

# INSTITUTIONAL RACISM IN THE NETHERLANDS

Dionne Abdoelhafiezkhan, Jair Schalkwijk

IZI Solutions

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## INTRODUCTION

IZI Solutions was asked by the Migration Policy Group (MPG), an independent European think tank, to cooperate with European NGOs and grassroots organizations to help map the efforts of European countries in combating structural and institutional racism. While we coordinated this research in the Netherlands, other organizations did the same in Sweden, Germany, Spain, Greece, Romania, the Czech Republic, and Latvia. This project aims to identify gaps in addressing structural and institutional racism and to make recommendations for new policies across Europe.

We executed the research for this study between May 1, 2023, and June 1, 2024. A questionnaire, drafted by MPG, guided our research. To answer this questionnaire, we involved 21 Dutch experts on racism who provided us with input. Additionally, we conducted desk research and collected scientific literature, policy documents, and news articles.

After completing the questionnaire, we organized two meetings. The first meeting was held with representatives of grassroots organizations committed to combating institutional racism. These organizations provided input for drawing up the recommendations. The second meeting was held with representatives of government institutions, including government organizations or government-funded organizations that work against discrimination and racism. These organizations reviewed the report for factual inaccuracies and were given the opportunity to provide clarifications. After the two meetings, we revised the report accordingly. We have made every effort to ensure that our factual statements are substantiated by including relevant references throughout this text.

## READING GUIDE

This report consists of four chapters. The first chapter examines the legal framework for dealing with institutional racism in the Netherlands, including its main limitations and gaps as well as the impact of these gaps. We elaborate on proposals to combat institutional racism put forward by Black, Jewish, Asian, and Islamic communities, as well as by Roma, Sinti, and Travelers. While the first chapter focuses on the legal framework and Dutch case law, the second chapter examines national policies and other actions that may help counter institutional racism. Examples include anti-discrimination policies, the national equality body, and the promotion of academic research into institutional racism. The third chapter describes the experiences of marginalized groups, covering anti-Black racism, anti-Muslim racism, anti-Ziganism, antisemitism, anti-Asian racism and anti-Slavism. The report concludes with a series of recommendations.

## SUMMARY

In the Netherlands, there is no specific legal provision related to institutional racism. Governmental institutions and research organizations have been using a shared definition of institutional racism for several years, however both the government and anti-discrimination organizations in the Netherlands do not have a legal duty to combat institutional racism. This absence hampers an effective approach to dealing with the issue. The absence of legal provisions leads to marginalized groups experiencing an increased risk of experiencing discrimination and limited legal protection. Systemic inequalities are thus reproduced, having a profound negative impact on marginalized communities. Experiences of discrimination are painful and make individuals feel excluded and unable to fully participate in society; and also harms people's health. The most common forms of institutional racism in the Netherlands are anti-Black racism, anti-Muslim racism, antisemitism, anti-Ziganism, anti-Asian racism and anti-Slavism. Structural racism is visible in various social structures of society, such as public administration, the healthcare system, the housing market, the labor market, the justice system, and education.

In a letter to the House of Representatives, the Dutch government defined institutional racism as occurring when "the processes, policies, and (written and unwritten) rules of institutions lead to structural inequality between people of different backgrounds, skin colors, or religions." Racism can occur between citizens, for example, online or on the street. Additionally, racism can occur between organizations and citizens, for instance, in the case of employment discrimination. The government itself can also be guilty of racism against citizens, like in cases of racial profiling. Furthermore, the government can discriminate against organizations, for instance, by more frequently inspecting owners with a certain background.

Cases in which the government itself is guilty of racism clearly fall under the definition of institutional racism. This report identifies a series of examples of this type of institutional racism. A prominent and recent example is the Childcare Benefits Scandal, where parents encountered major financial and social problems after being wrongly classified as fraudsters by the Dutch tax authorities. An initial study revealed that 70% of those affected had a migrant background. This overrepresentation resulted from the use of ethnicity, nationality, and religion in risk profiles that were part of a secret registration system used by the Dutch tax authorities, that included over 180,000 people.

