminal.

18. In 2009 the Minister for Housing, Communities & Integration, the Ministers of the Interior & Kingdom Relations and Justice and the Minister for Youth & Families, entered into partnership with 22 municipalities to tackle the issue of at-risk juveniles of Moroccan-Dutch backgrounds, and with a further 22 to tackle those of Antillean-Dutch backgrounds. One of the main objectives is to reduce antisocial behaviour by deploying street coaches and family managers, for example.

19. Over the past few years, a number of municipalities have gained useful experience in cooperation, good practice and preconditions for combating street culture-associated antisocial behaviour. As promised in the Memorandum on Integration Policy 2007-2011 (Parliamentary Papers II, 2008-2009, 31 268, no. 13), the Minister for Housing, Communities and Integration will ensure that best practices are shared with other municipalities.

20. A seminar on discrimination in street culture will be held during the conference organised by the Ministry of Housing, Spatial Planning and the Environment and the Ministry of Social Affairs and Employment in autumn 2010 to present the results of the 2009 Racial Discrimination Monitor and the monitor on discrimination against non-western migrants in the labour market.

(c) Propagating the core values of the rule of law

21. Local efforts to combat discrimination begin not just on the street, but also in community centres, youth centres and schools. The government attaches importance to propagating the core values of the rule of law and educating people about the dangers of discrimination.

22. The government propagates core values such as freedom, equality and solidarity. This is reflected in the activities set out in the Action Plan on Polarisation and Radicalisation 2007-2011. Where possible, there will be specific focus on combating anti-Semitism.

23. The Ministries of the Interior & Kingdom Relations and Housing, Spatial Planning & the Environment have already started up projects in this area. Others are planned. Examples of projects recently initiated include:

(a) Training youth workers in Friesland to identify and combat xenophobia and anti-Semitism.

(b) Courses for teachers on how to initiate dialogue with young people on general and sensitive themes and dilemmas in society.

(c) A peer education project in which peer educators are specially trained to reach people of their own age who lack the skills required to deal with feelings of

frustration, disappointment and discrimination, making them more susceptible to extremism and social isolation.

24. Examples of newly proposed projects include:

(a) Support for the syllabus on the Second World War in perspective, in which Jewish and Muslim pupils teach others about the Second World War, the Holocaust and developments in the Middle East.

(b) A joint project with Codename Future and the Forum for Democratic Development to combat negative forms of polarisation in secondary schools which will focus specifically on anti-Semitism, homophobia and Islamophobia.

25. Nuansa, the Knowledge and Advice Centre on Polarisation and Radicalisation for the general public, municipalities and professionals, is always on hand to deal with questions and give advice on tackling anti-Semitism, for example.

26. One important example of a local approach to cooperation between different population groups is the Amsterdam Jewish-Moroccan Network. The network, which receives financial support from the Minister for Housing, Communities and Integration, uses public information and debates to reduce tension between the Moroccan and Jewish communities and make it a subject for discussion.

27. The government believes it is important to maintain contact with national interest groups that can help in identifying regional problems, for example. We are in regular contact with national Jewish organisations, such as the Central Jewish Council (CJO), the Centre for Information and Documentation on Israel (CIDI) and the Dutch Auschwitz Committee. These contacts, which are coordinated by the Minister for Housing, Communities and Integration, focus on developments in anti-Semitism and the position of the Jewish community in the Netherlands.

2. Importance of reporting incidents and lodging criminal complaints

28. If discrimination is to be properly combated, people need to report discriminatory incidents to the police or, at least, to an ADV, confidential adviser, interest group or the Equal Treatment Commission. The government believes this is of the utmost importance.

29. It is easy for people to report discrimination to an ADV, or to ask it for help and advice. According to the Board of Procurators General's Instructions on Discrimination, the police should always register criminal complaints of discrimination; reports and/or criminal complaints initiate the prosecution process, and allow local and national authorities to gain a better overview of the scope and nature of the issue and formulate a targeted approach. If it emerges that there are multiple reports or complaints of discrimination centring on one neighbourhood, street or school, the police, municipality and anti-discrimination service can take action, for example in cooperation with the school.

