



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-sixth session**

**Summary record of the 1986th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 24 February 2010, at 10 a.m.

*Chairperson:* Ms. Dah

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*The meeting was called to order at 10.15 a.m.*

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

*Eighteenth periodic report of the Netherlands* (continued) (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) said that the Government had sent a letter to Parliament drawing its attention to the need to combat racism and segregation, and presenting its new vision of integration.
3. Article 1 of the Constitution established equal rights for all citizens, which did not preclude according some of them differential treatment in order to bring about de facto equality. The Basic Law did not establish any hierarchy of fundamental rights: for example, discrimination based on sexual orientation was considered to be as serious as discrimination based on disability.
4. The distinction between “Western” and other immigrants had been made by the Netherlands Institute for Social Research in order to provide a more detailed overview of the economic, social and cultural situation of the ethnic minorities in the country, some of which appeared to face serious problems. Collecting data disaggregated by ethnic group should enable the Government to develop targeted policies and thus reduce the inequalities between immigrants and the ethnically Dutch population. While it was true that such data could be misused, not having them available would be equally unfortunate.
5. She said that the Employment of Minorities (Promotion) Act had appeared not to have helped improve minorities’ access to the job market, which was why it had been repealed in 2004.
6. The Government’s integration policies did not generally target a specific population group, unless the situation of a particular ethnic group called for special measures to be taken. That had been the case with the Roma and Sinti communities, among which there had been particularly high unemployment and school dropout rates.
7. While the Frisians were recognized as a national minority within the meaning of the Framework Convention for the Protection of National Minorities of the Council of Europe, integration policies did not apply to them because they were not one of the vulnerable or disadvantaged groups within Dutch society.
8. In 1997, legislation had been adopted to establish the extensive National Dialogue Structure in the Netherlands, in which the main ethnic minority groups were represented by former temporary migrant workers from Turkey, Morocco, Greece, Italy, Portugal and Spain, as well as citizens of former colonies and refugees. Recently, immigrants from Central and Eastern Europe had joined the Structure, suggesting that minority groups tended to organize themselves on the basis of national origin or refugee status rather than skin colour.
9. She said that the image the rest of the world had of the Netherlands was greatly influenced by the extreme views expressed by some right-wing political parties in respect of Muslims and Islam. Both the centre party and the left strongly rejected those views, as did the vast majority of the population. Furthermore, contrary to popular belief, the number of cases of racial discrimination reported to the police had not increased over the course of the previous few years. According to some sources, it might even have fallen.

10. Parliament had passed the Integration Abroad Act, which required foreign nationals to pass a test of their basic knowledge of the Dutch language and Dutch culture in their country of origin in order to obtain an authorization for temporary residence. It was people who submitted requests for family reunification, not those applying for a work permit, who were required to sit the tests. Citizens of some European countries, the United States of America, Canada, Japan, the Democratic People's Republic of Korea and Australia were exempt from the test. The Ministry of Foreign Affairs was responsible for compiling the list of the countries concerned on the basis of several criteria, including their diplomatic relations with the Netherlands Government and the risk that such a decision could result in an upsurge of illegal immigration. She added that all foreigners applying for permanent resident status in the Netherlands had to pass a test proving they were fully integrated into Dutch society, except citizens of European countries who enjoyed the freedom to choose their place of residence within the European Union.

11. Replying to a question on the possibility of banning some extreme right-wing political parties such as the New National Party (NNP) and the *Nederlandse Volksunie* (NVU), she said that, under Dutch legislation, the dissolution of an organization could be decided at the request of the Public Prosecution Service if the organization's activities jeopardized public order. That decision was of course a last resort, since even the most objectionable ideas should be opposed in open debate.

12. The House of Representatives had recently adopted draft legislation approving the Additional Protocol to the Council of Europe Convention on Cybercrime and submitted it to the Senate; the ratification process would most likely be completed in the near future.