Another example is the use of risk profiles during border checks. In 2023, a court ruling prohibited the use of race in risk profiles during border checks. The case was initiated by Dutch citizens who experienced racial profiling during border checks, supported by advocacy groups such as Amnesty International, human rights attorneys and our organization Controle Alt Delete, which works toward fair and effective law enforcement. The Court of Appeal ruled that there could be no objective justification for using race in selection decisions, as direct racial discrimination cannot be objectively justified. Despite this ruling, the government has largely ignored it, stating that physical characteristics (such as skin color) can still play a role in selection decisions when objectively and reasonably justified. Similarly, the law allows for border checks on flights from former colonies in the Caribbean area, where all passengers can be thoroughly checked for drugs. This practice is known as 100% checks.

Another example of discrimination can be found in the way DUO, the Education Executive Agency responsible for student finance funded by the government, decided to conduct fraud detection. Journalists discovered that risk profiles were used to detect fraud and revealed that 98% of suspected fraud cases involved students from migrant backgrounds. Subsequent studies confirmed bias and indirect discrimination. Additional examples include the Ministry of Foreign Affairs' policy for assessing visa applications, large-scale secret surveillance of Muslims' private lives funded by the government under counter-terrorism efforts, and inadequate provision of caravan sites for Roma, Sinti, and Travelers.

In cases where citizens or businesses are guilty of racism, the Dutch government has the obligation to combat racism. Failure or insufficient action against racism falls under the processes, policies, and (un)written rules of institutions, thereby fitting the definition of institutional racism. An example of this is the inadequate action against discrimination on the labor market. Although research has shown – for consecutive years – that marginalized communities face racism, the Senate voted against a law in 2024 that aimed to reduce discrimination on the labor market, citing concerns that the law would impose too much regulatory pressure on businesses. Another example is the ongoing anti-Muslim racism in the Netherlands. The most prominent anti-Muslim racist is Geert Wilders, the leader of the far-right political party PVV. The PVV won the national elections in 2023 and formed a government. Over the past twenty years, the PVV has consistently criminalized, dehumanized, and insulted Muslims.

The legislative and judicial branches have not taken action against this behavior, citing the legal framework of 'criticism of religion,' which is permitted under law.

Five formal bodies have a responsibility to help combat the various forms of racism: the National Coordinator against Antisemitism (NCAB), the National Coordinator against Discrimination and Racism (NCDR), local Anti-Discrimination Services, the National Institute of Human Rights (NIHR), and the State Commission on Racism and Discrimination. These organizations all have an advisory role and cannot make binding decisions. Moreover, the NCAB and the NCDR are not independent organizations but fall under the responsibility of the government. Due to a lack of data, the impact of these organizations' efforts on institutional racism cannot be assessed.

The law needs to be (re)formulated to establish equality, justice, representation, and inclusion in society as central tenets, fostering an improved governance culture. This requires a multifaceted approach, encompassing legal, social, and educational measures; and it requires a reformulation of laws addressing structural racism and promoting equality. We recommend that institutional racism be officially acknowledged as a significant issue, as well as establishing clear standards of acceptability and ensuring adherence to these standards by close monitoring of the set goals; so that it is clear whether the goals are being achieved and whether they need adjustments. When needed, sanctions should help to encourage the desired behavior.

Disaggregated data by ethnic or racial origin are collected in the Netherlands to assess trends and patterns, crucial for mapping and addressing inequality. Inclusive language should be promoted in policy-making documents, strategies, and public communication to normalize the coexistence of marginalized groups in our intercultural society. The most effective approach to combat institutional racism is through targeted policies and rules. Additional recommendations include fostering positive actions such as hiring practices that promote fairness and equity, and enhancing data collection methods for disaggregated data.

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## 1. LEGAL FRAMEWORK

### Is there a specific legal provision on structural and institutional racism?

The Netherlands does not have a law that directly defines or tackles structural or institutional racism. The Netherlands Institute for Human Rights (NIHR) indicates that no legal term for institutional racism, nor structural racism, is found in national law per se. The Netherlands does have several provisions prohibiting individual discrimination based on "race," but racism or racist intent has not been made a legal component in them. Whether racism is involved can be relevant in criminal law (art. 137c–g) under certain circumstances. The legal concept of race in the Dutch Constitution and the Equal Treatment Act (AWGB) does not exclusively refer to race in the biological sense. It is a broad concept which includes skin color, descent and national or ethnic origin, in line with the definition in article 1 of the International Convention on the elimination of Racial Discrimination.

