



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 1985th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 February 2010, at 3 p.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Seventeenth and eighteenth periodic reports of the Netherlands (CERD/C/NLD/18; CERD/C/NLD/Q/18 and Add.1; HRI/CORE/1/Add.66)

1. *At the invitation of the Chairperson, the members of the delegation of the Netherlands took places at the Committee table.*
2. **Ms. Haimé** (Netherlands), updating the Committee on the current political situation, said that the coalition Government had been unable to agree on extending Dutch troops' stay in the Afghan province of Uruzgan. On 20 February 2010, the Prime Minister had therefore tendered the resignation of the Labour Party ministers and State secretaries to the Queen and had put the offices and portfolios of the other ministers and State secretaries at her disposal. The Queen had begun consultations and was expected to ask the other ministers to manage all current affairs until the elections in 2011, or to prepare for early elections before the summer of 2010.
3. Introducing her country's seventeenth and eighteenth periodic reports (CERD/C/NLD/18), she said that since the Government rejected all forms of discrimination in equal measure, it did not pursue policies targeting specific types of discrimination, including racial discrimination. It recognized that the debate on immigration and integration in her country had attracted much foreign attention, and had at times been more ferocious than usual. However, free speech was one of the pillars of the country's democracy, and the extreme positions that had attracted media attention did not reflect the reality in which many people were trying to find common ground, despite their differences of opinion. In a recent report, the Netherlands Institute for Social Research had concluded that there had been a clear shift in Dutch attitudes, with people holding more tolerant views on the integration of minorities. The authorities were nonetheless aware that many people still held negative opinions of migrants, especially Muslims.
4. The Government that had taken office in 2007 had placed combating racial discrimination at the forefront of its policy, in line with its broader approach to integrating newcomers. In November 2009, it had clarified its position on integration in a document sent to Parliament, making reference to problems such as the position of young people from non-Western backgrounds in the labour market and the overrepresentation of youths of Moroccan and Antillean origin in crime figures. It had also stated that immigrants were expected to integrate within Dutch society and make a contribution to it. The moral obligation to make an extra effort had been formalized in a compulsory civic integration procedure. The civic integration courses, on which the Government spent half a billion euros a year, helped people learn the Dutch language and Dutch standards, values and customs, thus enabling them to play a full part in Dutch society. The courses were a crucial starting point for employment and education, the two main engines for integration. The programme had been made compulsory in order to highlight the importance of mastering Dutch and to ensure that the cultural and religious beliefs prevalent in some communities did not prevent individuals, particularly women, from taking the courses and later participating in society.
5. Many migrants attended school, worked and participated in society. In some areas, significant progress had been made: increasing numbers of migrants spoke Dutch, school performance had improved, the percentage of migrants following higher forms of education had doubled in 10 years, and employment levels and ethnic entrepreneurship had risen substantially. The steady progress being made had been exemplified in the migrant communities' dignified reaction to the film *Fitna* by the politician Geert Wilders. While

firmly defending Wilders' constitutional right to express his opinion, they had pointed out that some practising Muslims had found the film offensive. Moreover, few people currently took issue with the Government's basic position that integration called for an extra effort on the part of migrants, that common ground could be found in the rule of law and that mastery of Dutch was vital.

6. During the reporting period, the Government had adopted several measures to improve every step in the process of bringing a complaint concerning discrimination. Between 2002 and 2006, a nationwide network of anti-discrimination services had been established where members of the public could report incidents, and a government-subsidized hotline had been set up for complaints about discriminatory statements on the Internet. In December 2007, new instructions on discrimination for the police and Public Prosecution Service had entered into force, requiring the police to keep records of every report and formal complaint of discrimination. Steps had been taken to ensure closer cooperation between the police, the Public Prosecution Service and the anti-discrimination bureaux in order to facilitate better and more rapid handling of incidents and a more targeted, regional approach to discrimination. The Public Prosecution Service took account of factors linked to discrimination in recommending sentences. In January 2004, the Criminal Code had been amended to increase the maximum penalties for systematic forms of discrimination.