30. The government is working to increase on people's willingness to report discrimination. According to the 2009 Racial Discrimination Monitor, one third of respondents to the survey on experiences of discrimination were unaware that a criminal complaint of racial discrimination can be made to the police. Moreover, it also emerged that a common reason for not reporting discrimination was the belief that it would not make a difference.

31. In summer 2009 the Ministry of the Interior and Kingdom Relations commissioned a major national information campaign to increase the willingness to report discrimination, using the website www.discriminatie.nl and the telephone number 0900-2 354 354. The campaign, which had the tagline 'Do you have to leave yourself at home when you go out?', emphasised that no-one in the Netherlands should have to pretend they are something they

are not. Reports of discrimination to ADVs during the campaign were three times higher than during the same period the previous year.

32. The Ministry of the Interior and Kingdom Relations is repeating the campaign from 23 August to 26 September 2010. A special edition of the free newspaper *Metro* was published, focusing on discrimination, including anti-Semitism.

33. The police are also campaigning to increase people's willingness to report discrimination. The new website, www.hatecrimes.nl, allows people to report homophobic, racist or anti-Semitic incidents (hate crimes) online, anonymously if they wish, or to make an appointment to lodge a complaint with the police in person.

34. The Police Diversity Expertise Centre (LECD) will contact Jewish organisations to inform them of this website.

35. Increasing people's willingness to report discrimination is also part of central government's programme on safe working conditions for public sector employees. Employers play an important role in this. They are given advice and encouraged to report any violent incidents affecting public sector employees, e.g. the police or public transport workers, in the course of their work (on behalf of the employee or of their own volition).

36. This is a good example of involving people in the victim's direct environment and making clear how they can help. Family, friends and employers can all support a victim of discrimination when they report the incident, reinforce the message that no-one should have to tolerate discrimination and anti-Semitism, and give them the extra impetus they need to take action.

37. The websites www.discriminatie.nl and www.hatecrimes.nl provide victims and witnesses of discrimination and those around them with advice about how to deal with it.

Internet

38. The government also attaches great importance to combating discrimination on the internet. It is important that there is somewhere where internet users can report discriminatory statements they encounter on the net.

39. The internet is increasingly important as a medium, to young people in particular. The anonymity and scant checks (or, indeed, scant options for carrying out checks) mean it can function as a refuge for discriminatory statements (and other criminal activities) which would attract attention more quickly in the offline world. It is difficult to determine the exact extent of discrimination on the internet. The Internet Discrimination Hotline (MDI), which is fully funded by the Ministries of Justice and of Housing, Spatial Planning & the Environment, receives an annual average of 1200 reports of discriminatory statements on the internet. About 20% – the largest category – relate to anti-Semitism.

40. As in previous years the Dutch government provided a grant for the MDI in 2010. The MDI's main task is dealing with reports of discriminatory statements on the internet by asking websites to take down criminal utterances. If they refuse to do so (which rarely happens), the MDI reports them to the Public Prosecution Service.

41. Internet users can report discriminatory statements to the MDI or to the police. Dutch websites and providers (and their moderators) usually have their own systems in place e.g. house rules to ensure they are not hosting information that constitutes an offence. Guidelines for moderators on how to moderate criminal discriminatory statements on the internet can help them improve website management.

42. The Ministry of Housing, Spatial Planning and the Environment and the Ministry of Justice are compiling guidelines for web managers and moderators to help them keep their sites 'clean'.

43. Websites subsidised by the government have a special responsibility to ensure no criminal statements appear.

44. We will be looking at how, and to what extent, a uniform government line can be taken on agreements (e.g. grant conditions) with websites funded, or partly funded, by the government regarding efforts to remove criminal discriminatory statements as soon as possible.⁴

3. Registration and insight

45. It is not enough that discrimination is reported. It has to be uniformly registered if we are to gain useful insight and monitor it. This is not just about ensuring that each body (i.e. the Public Prosecution Service, the police and ADVs) registers reports; it is equally important that they agree on how they do so, and share information. This section looks at various measures for improving registration, and the VoordeWind motion regarding the registration of anti-Semitism by police and the justice authorities.