Further, the Penal Code does not provide for a statutory penalty increase for violent crimes with a discriminatory aspect, so-called hate crimes. A still-pending initiative bill proposes that discriminatory intent in violence be given criminal aggravation.<sup>1</sup> Meanwhile, it is an established policy that the Public Prosecution Service does demand higher sentences in the event of proven discriminatory motives. There are certain behaviors that can be considered as discrimination, which are not criminalized. When politician Geert Wilders (leader of the extreme right PVV) called Islam 'fascist', this was not deemed a punishable form of incitement to hatred, according to the judge. The judge decided not to substantively assess the case because the public prosecutor was declared inadmissible.<sup>2</sup> Burning a Quran is also currently not punishable in the Netherlands.

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<sup>1</sup> Kamerstukken II (2020/21). 35 709, nr. 2. <https://zoek.officielebekendmakingen.nl/kst-35709-2>

<sup>2</sup> Rechtbank Amsterdam. (2011). ECLI:NL:RBAMS:2011:BQ9001.

<https://deepink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2011:BQ9001>

However, when Geert Wilders called for fewer Moroccans in the Netherlands, he was convicted of group insult.<sup>3</sup>

As the tone of the debate hardens, there is an increasing expectation in society that transgressive statements will be sanctioned by the public prosecutor and the courts. The justice system seems unable to meet this expectation, as there is a strict delineation within which offensive and transgressive expressions are punishable in the Netherlands. In 2024, the PVV won the national elections and formed a new government. Days before the new government started, Wilders posted a tweet stating that Islam is a “disgusting, reprehensible, violent, and hate-filled religion.”<sup>4</sup> Wilders explicitly invoked the freedom to express criticism of a religion. Shortly before, a member of the BBB, the party collaborating with the PVV, stated during a TV debate that “antisemitism is almost part of Islamic culture.”<sup>5</sup> The Public Prosecution Service received multiple complaints of discrimination based on race and religion but did not pursue prosecution. Although the statement was considered offensive and unnecessarily hurtful, the Public Prosecution Service believed that prosecuting it would violate Article 10 of the European Convention on Human Rights, as it was made in the context of a public debate.<sup>6</sup> Moreover, there are laws that encourage institutional racism. Together with civil society organizations, with whom we answered this questionnaire, we have collected the following three examples:

#### Example 1: Certificate of Conduct (in Dutch: VOG)

Recently there was an addition and tightening up the VOG law, which is to the disadvantage of youngsters with a migration background<sup>7</sup> who haven’t committed a crime but are being stopped and ID-checked more often by the police. The police register all checks, even if a person is not

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<sup>3</sup> Hoge Raad (2021). *ECLI:NL:HR:2021:1036*. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:HR:2021:1036>

<sup>4</sup> De Standaard. (2024). *Wilders noemt islam “walgelijke, verwerpelijke, gewelddadige en haatdragende religie.”* De Standaard. [https://www.standaard.be/cnt/dmf20240626\\_97035337](https://www.standaard.be/cnt/dmf20240626_97035337)

<sup>5</sup> Boere. (2023). *Aangifte tegen BBB-Kamerlid Mona Keijzer na omstreden uitspraak over moslims op tv*. Parool. <https://www.parool.nl/nederland/aangifte-tegen-bbb-kamerlid-mona-keijzer-na-omstreden-uitspraak-over-moslims-op-tv~bea523c5/>

<sup>6</sup> Openbaar Ministerie. (2024). *Sepotbrief aangiftes tegen Mona Keijzer*. Openbaar Ministerie. <https://www.om.nl/documenten/publicaties/2024/07/11/sepotbrief-aangiftes-tegen-mona-keijzer>

<sup>7</sup> Controle Alt Delete. (2021, March 16). *Nadelige gevolgen nieuwe VOG-wet*. Controle Alt Delete. <https://controlealtdelete.nl/articles/nadelige-gevolgen-nieuwe-vog-wet#gsc.tab=0>

found guilty of anything. This kind of police data is used to assess a VOG application. In the Netherlands there is inequality of opportunity throughout the criminal justice chain. Young people with a migration background are five times more likely to be classified as a suspect and ten times more likely to receive a prison sentence – for the same offense as those without a migration background. Suspects with a migration background are also more severely punished by the courts. On top of that, the new code of conduct law ensures that authorities can refuse a Certificate of Conduct without a case ever having gone to court. Either way, youngsters who have been registered in the police database, whether justified or not, may experience many negative consequences later on, because it can significantly reduce the chances of obtaining a Certificate of Conduct, security pass or visa to other countries and make it harder to get an internship or job. The Parliamentary Enquiry Commission of the Senate listed the new VOG-law as a law that can cause discrimination.<sup>8</sup>