7. The Government had also invested in the communication of more reliable information in order to fight discrimination more effectively. Monitoring reports were published on a regular basis, both on racism and racial discrimination in general and on more specific subjects, such as extremism and racism in the labour market.

8. In order to extend the range of preventive measures available, various activities had been undertaken with the aim of increasing understanding between groups. Frequent consultations were held with ethnic-minority and Muslim organizations, and a campaign had been launched presenting positive examples of cooperation or contacts between various groups. Additional information on measures taken in the areas of employment, education, housing and health care was available in the written replies to the Committee's list of issues (CERD/C/NLD/Q/18/Add.1).

9. Turning to measures taken since the reporting period, she said that in July 2009, the Municipal Anti-Discrimination Services Act had entered into force, ensuring that everyone in the country had ready access to an anti-discrimination service. The services provided included mediation, assistance in lodging a complaint with the police and bringing a case before the Equal Treatment Commission. The Government had launched a national campaign to increase people's readiness to report discrimination, and to make it clear that people in the Netherlands were free to be themselves. To date, the number of people reporting discrimination had tripled. In order to continue promoting the importance of reporting discrimination to official bodies, the campaign would be relaunched in 2010.

10. As explained in the written reply to question 10, since June 2009 it had been possible to report hate crimes online or to make an appointment with the police to lodge a criminal complaint. Since results had fallen below expectations, the Police and Diversity Expertise Centre would take steps during 2010 to improve active communication with potential users of its website, in particular enabling victims to lodge complaints without disclosing their home address and adding links to relevant interest groups. In addition, a new provision of the Working Conditions Act required employers to pursue anti-discrimination policies.

11. In spring 2010, the "Racial Discrimination Monitor" and the second monitoring report on discrimination against non-Western ethnic minorities in the labour market would be published. They would be presented to Parliament, together with a policy response from

the Government. Responding further to question 14 of the list of issues, she said that the registration of complaints had improved. "Article 1", the national association against discrimination, had developed a uniform registration system to ensure that all anti-discrimination services recorded complaints in the same way. The Government had asked "Article 1", the police and the Public Prosecution Service to harmonize the data from their registration systems and reports in order to provide a clear picture of discrimination nationwide every year.

12. Central Government had been supporting local authorities' efforts to prevent discrimination, and to that end had worked with the Association of Netherlands Municipalities to produce relevant guidelines and organize regional meetings. The Government had also facilitated the "Tolerance Online" project, which was run by the Internet Discrimination Hotline and the National Youth Council. It aimed to make young people aware that discrimination on the Internet could have a devastating impact on its victims, and that it was an offence. In addition, the Government had reached agreements with several of the websites it helped to fund on efforts to remove discriminatory text or hate speech within an hour of their appearance. It would extend that policy to all the sites it funded.

13. Updating the reply to question 9 of the list of issues, she reported that the bill to ratify the Council of Europe's Additional Protocol to the Convention on cybercrime had been passed by the House of Representatives and had been introduced in the Senate.

14. The country had made significant progress in fighting racism and racial discrimination in terms of policy, legislation, infrastructure, information and prevention. It had to wait for a new Government to take office before future policy on combating discrimination became clear. Central Government would need support from local authorities, the police, anti-discrimination bureaux and NGOs. The Government was closely monitoring the agreements it had concluded. International and national developments would also be decisive in determining the social climate. While the Government was aware that a polarized debate could jeopardize social relations, it could create statutory frameworks and policy instruments, earmark funds, publish guidelines and launch campaigns to prevent discrimination. Ultimately, however, the Dutch public remained key; the way people treated one another determined whether everyone truly counted and everyone could truly participate.

15. **Mr. Lahiri**, Country Rapporteur, observed that it would have been helpful if the report had covered the Netherlands Antilles and Aruba, particularly since people from those territories had become specific targets of racism in the Netherlands. The coverage of the second half of 2002, 2003 and 2004 was not complete, and he would welcome more statistical data which might explain the reasons for the change in Dutch policy on integration.