13. The body scanners that had been installed in the country's airports to combat terrorism were not used to target any particular category of passenger, but all persons who were flying to certain countries. It was understandable that Muslims felt offended, but it was the same for women, among others. In any case, the staff in charge of conducting the scans, who included members of the Royal Military and Border Police, had all been made aware of the need to respect human dignity. Since the repeal of the Employment of Minorities (Promotion) Act, the Government had been encouraging employers to promote diversity and gender equality in their companies. It relied for that purpose on the National Diversity Management Network, which received government funding to finance local training programmes and other initiatives. The unemployment rate among minorities had increased by only two points between 2008 and 2009, which was below forecasts.

14. Measures taken on behalf of disadvantaged groups were intended to enable members of ethnic minorities to have access to public service posts. In particular, continuing education programmes had been provided for them and it had been decided that if two candidates held the same qualifications, the candidate from a minority group would be given preference. An increasing number of members of ethnic minorities were also becoming local councillors and mayors, and occupying management posts.

15. The current tendency in housing was to establish a mix of population groups. That was often achieved by building social housing units in wealthy neighbourhoods and allocating them to specific groups such as the elderly, students or large families. The results of that policy of mixing social groups should be felt in the next five years.

16. The Government spared no effort to prevent segregation in schools. Indeed, friendship schools had been established to promote exchanges between parents and children from very different socio-economic backgrounds.

17. Young people under the age of 27 who had no qualifications and no job could follow training courses offered by the relevant departments in town councils. In order to ensure they did not become dependent on welfare assistance, they lost social welfare benefits if they refused training or turned down a job offer.

18. The Kingdom of the Netherlands was a sovereign entity made up of three constituent parts which had complete autonomy with regard to the management of their affairs and the manner in which they fulfilled the country's international obligations. However, it was the Netherlands Government's responsibility to conclude international treaties and to ensure that the commitments it had made were respected by each of the three entities. The Governments of the Netherlands Antilles and Aruba had not been able to compile the required reports by the deadline owing to a lack of time and resources, but that did not mean that they wished to evade that obligation. Her delegation would not fail to transmit the Committee's comments on that subject to them.

19. Legislation that was in the drafting stage would give residents of one part of the Kingdom the possibility to move to one of the other two parts on a permanent basis, rather than for a period of less than three months, which was currently the case. The existing legislation on that issue required that, after three months, the persons concerned had to prove they could support themselves if they wished to settle in a part of the Kingdom other than that in which they were resident. The new legislation did not include any such requirements and would not discriminate in the slightest against Dutch citizens from the Caribbean.

20. She agreed with Mr. de Gouttes that minors should not be placed in temporary detention centres for foreigners before they were sent back to their countries of origin. The State Secretary for Justice had decided to re-examine policies affecting minors, especially those who were placed in temporary detention centres for foreigners. Such placement was undertaken only after careful consideration, and every effort was made to minimize the detention period and to hold minors in centres with facilities for children. When proceedings were under way to return families with children to their country of origin, the children's vulnerability was taken into consideration. If it was deemed necessary to place a family with children in a temporary detention centre for foreigners prior to their return, the children were only placed there if the parents expressed the wish not to be separated from them. The parents had the right to place their children in the care of third parties, particularly family members or a foster family.

21. In the Netherlands, where human trafficking was considered to be a modern form of slavery, victims had two ways of obtaining a residence permit: those who cooperated with the justice system were granted a permit valid for the entire duration of the proceedings and had the right to social benefits and access to health care and the labour market. Those who did not wish to or were unable to cooperate with the justice system could obtain a residence permit on humanitarian grounds. In the Netherlands, bilateral and multilateral international cooperation was considered essential for the prevention of human trafficking.

22. Replying to Mr. Calí Tzay's question about whether the Netherlands authorities considered the national anti-discrimination campaign that had run from June to August 2009 a success, she explained that the aim of the initiative had been to raise public awareness about the problem of discrimination and racism and to encourage more willingness on the part of victims to report acts of discrimination. Judging by the significant increase in reported cases (440 in 2008, compared to 1,392 in 2009), that aim had been met.

23. Turning to how the Public Prosecution Service collected and registered complaints of discrimination, she said that every police station in the Kingdom had appointed a specialist in the matter who was responsible for entering all data relating to the reports in a computerized index shared by all police stations. In 2008, 2,240 cases of discrimination had been reported to the police authorities, an average of 60 complaints a day, some 40 per cent of which had related to discrimination on the grounds of nationality or race.