#### Example 2: Ban on face coverings

The ban on wearing face coverings applies in and around the buildings of healthcare institutions, educational institutions, government organizations and on public transport. In these places, you may not wear clothing that makes your face unidentifiable. This means, for example, that you may not enter a pharmacy or hospital wearing a burqa. The National Police confirmed to RTL News that the police have not fined a single person for violating the ban. They issued a few warnings, mainly in the early days of the ban.<sup>9</sup> However, there have been severe consequences to the ban of a different nature: women who wear burqas or niqabs have experienced significantly more aggression, harassment, and discrimination. An extensive survey among wearers of face-covering clothing, commissioned by the Ministry of Social Affairs, showed that since the ban's introduction, women who wear burqas and niqabs suffered much more harassment and violence.<sup>10</sup> Offenders

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<sup>8</sup> Controle Alt Delete. (2022). *Eerste Kamercommissie bezorgd over discriminatie bij en door de politie*. Controle Alt Delete. <https://controlealtdelete.nl/articles/eerste-kamer-commissie-bezorgd-over-discriminatie-bij-en-door-de-politie#gsc.tab=0>

<sup>9</sup> NL Times. (2019). *Burka ban takes effect: No face-covering clothing in gov't buildings, public transport*. NL Times. <https://nltimes.nl/2019/08/01/burka-ban-takes-effect-face-covering-clothing-govt-buildings-public-transport>

<sup>10</sup> Rijksoverheid & Vorthoren Advies en Diensten. (2021). *Inventarisatie van ervaringen na invoering wet gedeeltelijk verbod op gezichtsbedekkende kleding*. Ministerie van Sociale Zaken en Werkgelegenheid.

see the law as a license to harass these women, the researchers noted. The first major evaluation also showed that many women started to avoid public transport since the ban. Some said they avoided going to a healthcare institute because they feared confrontation. Some even said a doctor refused to treat them because of their face covering.

### Example 3: extinction policy of caravan sites for Roma, Sinti and Travelers communities

Since the end of the Second World War, the Dutch government has aimed to minimize the number of places and spaces for Roma, Sinti and Travelers communities. This policy was formally described as the 'extinction policy', where the word extinction refers to the places, spaces and culture. After international criticism from ECRI in 2013 and from CERD in 2015, the Dutch government stopped the policy in 2018 and presented a new national policy.<sup>11</sup> With this policy the so-called 'extinction policy' had officially come to its end. In some municipalities it is still policy however, and in other municipalities the effects of the policy still had to be reversed. PILP (Public Interest Litigation Project) and the NJCM (Netherlands Human Rights Lawyers Committee) will therefore stay active and vigilant for the human and civil rights of the Roma, Sinti and Travelers communities on this topic. In an Amicus Curiae for a Dutch court, PILP set out its concerns regarding the responsibility of the Dutch government with regard to the protection of Roma, Sinti and travelers' human rights.<sup>12</sup> This concern is in relation to the mobile homes sites policy in particular. According to PILP, the government is not only passively, but actively responsible for the discrimination of Roma, Sinti and travelers as a result of the camp policies still applied by municipalities today.

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<https://www.rijksoverheid.nl/documenten/rapporten/2021/11/01/rapportage-inventarisatie-van-ervaringen-na-invoering-wet-gedeeltelijk-verbod-op-gezichtsbedekkende-kleding>

<sup>11</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. (2018). *Beleidskader gemeentelijk woonwagen- en standplaatsengebied*. VNG. [https://vng.nl/files/vng/publicaties/2018/beleidskader\\_gemeentelijk\\_woonwagen-en\\_standplaatsenbeleid\\_002.pdf](https://vng.nl/files/vng/publicaties/2018/beleidskader_gemeentelijk_woonwagen-en_standplaatsenbeleid_002.pdf)

<sup>12</sup> PILP (2018). *Amicus Curiae*. PILP. <https://pilp.nu/wp-content/uploads/2019/01/2018.10.24-NJCM-PILP-amicusbrief-kantonrechter-Gouda-inzake-VanKint-se.a.-Woonpartners-002.pdf>

## References to structural and institutional racism in national case law

Although in principle, all court cases are publicly accessible, not all judgments are published online. At the time of writing, in 2024, approximately 5% of all rulings are published online. Therefore, only the rulings available online were available to answer this question.