16. He noted that Dutch demographics had become impressively diverse in recent years owing to immigration, and that the three largest so-called "non-Western" migrant communities originated from Turkey, Morocco and Suriname. He commended the Government for its proactive efforts to establish a comprehensive legal and administrative infrastructure in order to combat racial discrimination, and to monitor its use.

17. The situation relating to racial discrimination had deteriorated in recent years, however, with heightened tension between immigrants and the native Dutch population. Dutch policy had shifted in its approach to the socio-economic integration of immigrant and minority communities, and the minorities themselves now bore principal responsibility for integrating into Dutch society. That shift had led to increased anti-immigrant sentiment, with a high incidence of hate speech and occasional violence. Islamophobia had increased dramatically since 2000.

18. One controversial policy was the overseas integration test, intended to prove knowledge of Dutch language and culture, which applied only to nationals of “non-Western” countries. In practice it targeted prospective Moroccan and Turkish family migrants and had led to a significant reduction in the number of applications for family migration. The test was racially discriminatory because it applied only to certain nationalities, and the Committee should decide whether it was consistent with the Convention.

19. He listed a number of points on which the delegation’s responses had not been satisfactory. Those included: restrictions on the free movement of Dutch citizens under the proposed Kingdom Act and its impact on persons of Netherlands Antilles or Aruba origin; the system of “urban marines”, which seemed to target Antilleans; the replacement of the promised new National Action Plans Against Racism with a “general letter on integration” to Parliament; segregation in urban schools and housing; and the absence of a mechanism to collect statistics on the impact of measures to promote more jobs for members of ethnic minorities.

20. Despite those concerns, he noted the major advances made by the Dutch Government in recent years. There was a comprehensive national institutional framework which had several achievements to its credit in the fight against racial discrimination. Several of the recommendations from the Committee’s 2004 report had been effectively addressed.

21. **Mr. Amir** expressed concern about right-wing political parties in the Netherlands and the effect of their inclusion in a future coalition Government on the dialogue between Muslim and Western civilizations. Muslims faced discriminatory practices at international airports in Europe and other parts of the world. He deeply regretted the tendency to view all Muslims as terrorists. Measures must be taken against terrorists rather than against all Muslims, and it was only with the help of Muslims that the problem of terrorism could be solved. The distinctions made between different nationalities in Dutch monitoring measures constituted a violation of article 1 of the Convention.

22. **Mr. Avtonomov** expressed satisfaction that a number of the Committee’s concluding observations on the Netherlands’ previous report in 2004 had been taken into account, particularly with regard to segregation in schools. He regretted that the report only covered the European part of the Netherlands, when the Convention applied equally to Aruba and the Netherlands Antilles. He would welcome information on the current state of affairs in those territories and on how policies were applied there. He also wondered whether local languages were used there.

23. He noted that the situation of the Frisians had not been dealt with in the report, and would welcome information on their culture, language and way of life.

24. He asked whether action had been taken since 2004 to extend the Employment of Minorities (Promotion) Act or to introduce parallel measures. It seemed the potential of the law had not fully been realized, as employment levels for ethnic minorities had still not been on a par with those of other Dutch citizens in 2004.

25. He noted that the Netherlands had not yet ratified article 8 of the Convention and would like to know the Government’s position on the question.

26. **Mr. Prosper** said he was concerned that the designations “ethnic Dutch” and “non-Western immigrant” used in the periodic report were too broad, firstly, because they blurred the distinction between the forms of discrimination suffered by individual groups, and secondly, because they could create an “us versus them” mentality. While there was much rhetoric in Europe about promoting multiculturalism and ethnic integration, there appeared to be few instances in which persons from ethnically diverse backgrounds held leading

positions in government, parliament or business. It would be useful for the delegation to describe some of the challenges the State party was experiencing in that area. The only way to ensure the true advancement of all people in the Netherlands, irrespective of their origin, was to examine the root cause of the problems. He asked when one stopped being “of non-Western immigrant origin” in the Netherlands.

27. **Mr. Murillo Martínez** asked whether the statistics on the number of business owners in the Netherlands had been disaggregated according to ethnic group. If so, it would be possible to shed light on the level of integration of the large Surinamese population of African descent currently living in the Netherlands. He also wished to hear about the impact of measures taken to counter spatial segregation in the field of housing, referred to in paragraph 23 of the report.