24. She said that the investigation conducted by the Equal Treatment Commission at the University of the Hague, the results of which had been published in May 2009, had

confirmed that acts of discrimination had indeed taken place against both University staff and students belonging to ethnic minorities. The University had not disputed the results of the investigation and had disseminated them widely; it had also undertaken to reform some of its practices.

25. In conclusion, she said that the way in which the majority population of the Netherlands reacted to immigrants was not a specifically Dutch problem, but was typical of the vast majority of European countries in particular. The main challenge facing countries that employed foreign labour for the purposes of economic development was to find a way to manage the presence of immigrants in host societies, especially in the poorer neighbourhoods where newcomers tended to settle.

26. **Mr. Kut** said that some of the delegation's replies raised further questions. In particular, while the delegation had said that the Netherlands did not establish a hierarchy between the different human rights, it was clear that the right to freedom of expression and opinion was especially protected in the country. The fact that that right was considered in some way as a supreme right attested to the existence, de facto, of a hierarchy of human rights in the State party.

27. The written replies of the Netherlands to the list of issues drawn up by the Country Rapporteur, and especially some of the delegation's oral replies to Committee members' questions about a study conducted by the Netherlands Institute for Social Research, appeared to indicate that the majority of Turkish children living in the State party had failed at school and that all the Moroccans were virtually criminals. Given that it was difficult to cast doubt on the competence of the Institute, such sweeping assertions might perhaps be based on an erroneous interpretation of the results of the study in question.

28. He wondered whether, in reality, the integration tests that the State party obliged immigrants from non-European countries to take were not also aimed at citizens of European countries that posed immigration problems in the Netherlands. Some clarification on that point would be welcome.

29. He recalled that, at the previous meeting, he had asked the delegation to provide the Committee with information on immigrants who had integrated successfully into Dutch society. That was an important point as it was the only way of evaluating the effectiveness of integration policies. If a majority of immigrants who were relatively well integrated into Dutch society from the professional standpoint believed that they were nonetheless still victims of discrimination based on the colour of their skin or their religion, that could be a sign that the policies that had been implemented had failed and should therefore be radically changed.

30. **Mr. Lindgren Alves** said that the Netherlands was not the only country in Europe to have extremist political parties that incited xenophobia and hatred towards others and whipped up internal security concerns. In his opinion, that situation was linked to actual trends in the interpretation of the concept of human rights. Since the mid-1990s and with the deterioration in the situation of minorities worldwide, a new concept had emerged, that of minority identity and the recognition thereof. Since then, the concept of identity had become an obsession, both in States and in international and multilateral bodies such as the United Nations.

31. He was not asserting that the principle of recognizing other people's identity was wrong in itself, but rather that there was a need to get back to the very essence of human rights, in other words, every human being's rights vis-à-vis the State, culture and religion in particular. He recalled that the term "minorities" did not appear in the Convention, which referred to individuals and groups of individuals, and that international law recognized the rights of peoples who belonged to minorities, not the rights of minorities. The obsession

with identity could have a devastating effect if taken too far, as some, notably European, countries had learnt to their cost in recent years.

32. **Ms. Crickley** asked to what extent immigrants' economic contribution to the Netherlands was taken into account in the tests they sat to obtain Dutch nationality. She understood that the National Action Plan on Racism had evolved and now placed greater emphasis on integration. She wished to know the reasons for that change in direction, given that racism had not disappeared from the Netherlands. She asked how the Netherlands would conform to new European legislation on racism, due to enter into force by the end of 2010, which provided for much more severe penalties for incitement to racial hatred, given that freedom of expression was so prevalent in the country and so few limitations were placed on it.

33. **Mr. Ewomsan** noted that North African minorities were in a sense invisible in Dutch society. He asked what measures the State party had taken to combat that form of racism and whether any civil society organizations were involved in that work. While welcoming the Netherlands' recognition of the paramount role immigrants played in the economy, he observed that immigrants also brought their cultures with them and could constitute a source of enrichment for Dutch society.

34. **Mr. Prosper** requested additional information on the promotion of minorities in the Netherlands, since the information provided seemed to suggest that integration happened at the level of the workforce only. In particular, he wished to know whether it was easy for members of minorities to rise to positions of responsibility.