(a) Improving and coordinating registration

46. Since 2008 the police have operated a uniform regional case overview system, in which each regional force can register discriminatory incidents. Data are transferred from the new national police registration system (BVH) to the case overview and categorised by the grounds for discrimination (e.g. anti-Semitism or sexual orientation). The incidents registered may concern discrimination as a criminal offence in its own right or another offence (e.g. assault or criminal damage) in which discrimination was a motive. The new registration system allows the police to add the code 'discrimination' to offences in the latter category. A national system query (i.e. search command using key words) has been developed to retrieve discriminatory incidents from the BVH. Regional case overviews are regularly discussed at regional forums on discrimination, in line with the Board of Procurator General Instructions on Discrimination (see section 2b). Each year the police draw up a national crime pattern analysis of discrimination, called Poldis, based on the regional case overviews. Poldis examines various grounds for discrimination, such as sexual orientation and anti-Semitism.

47. Poldis 2009 shows that further steps need to be taken to improve data collection and registration of discrimination, including anti-Semitism, and make it transparent and uniform. In response to this the police are speeding up the completion of an existing project designed to improve the registration of discrimination. The aim is to develop clear research questions, registration based on statutory grounds for discrimination and a more uniform and nationally supported means of registering incidents by regional forces. It will also look at which elements of registration could be further computerised, so as to lighten the workload of regional forces.

48. I have asked the Board of Chief Constables to report to me before the end of the year on the completion of the project to improve police registration of discrimination.

⁴ For example Eberhard van der Laan, the former Minister for Housing, Communities and Integration, made agreements with www.marokko.nl and www.maroc.nl, both of which received grants, on removing within the hour texts that incite hatred or discrimination (Parliamentary Papers II 2009-2010, 32 123 no. 24).

49. The Public Prosecution Service's National Discrimination Expertise Centre (LECD-OM) reports annually on discrimination cases, classifying them by the grounds for discrimination. The most recent available report dates from 2008 (the report for 2009 is due in the autumn).

50. The Public Prosecution Service's new GPS registration system makes it possible to register criminal offences with a discriminatory element (e.g. an assault committed with a discriminatory motive).

51. In 2012 the Public Prosecution Service will have national figures available which will offer insight into the number of discrimination offences and other offences with a discriminatory element.

52. The national working group on a joint strategy for tackling discrimination (GAD)⁵ has concluded that ensuring uniformity in the registers kept by the Public Prosecution Service, the police, ADVs, the MDI and the Equal Treatment Commission is an important follow-up step, as is coordinating the publication of the various annual reports and statistics on discrimination. This spring a series of expert meetings was launched, with the aim of improving oversight of the problem of discrimination.

53. In early 2011 the GAD working group will present the results of the expert meeting on making discrimination registers uniform and coordinating annual figures.

(b) Monitoring

54. Central government is monitoring the situation in order to keep track of developments in discrimination in the Netherlands, and to be able to continue developing and implementing a targeted policy. Central government has commissioned a limited number of discrimination monitors to be implemented periodically in the Netherlands, focusing on various grounds (e.g. race) and areas (e.g. the labour market). Proper registration of incidents of discrimination is vital for accurate monitoring. As data drawn from reports and criminal complaints does not say everything about actual discrimination, people's experiences, or the causes of increases or decreases in the figures, most monitors also draw on research on experiences and literature searches. The aim is to obtain a fuller impression of the nature and extent of discrimination, given that not all discrimination people experience, e.g. in the form of incitement to hatred and homophobic or anti-Semitic violence, is reported.

55. The Minister for Housing, Communities and Integration has commissioned a regular Racial Discrimination Monitor, which looks at anti-Semitism in depth. On 1 July 2010 the 2009 Racial Discrimination Monitor and the non-western migrant discrimination monitor were sent to the House, accompanied by a government response (Parliamentary Papers II 2009-2010, 30 950, no. 18). In addition to the monitors commissioned by central government, the Anne Frank Foundation and Leiden University will report on research into contemporary racist and extremist utterances in the 2011 racism and extremism monitor. The project has been awarded a grant by the Ministry of Health, Welfare and Sport.