28. It would be useful to have additional information on the Employment of Minorities (Promotion) Act. In particular, he wished to know the rationale for its introduction and why it had been repealed in 2004. He wondered whether it had been formulated in compliance with guidelines on positive action policy established by the Government following judgements by the European Court of Justice. It would be useful to have an analysis of measures taken in the light of the Committee’s general recommendation No. 32, which urged States parties to adopt special measures for minority groups, particularly those subjected to discrimination.

29. Lastly, he would appreciate more detailed information on results achieved following implementation of the National Action Plan on Racism and on the extent to which the Durban Declaration and Programme of Action had been taken into account in its drafting. He wished to commend the State party for having developed innovative mechanisms for the registration of cases of discrimination and offences of a discriminatory nature, using information technology such as the national search engine Blue View.

30. **Mr. Diaconu** asked what measures had been taken to replace the repealed Employment of Minorities (Promotion) Act. He asked whether employer/employee agreements aimed at improving the position of ethnic minorities in the labour market had proved effective. He wondered whether they were capable of replacing previous measures aimed at giving effect to the principle of proportionality in employment.

31. He wished to know the names of the specific ethnic groups in the Netherlands. It was unclear why the tables in paragraph 140 of the report defined the term “ethnic minorities” as “people of non-Western origin ... of whom at least one parent was born in Turkey, Africa, Latin America or Asia” excluded Indonesia and Japan. He asked which associations participated in meetings of the National Ethnic Minorities Consultative Committee.

32. He noted that, when it had signed the Council of Europe Framework Convention for the Protection of National Minorities, the Netherlands had listed the Frisians as its sole national minority having a language and culture distinct from that of the majority of the Dutch population. However, there was no mention of the Frisian minority in the report and only one paragraph concerning the Roma, who did not appear to have been recognized by the Netherlands as a minority either in the Netherlands or in Europe. He would appreciate an explanation from the delegation concerning the discrepancy between the information presented in the context of the Council of Europe Convention and that presented in the context of the International Convention on the Elimination of All Forms of Racial Discrimination.

33. Although the Chair of the *Nederlandse Volksunie*, an extremist right-wing political party, had been sentenced to imprisonment for making insulting racist remarks, he wished to know whether any legal action had been brought against the party itself or whether the

Government envisaged declaring the party illegal, as required under article 4 (b) of the Convention.

34. The report referred to diversity exclusively from the standpoint of the recruitment of women and members of minorities in the police and other public institutions, whereas the relevant international instruments attached cultural and linguistic significance to the term as well. He invited the Government to consider promoting diversity also from that standpoint. It would be useful to have specific examples of the special measures taken by the State party to benefit disadvantaged groups. He asked whether the body monitoring discrimination in the labour market had in fact been established in 2008 and what results it had achieved. It was important to ensure that special measures were not applied to only one ethnic group.

35. It appeared that the National Action Plan on Racism adopted following the Durban Declaration and Programme of Action dealt solely with new immigrants and Muslims. Efforts to counter racial discrimination could not be limited to the formulation of an integration policy, which was only one of many aspects of such efforts. The Committee favoured economic and social integration but did not condone assimilationist integration that eliminated the language and culture of the group being integrated. He would be grateful for additional information on allegations of discrimination at the University of the Hague.

36. **Mr. de Gouttes** said that it would be interesting to have a full account of the current socio-political situation in the Netherlands, given views expressed by some Dutch people that, as a result of growing multiculturalism, they no longer recognized their neighbourhood, and the views of immigrants who felt rejected by other residents in their neighbourhood.

37. He would appreciate knowing where public opinion stood regarding the upcoming elections, as there appeared to be indications that extremist and xenophobic political parties were poised for a convincing win. That was surprising, given the traditional role of the Netherlands as a tolerant and open society. It would be useful to know what type of campaign was being conducted by more moderate parties opposed to xenophobic attitudes in anticipation of the upcoming elections. There appeared to be a striking contrast between the anti-discriminatory policy pursued by the Government and a rise in nationalism and xenophobia.