‘Black pete’ (in Dutch: ‘zwarte piet’)

The Majority Perspective Foundation, a foundation fighting against racism, demanded that Black Pete be stripped of racist characteristics during the parade celebrating the annual arrival of ‘Sinterklaas’ in the Netherlands. The Foundation argued that the way in which the figure of Black Pete is handled in the Netherlands, is a manifestation of structurally racist tendencies in society. The defendants, public broadcaster NTR, which broadcasts the parade on national television, argued that the appearance of Black Pete is an editorial liberty. However, the court declared the foundation inadmissible in their demand and issued no substantive ruling.<sup>13</sup> The court didn’t refer to structural or institutional racism in the decision.

Racial profiling during border checks

The Royal Military Police (further: KMar) is responsible for Mobile Security Surveillance (Dutch: Mobiel Toezicht Veiligheid, MTV). The purpose of the MTV is to combat illegal residence after border crossings. In this context, the KMar may stop persons who have just crossed the Dutch border to ask them about their identity, nationality and residence status. In some cases, the KMar also uses personality traits based on ethnicity (such as skin color) as indicators. In the first instance, the Court did not consider the practices of the KMar to amount to structural discrimination. The Court of Appeal ruled that the KMar discriminated on the basis of race. It stated:

“The use of personal characteristics derived from race or ethnicity in selection decisions in the context of the MTV is not permitted, because the selection decision is then based ‘to a decisive

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<sup>13</sup> Rechtbank Noord-Holland (2018). ECLI:NL:RBNHO:2018:10193.

<https://deepink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBNHO:2018:10193>

degree' on that racial or ethnic characteristic. The fact that other factors may also be decisive does not change this. According to established case law of the ECtHR, there can be no objective and reasonable justification for the distinction made."<sup>14</sup>

The court clarifies that one's appearance and color are not indicative of someone's nationality. This is an important correction to the earlier ruling of the court in first instance that shocked many people of color and made them feel as if they were second-class citizens. After the court ruling, the cabinet wrote that the KMar ruling only concerned checks at airports.<sup>15</sup> The ruling does not affect border controls in trains and road traffic, the government writes, because there would be no "individual selection." The government also states that the use of external characteristics in risk profiles is permitted in "exceptional cases". A letter sent to the cabinet by the coalition in this lawsuit, which involved two citizens, Amnesty International, Controle Alt Delete, RADAR and PILP, states that the cabinet's position is "incomplete and incorrect".<sup>16</sup> The letter points out to the government that the court prohibited the State from using ethnicity in all border checks (the so-called MTV checks) and not only in border checks at airports. It also calls attention to the fact that ethnicity cannot be permitted as one of selection criterion, also not in exceptional cases, as the government believes. It is only allowed if there is a description of a suspect, and never beyond that. The government subsequently did not change its position.<sup>17</sup> Even though the cabinet did not change its legal position, both the police and the KMar decided to adjust the policy. The KMar

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<sup>14</sup> Gerechtshof Den Haag (2023), ECLI:NL:GHDHA:2023:173.

<https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2023:173>

<sup>15</sup> Directoraat-Generaal Migratie (2023). *Uitspraak gerechtshof inzake gebruik ras en etniciteit als indicator in selectiebeslissingen t.b.v. MTV-controles*. Rijksoverheid.

<https://www.rijksoverheid.nl/documenten/kamerstukken/2023/05/16/tk-uitspraak-gerechtshof-inzake-gebruik-ras-en-etniciteit-als-indicator-in-selectiebeslissingen-tbv-mtv-controles>

<sup>16</sup> Controle Alt Delete (2024). *Kabinet: etnisch profileren onder voorwaarden nog steeds toegestaan*. Controle Alt Delete. <https://controlealtdelete.nl/articles/kabinet-etnisch-profileren-onder-voorwaarden-nog-steeds-toegestaan#gsc.tab=0>

<sup>17</sup> Staatssecretaris van Justitie en Veiligheid, Minister van Binnenlandse Zaken en Koninkrijksrelaties (2024). 30 950, nr. 361. Tweede Kamer der Staten-Generaal.