35. **Mr. Amir**, referring to the possibility of xenophobic statements being made by Members of Parliament, asked whether their parliamentary immunity could be lifted in such cases. He requested additional information on the significant rise of extreme right-wing political parties in the country.

36. **Mr. de Gouttes** asked the delegation to provide additional details about the devastating effects of the global financial and economic crisis on the most disadvantaged social groups, especially immigrants. He wished to know whether there was a risk that the likely rise in unemployment would stigmatize immigrants. On the issue of socio-economic indicators, he asked whether the delegation possessed statistics on the prison population, particularly the number of foreigners in prison, which could provide useful information for the Committee.

37. **Mr. Diaconu** noted that the Netherlands had 16 million inhabitants, including 3 million persons of non-European origin. However, as was the case in other European countries, politicians seemed not yet to have fully grasped the importance and necessity of enforcing the principle of equality for all. He would be interested to hear the delegation's point of view on that issue.

38. **Mr. Avtonomov** suggested to the delegation that it would be useful for the Netherlands to institute a debate on the issues of integration and assimilation.

*The meeting was suspended at 12.15 p.m. and resumed at 12.25 p.m.*

39. **Ms. Haimé** (Netherlands) noted that, in democracies, there was always a tension between freedom of speech and the need to combat discrimination and fight for equality. While some countries gave precedence to free speech, the Netherlands usually prioritized equality. That raised the question of whether democracy should be a "free market of opinions", or whether it was possible, if necessary, to restrict some individual rights. The Netherlands believed in a strong, open democracy and its courts played an important role in that regard. That was why parliamentarians enjoyed parliamentary immunity and could not be prosecuted for statements they made in Parliament. Legal proceedings had been instituted against a parliamentarian who was a party leader for statements he had made

outside Parliament. She trusted the Dutch courts would try the case appropriately and would determine precisely at what point the bounds of free speech had been overstepped.

40. She said that in the Netherlands democracy applied to everyone equally and without any distinction. The Government did not adopt specific policies for particular groups, but formulated policies to deal with particular problems. Acts of racist violence were prosecuted and punished, as were other forms of discrimination. The aim of the integration policy and integration courses was not to assimilate immigrants, but to enable them to speak Dutch, because language was the most important factor of social unity. The aim was to enable everyone to participate fully in society.

41. Replying to several Committee members' comments on the need to recognize identities and cultures, she said that a balance had to be struck between individualism on the one hand and solidarity and integration on the other. For example, immigrant women in the Netherlands welcomed the fact that the civic integration policy was compulsory, since the obligation to attend language classes prevented their spouses from forcing them to stay at home. The classes also enabled them to find out about their rights and to participate in society on an equal footing with men.

42. In the Netherlands, while immigrants' wives were overrepresented in shelters for women victims of domestic violence, that was considered to be proof of the emancipation of women immigrants within their communities. They trusted Dutch society and found a way to access those institutions and ask for protection.

43. Progress had also been made in education. The number of students from an immigrant background, such as Turks or Moroccans, who had gone on to higher education had doubled over the previous 10 years. The statistics corroborating progress in that area were not, however, intended to pinpoint population groups which might not have been integrated, but rather to show up problems that called for action to be taken.

44. She observed that the terms "assimilation" and "multiculturalism" were rarely used in the Netherlands, since the aim was that everyone should participate fully in society as citizens and should be accepted fully as citizens. Activities had been carried out to that end over recent years. For example, the Council for Social Development in the Netherlands had issued an opinion on diversity, uniformity and social ties, in which it recommended that the Government should take steps to create situations that enabled people to come together more spontaneously. The Government had therefore decided to invest €30 million over four years in community-based initiatives throughout the country to promote such contacts, and had funded 220 projects. Impact assessments had shown that people were in favour of such activities, and criteria for choosing which projects to fund had then been drawn up. The main aims were to promote contact, enable people to become acquainted and possibly even work together and help each other. Almost 90,000 people had taken part in the projects and the best of them would be submitted as model projects to town councils.