38. He would be grateful for information on efforts to operate a national system for registering complaints of discrimination by the police and the courts. He would also welcome more detailed information on the various methods used to diversify the composition of the population in disadvantaged neighbourhoods. What was the Government's position on those methods? The debate surrounding that issue and its outcome would be relevant to town planning in other countries.

39. As to the promotion of equality and non-discrimination in schools, he wished to know how effective the new 2007 policy to combat disadvantage in secondary schools had been. The State party should clarify the status of the bill that would make school attendance compulsory for all pupils up to the age of 18 until they obtained a basic qualification, and of the development of a legal framework empowering municipalities to compel young people aged 18 to 23 without a basic qualification to follow a combined study-and-work programme.

40. In its interpretation of article 37 (c) of the Convention on the Rights of the Child, the Government seemed to have missed the point that children deprived of liberty should in general be separated from adults. Article 37 (c) should not be used as justification for the detention of minors with their parents. The Government might wish to use other measures, such as house arrest, as a more humane way of keeping children and their parents together.

41. **Ms. Crickley** expressed concern at the shift in thinking that appeared to have taken place in placing responsibility for addressing problems of a multicultural nature on migrants, minorities and those experiencing racism rather than on the authorities. Such a shift was at odds with the European Union's common basic principles on integration, which called for joint responsibility shared by the Government and those allegedly being subjected to discrimination.

42. She would appreciate clarification of the term "migrant" when used by the State party to refer to the Roma, Sinti and Traveller populations. In an EU context, that term could mean persons from outside the EU or persons belonging to the groups mentioned who were legitimately exercising their right to travel within the EU.

43. She welcomed the National Action Plan on Racism but found it difficult to see how such a comprehensive plan could be replaced by an instrument on integration. It was difficult to talk about integration from a platform that ignored one of the major obstacles to integration, i.e. racism. She would welcome more detailed information on the way in which positive action was taken in the Netherlands and how it dealt with multiple forms of discrimination, such as discrimination against women with a minority ethnic background. She requested additional information on the way in which issues relating to asylum and trafficking were addressed from a gender perspective in order to ensure equality of rights between men and women.

44. Lastly, she invited the delegation to say what measures were taken by the Government to ensure that compulsory integration did not become assimilation. It was difficult to understand how a process that was compulsory for only one party to a relationship could result in progress for all parties.

45. **Mr. Cali Tzay** said that the report presented convincing evidence of the progress that was being made by the State party in the face of major challenges. His impression from the information available on the Internet was that Dutch society was one of the least racist in Europe. At the international level, too, it was a leading player in the fight against racism and racial discrimination.

46. According to the delegation, immigrants, especially those with a non-Western background, had the impression that they were being judged by the colour of their skin, their religion or their name. They could not help feeling that they would always be treated as second-class citizens. He enquired about the source of that information and about the reasons for immigrants' negative perception of their status.

47. The Municipal Anti-Discrimination Services Act was described as successful because complaints of discrimination under the Act had tripled. He put it to the delegation that the increase in complaints might also reflect an increase in discriminatory and racist acts.

48. The Netherlands spent between 400 and 500 million euros on civic integration programmes each year. The delegation defended the programme's compulsory nature on the grounds that cultural and religious beliefs prevalent in some people's communities might otherwise bar them from attending the courses and later participating in society. He wondered whether the scale of immigrants' economic contribution to the Dutch economy could be invoked to justify such expenditure, which was described as a gift because it gave newcomers the key to a decent life in the Netherlands.

49. He enquired about the treatment of people of African descent in Dutch society, especially since some individuals apparently referred to them as "niggers". Had any action been taken to eliminate racism in sport? Lastly, he asked how many people of Surinamese origin were living in the Netherlands. He would be interested in hearing more about their situation.

50. **Mr. Lindgren Alves**, referring to the Country Rapporteur's comment on a change of direction in Dutch policy on the integration of migrants, asked the delegation to clarify what the change had involved and why most NGOs were opposed to it.