[https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2024Z04424&did=2024D10219](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2024Z04424&did=2024D10219)

changed the policy in 2024.<sup>18</sup> The police also changed their policy on proactive police checks in 2024.<sup>19</sup>

### Civic integration

The Civic Integration Act is intended to impose an obligation on people who migrate to the Netherlands to receive education about Dutch society. The aim is for people to participate in the Netherlands and to find work as quickly as possible. People coming from European countries, Australia, Canada, Japan and the United States, among others, do not have to meet this education requirement. People from countries other than these so-called A-countries must meet the education obligation. This concerns, for example, people from 'B-countries' such as Turkey, Morocco, Peru, Angola, Mongolia or Yemen. The law therefore distinguishes between people based on their nationality. The judge ruled that this law does not use nationality as a form of citizenship but "as an indicator of a group identity."<sup>20</sup> That is why the Civic Integration Act "in reality made a distinction on the basis of descent, national or ethnic origin." The distinction made is prohibited, the court ruled.

### Childcare Benefits Scandal (in Dutch: Toeslagenaffaire of Toeslagenschandaal)

The Childcare Benefits Scandal is a national scandal in which tens of thousands of parents encountered major financial and social problems after they were wrongly classified as fraudsters by the Dutch tax authorities. As a result, they had to pay back large sums of money to the tax authorities in a short period of time. This was the result of a harsh enforcement policy.

Parents who wanted to object to tax authorities' decisions were treated poorly. Documents they sent, even if they were sent by registered mail, disappeared from the offices of the tax authorities. Parents also had poor access to justice, partly because of the phasing out of subsidized legal aid.

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<sup>18</sup> Groenewoud, A. (2024). *Ook marechaussee stopt met meewegen uiterlijk en afkomst bij controles*. Nu.nl. <https://www.nu.nl/discriminatie/6310631/ook-marechaussee-stopt-met-meewegen-uiterlijk-en-afkomst-bij-controles.html>

<sup>19</sup> Groenewoud, A. (2024). *Politie weet uiterlijk en afkomst niet langer mee bij controles van burgers*. Nu.nl. <https://www.nu.nl/discriminatie/6310190/politie-weegt-uiterlijk-en-afkomst-niet-langer-mee-bij-controles-van-burgers.html>

<sup>20</sup> Gerechtshof Den Haag (2024). ECLI:NL:RBDHA:2024:5396. <https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2024:5396>



The judges were inclined to follow the tax authorities' directions and were insufficiently critical. There are now more than 60,000 registered victims. One of the victims committed suicide. Children were removed from homes to be placed in state shelters. The House of Representatives was not properly informed, partly because the government withheld information to the House of Representatives.

The scandal initially revolved around childcare allowance. This is a contribution that parents receive when they take their children to childcare. The scandal gradually spread to other areas of the tax authorities. It turned out that the tax authorities used a secret registration system that registered more than 180,000 people as possible fraudsters. These people were subject to stricter checks when filing their tax returns, but also when starting a business.

An initial study into those affected by this scandal showed that 70% of those affected have a migrant background.<sup>21</sup> The groups that were hit hardest were Dutch people with a Caribbean background. They were 32 times more likely to be victims than Dutch people without a migration background. The overrepresentation of people with a migrant background was the result of the use of ethnicity, nationality and religion in risk profiles. The Tax and Customs Administration explicitly selected based on origin, religion and 'foreign surnames'. The examples date from the period 2008 to 2019. The risk profiles contain selection criteria such as: "allochtoon (non-Western compatriots)", "of foreign origin", "entrepreneurs of immigrant origin" and "taxpayers whose surname ends with ...IC".<sup>22</sup> Having a second nationality was also one of the selection criteria. Additionally, the Tax Department targeted donations made to Islamic organizations and mosques when evaluating "fraud risks". The Childcare Benefits Scandal has been evaluated by the National

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<sup>21</sup> Controle Alt Delete. (2022). *70 procent gedupeerden heeft migratieachtergrond*. Controle Alt Delete.