56. Central government will continue to monitor developments concerning discrimination in the Netherlands.

⁵ The working group, chaired jointly by the Ministries of the Interior & Kingdom Relations and Justice, encompasses representatives of the Ministry of Housing, Spatial Planning and the Environment, the Public Prosecution Service, the police, Art.1 (ADV's), the Association of Netherlands Municipalities (VNG) and the Equal Treatment Commission.

57. Regular research into experiences of discrimination will give us greater insight into the issue. As Minister of the Interior and Kingdom Relations, I propose conducting a periodic survey of commonly experienced forms of discrimination (where this is not already happening). This will encompass anti-Semitism.

4. Investigation and prosecution

58. Various methods are employed for the investigation and prosecution of specific forms of discrimination (e.g. homophobia and anti-Semitism).

(a) Investigation

59. The decision on whether to employ targeted investigation methods is made at local level, on the basis of local knowledge. The RDOs play an important part in this (see under 2a). The use of alternative methods of investigation is also a local matter, as long as they are permitted by law. As previously stated during the emergency debate on anti-Semitism on 24 June 2010, the use of undercover officers, although legally possible, is not seen as an obvious choice, for reasons of proportionality (i.e. their use should be limited to serious offences) and subsidiarity (i.e. it should only be used if other investigative methods have proved unsuccessful). However, this decision should also be made at local level.

(b) Prosecution

60. Policy on prosecution is set out in the Board of Procurators General's Instructions on Discrimination, which specify that the police must always register criminal complaints of discrimination, without assessing whether discrimination actually took place. That is the task of the Public Prosecution Service.

61. If discrimination has taken place, and the case can be proved and the suspect is criminally liable, the Public Prosecution Service will always prosecute. When prosecuting offences featuring a discriminatory element, e.g. a violent crime committed with a discriminatory motive, the Public Prosecution Service includes the discriminatory element as an aggravating circumstance when demanding sentence. As of 1 September 2009, the presence of a discriminatory element means any sentence handed down will be increased by 50%; previously, the figure was 25%.

62. Discriminatory language and/or gestures (other than those referred to in article 137e of the Criminal Code) disrupt the life of society. Such utterances should therefore also be seen as aggravating circumstances when offences have been committed.

63. When determining the sentence that should be demanded, the Public Prosecution Service may decide to add an educational element to an alternative sanction, for example a visit to the Anne Frank House. Whether this is deemed effective, and the form it should take, are determined at local level by the Public Prosecution Service and the partners in the criminal justice system.

64. It should again be emphasised that the effective investigation and prosecution of discrimination relies on people lodging criminal complaints, and reporting possible discriminatory elements in 'regular' offences.

5. Education and public information on the Second World War

65. Combating discrimination, including homophobia and anti-Semitism, also features in education. For example, the government believes it is important to educate young people about the Second World War, the Holocaust, human rights, discrimination and to strive for a

discrimination-free learning environment.⁶ The government also helps to keep the memory of the Second World War alive. Providing public information on this period is important, because the significance and consequences of exclusion and discrimination are issues we still face today.

(a) Education

66. Themes such as anti-Semitism and sexual diversity are covered in schools within a wider framework, within which pupils learn that whatever people's religion or belief, race, sex, sexual orientation or other characteristic, they are all equal and must be treated as such in equal circumstances. Inclusion in the syllabus of topics such as the Second World War, the Holocaust, human rights and/or knowledge of and respect for different ideas and lifestyles is compulsory (specified as exit qualifications, attainment targets and/or core tasks). They may be included in a number of different ways, e.g. in subjects such as history or social studies, or as part of schools' statutory obligation to foster active citizenship and social integration (citizenship education). A great deal of teaching material is available.

67. The Dutch Canon has been included in the attainment targets for primary schools and for the lower forms of secondary schools since 1 August 2010. Teachers can draw on the 50 icons or 'windows' of Dutch history to illustrate the 10 periods specified in the attainment targets. One of the icons is 'Anne Frank (1929-1945) / the persecution of the Jews'.