51. He took the view, which was somewhat unpopular in the Committee, that countries of origin should be encouraged to inform prospective emigrants about the values and customs they would encounter in Western receiving countries so that they would not suffer a culture shock on arriving there. They would clearly have to adjust to the new environment in order to be integrated. The practice of compelling nationals to show undue respect for the customs and values of immigrants, such as polygamy, tended to create a backlash. He gathered that the Dutch Government had recently decided to distribute leaflets among immigrants showing men kissing each other and naked women, so that the newcomers were not shocked when they encountered such phenomena in practice. He thought it was a very important measure. People coming to live in a new country must be prepared to adjust their lifestyle to some extent, which was not the same as advocating total assimilation.

52. He asked whether the dialogue among religious communities, to which the delegation had referred, was really improving mutual understanding and acceptance. How were the participants selected? According to information from well-balanced human rights sources, volunteer participants tended to be fundamentalists, regardless of their religious denomination.

53. He wondered how such a tolerant country as the Netherlands could have been the scene in recent times of two of the most shocking assassinations perpetrated in the name of religion. He understood, of course, that Pim Fortuyn had held extreme views on immigrants in general and Muslim immigrants in particular. He asked whether the delegation could shed any light on the matter.

54. **Mr. Kut** commended the tremendous effort being made by the State party to tackle racism and racial discrimination through goal-oriented policies and well-budgeted programmes. As it was also important to assess the effectiveness of such policies and programmes, he asked whether the Government had a comprehensive impact-assessment system and, if so, what conclusions had been reached.

55. The mainstreaming of racist and xenophobic political discourse was becoming a serious problem in Europe. Racist political messages were historically associated with parties on the extreme right of the political spectrum and were generally offset by the discourse of parties on the centre-left, while centre-right parties remained silent and unresponsive. But a recent phenomenon in many parts of Europe was the borrowing of racist discourse by centre-right parties to obtain marginal votes in support of a coalition government. Unfortunately, the parties concerned were then compelled to adhere to such policies. Moreover, the traditional ally of anti-racist positions, mainstream centre-left parties, had tended to fall silent, also because they were afraid of losing marginal votes. He asked whether the Dutch authorities had any suggestions as to how such a serious problem might be averted in the Netherlands.

56. Although one of the headings in the State party's replies to the list of issues was "Socio-economic status of the population, disaggregated by ethnicity", the section referred only to ethnicity and not to socio-economic status. Moreover, the designation "non-Western population groups" was odd and discriminatory. Such groups, mainly the Turks, Moroccans and Surinamese, were depicted as having educational problems and higher crime rates. However, such statistics were misleading. It was difficult for him to accept, for instance, that Turks failed in school just because they were Turks, since there was no comparable failure ratio in Turkey. There were certainly other factors involved which might be identified through a careful examination of socio-economic variables. For instance, a comparison of people of the same socio-economic background in all communities living in

the Netherlands, including those composed of Dutch and other European nationals, might shed light on the problem. He asked whether there were any such research projects.

57. The difference between integration and assimilation had given rise to much debate, but all could probably agree that integration was a two-way street. Immigrants should certainly be integrated, but they could only be integrated if mainstream society was willing to integrate them. He asked whether any comparative studies had been undertaken of two groups of the same category of immigrants, some of whom had been successfully integrated and the others not. The findings could shed useful light on factors precluding integration. Another possibility was to ask integrated immigrants with a good command of the Dutch language and sound educational qualifications whether they still considered that they were victims of discrimination. If they did, mainstream society was clearly refusing to integrate them and the Government should take remedial action.

58. The Committee would be interested in receiving comparative time-series data on racist violence, an ugly facet of racism that was on the rise in many parts of Europe. He also enquired about the existence of anti-Semitism in the Netherlands.

59. Was the Netherlands planning to ratify the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems? If not, how did the authorities tackle such crimes?

60. **Mr. Ewomsan** emphasized the fact that racism was frequently due to ignorance. If children were encouraged at an early age and during their first years at school to open up to the world, one of the root causes of racism might be eradicated. Oddly enough, he had encountered widespread stereotyping of Africans in European countries, even among adults who had completed higher education.

The meeting rose at 6 p.m.