45. Regarding the maintenance of identity and culture, the Minister for Housing, Communities and Integration had stated that he wanted people to be proud of their identity and culture, since that gave them self-confidence and enabled them to participate fully in the life of the society, which everyone should be able to do, rather than remaining isolated. That was why the integration system, despite being compulsory, enabled immigrants to maintain their own identity and culture.

46. The Government was making an effort to get immigrants involved in all aspects of the country's political life — in Parliament and municipalities — and its cultural life. At the 2006 municipal elections, the principle of proportional representation of ethnic minorities had been adopted for town councils, and had produced very satisfactory results. Increasing numbers of talented people were coming forward from ethnic minorities and community-based mutual assistance networks were being established, particularly among second-

generation Moroccans. Second-generation Moroccan immigrants were well aware of the paradox of integration: they showed a real desire to integrate but realized that society had still not accepted them. They were torn between two cultures: that of their parents and that of their host country, for example at school. That was why action plans specifically designed to solve the problems faced by young people from Morocco and the Netherlands Antilles had been launched. Although they were different, those action plans nonetheless adopted the same approach: raising young people's awareness with regard to compliance with the laws, while also giving them opportunities.

47. It was difficult to predict what the next political coalition in the Netherlands would be, and whether a right-wing coalition might denounce human rights instruments or decide not to ratify them. Decisions on international instruments required a majority in Parliament. Given that the extreme right would always be in the minority in any coalition, her confidence in the democratic system of the Netherlands remained strong.

48. She hoped that the economic situation would not deteriorate and that its effects could be kept under control. The Government had made considerable efforts with different partners to provide income support for immigrants. It had reached agreements with employers on organizing continuous training, particularly language training. The Minister of Social Affairs and Employment had signed an agreement enabling employers to hire workers part-time, so that they could attend training courses in their free time. The idea was therefore to keep employment levels stable while improving people's qualifications.

49. In order to join the National Dialogue Structure, people of African descent had formed groups according to their country of origin, especially those from Suriname and the countries of the Caribbean, and one group of refugees of African descent. However, she did not know whether those groups intended to form a single group of persons of African descent given that, for example, those from the United States were in a very different situation from Somali or Nigerian immigrants. She was not therefore sure that the different groups of immigrants wished to be taken into consideration on the basis of their African descent.

50. Prison population statistics specified prisoners' nationality, but not their ethnic origin. There was significant ethnic diversity among the prison population, but exact data were not available on that subject. The Committee would receive those figures in the Netherlands' next periodic report.

51. **Mr. Lahiri**, Country Rapporteur, said that, since it was the responsibility of the Government of the Netherlands to prepare reports on Aruba and the Antilles, the European part of the Kingdom of the Netherlands should provide funds and technical assistance to the Netherlands Antilles so that the Committee could receive reports from the three constituent parts of the State.

52. He commended the Kingdom of the Netherlands for the positive measures it had taken, especially for the purpose of establishing a network of local anti-discrimination offices, adopting the Additional Protocol to the Council of Europe Convention on Cybercrime, strengthening the national human rights institution in line with the Paris Principles, and drawing up instructions on discrimination for the police and the Public Prosecution Service, which now had to keep a register of all complaints and report all offences of a discriminatory nature.

53. The issues of concern to the Committee included the fact that the general situation concerning racial discrimination had deteriorated in the Netherlands, possibly even more so than in neighbouring countries. He was concerned at the apparent change of direction in government policy, which now placed primary responsibility for integration on minority communities.

54. Since Dutch society was considered to be one of the most tolerant societies in Europe, it should not be difficult for the authorities to determine at what point freedom of expression started to constitute a hindrance or a danger for other communities.

55. The Committee was concerned at the Dutch Government's approach, which focused on policies rather than specific population groups. In his opinion, equal treatment in situations of inequality constituted discrimination and the Government should focus on the particular needs of disadvantaged groups. In addition, some Committee members feared that the outcome of forthcoming elections in the Netherlands might not be favourable to human rights. In that regard, he hoped that the signing of the Additional Protocol to the Council of Europe Convention on Cybercrime and the implementation of a national human rights institution in conformity with the Paris Principles would not be delayed.

*The meeting rose at 1.10 p.m.*