68. Anti-Semitism in particular, and discrimination in general, feature in the general part of schools' safety policy as well as in the syllabus. The Ministry of Education, Culture and Science supports the Centre for Safety at School (CSV, www.schoolveiligheid.nl), which helps schools make the school environment safe for all pupils. The CSV focuses on social safety by addressing themes including discrimination, racism, sexual harassment, including harassment of homosexual pupils, extremism, violence and personal interaction.

69. The CSV places particular importance on anti-Semitism and Holocaust denial, providing teaching materials, publications, tips and good practices on this theme, including the 'Anti-Semitism: old and new prejudices' learning package produced by the Anne Frank Foundation. The CSV also publishes two information sheets touching on discrimination and anti-Semitism, including one on 4 and 5 May (Dutch remembrance day and liberation day) in multi-ethnic classes. Separate versions are produced for primary and secondary schools, giving practical teaching materials and information on projects and activities about 4 and 5 May, remembrance, and the Second World War. Schools are free to determine the material they use and how they tackle the themes.

70. The Ministry of Education, Culture and Science monitors safety in secondary and special schools and in primary schools every two and four years respectively. The Secondary Vocational Education Council also monitors safety in vocational schools every two years. These monitors chart the safety situation in Dutch schools and give insight into safety policy and its effectiveness.

71. As of the 2011-2012 school year, the Ministry of Education, Culture and Science plans to make it compulsory for all primary, special, secondary and vocational schools to register all incidents of aggression and violence in which discrimination (on the grounds of e.g. race, sex and sexuality) features. The Bill should be submitted to the House this autumn.

⁶ See the progress report on equal rights for homosexuals 2008-2010 (Parliamentary Papers II 2009-2010, 27 017, no. 72) sent to the House on 24 June 2010 by the State Secretary for Education, Culture and Science

(b) Remembering the Second World War

72. The Ministry of Health, Welfare and Sport is responsible for policy on Second World War remembrance. The aim is to teach younger generations, now and in the future, about the significance of the history of the war. The significance of keeping the memory of the Second World War alive lies in how it relates to issues such as fundamental rights, democracy, the rule of law and freedom. Providing the public with information on the Second World War is designed to make people think about the possible impact and consequences of exclusion and discrimination.

73. The Ministry of Health, Welfare and Sport provides an appropriate infrastructure through grants to the four Dutch memorial centres (Camp Vught, Camp Westerbork, Camp Amersfoort and the Dutch East Indies Memorial Centre in Bronbeek), the National 4 and 5 May Committee, the 15 August 1945 Commemoration Foundation and the Netherlands Institute for War Documentation. The Center for Holocaust and Genocide Studies and the Anne Frank Foundation receive long-term Ministry funding.

74. In 2011 the Ministry of Health, Welfare and Sport will transfer a number of implementation tasks to the National 4 and 5 May Committee (Parliamentary Papers II, 2008-2009, 20 454, no. 93), including awarding project grants in the area of education about the events of the Second World War. The internet-based guide www.tweedewereldoorlog.nl, set up by the Committee, at the request of the Ministry of Health, Welfare and Sport, to guide users to reliable online resources allows pupils and teacher access to a wealth of educational material posted by various authors.

62. The Netherlands also contributes to the prevention of discrimination at international level. The Netherlands has been a member of the inter-governmental organisation Task Force for International Cooperation on Holocaust Education, Remembrance, and Research (ITF) since 2000. In ten years the ITF has grown from an informal platform to an organisation with 27 member states, including the United States, Canada, Argentina, Israel and many European countries. The Ministries of Foreign Affairs and Health, Welfare & Sport represent the Dutch government. All member states are committed to the Declaration of the Stockholm International Forum on the Holocaust, which states that they will strive to pass on the history of the Holocaust to new generations and to prevent anti-Semitism. Because of the Netherlands' good reputation in this field, it has been asked to chair the ITF in 2011. The Netherlands will take on the ITF Chairmanship in 2011.

III. Conclusion

75. Combating discrimination is an ongoing task that requires continuous effort from all parties. I am in any case committed to ensuring that we are a reliable and fair government that acts when agreed boundaries are crossed.

Yours sincerely,

Ernst Hirsch Ballin, Minister of the Interior and Kingdom Relations/Minister of Justice