<https://controlealtdelete.nl/articles/70-procent-gedupeerden-heeft-een-migratieachtergrond#gsc.tab=0>

<sup>22</sup> Controle Alt Delete. (2022). *Etnisch en religieus geladen risicoprofielen bij Belastingdienst*. Controle Alt Delete.

<https://controlealtdelete.nl/articles/etnisch-en-religieus-geladen-risicoprofielen-bij-belastingdienst#gsc.tab=0>

Ombudsman,<sup>23</sup> the Dutch Data Protection Authority,<sup>24</sup> the judiciary,<sup>25</sup> the Council of State,<sup>26</sup> the Senate,<sup>27</sup> and even twice by the House of Representatives. None of the reports address discrimination based on 'race,' ethnicity, or religion. Below, we briefly discuss the two reports produced by the House of Representatives.

At the end of 2020, a parliamentary inquiry committee of the House of Representatives issued the first report on the Childcare Benefits Scandal.<sup>28</sup> However, racism and discrimination were not a part of this parliamentary inquiry. The reason for this, according to members of parliament, was that at the same time an investigation by the Dutch Data Protection Authority was underway. In order not to get in the way of this research, it was decided not to pay attention to racism and discrimination in the parliamentary survey. With Controle Alt Delete we criticized the choice of the parliamentary inquiry not to investigate discrimination and racism. Also, we criticized the

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<sup>23</sup> Nationale Ombudsman. (2017) *Geen powerplay maar fair play*. Nationale Ombudsman.

[https://www.nationaleombudsman.nl/system/files/onderzoek/Rapport%202017-095%20Geen%20powerplay%20maar%20fair%20play\\_0.pdf](https://www.nationaleombudsman.nl/system/files/onderzoek/Rapport%202017-095%20Geen%20powerplay%20maar%20fair%20play_0.pdf)

<sup>24</sup> Autoriteit Persoonsgegevens. (2020). *Werkwijze Belastingdienst in strijd met de wet en discriminerend*.

Autoriteit Persoonsgegevens. <https://autoriteitpersoonsgegevens.nl/actueel/werkwijze-belastingdienst-in-strijd-met-de-wet-en-discriminerend>

<sup>25</sup> Rechtspraak.nl. (2021). *Recht vinden bij de rechtbank*. Rechtspraak.nl.

<https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/PublishingImages/WRT%20rapport%20Recht%20vinden%20bij%20de%20rechtbank%20DEF%20051021.pdf>

<sup>26</sup> Raad van State. (2021). *Lessen uit de kinderopvangtoeslagzaken*. Raad van State.

[https://www.raadvanstate.nl/publish/library/13/reflectierapport\\_lessen\\_uit\\_de\\_kinderopvangtoeslagzaken.pdf](https://www.raadvanstate.nl/publish/library/13/reflectierapport_lessen_uit_de_kinderopvangtoeslagzaken.pdf)

<sup>27</sup> Eerste Kamer der Staten-Generaal. (2021). *Rapport van de werkgroep zelfevaluatie naar aanleiding van de toeslagenaffaire (2003–2019)*. Eerste Kamer der Staten-Generaal.

[https://www.eerstekamer.nl/behandeling/20211221/brief\\_aan\\_de\\_voorzitter\\_van\\_de\\_2/document3/f=/vloym3hrwn2p\\_opgemaakt.pdf](https://www.eerstekamer.nl/behandeling/20211221/brief_aan_de_voorzitter_van_de_2/document3/f=/vloym3hrwn2p_opgemaakt.pdf)

<sup>28</sup> Tweede Kamer der Staten-Generaal. (2020). *Ongekend onrecht: Parlementaire ondervragingscommissie kinderopvangtoeslag*. Tweede Kamer der Staten-Generaal.

[https://www.tweedekamer.nl/sites/default/files/atoms/files/20201217\\_eindverslag\\_parlementaire\\_ondervragingscommissie\\_kinderopvangtoeslag.pdf](https://www.tweedekamer.nl/sites/default/files/atoms/files/20201217_eindverslag_parlementaire_ondervragingscommissie_kinderopvangtoeslag.pdf)

report of the Dutch Data Protection Authority.<sup>29</sup> In January 2021, the Dutch government stepped down because of the parliamentary report on the Childcare Benefits Scandal. A second parliamentary committee of inquiry sent the report to the House of Representatives in 2024.<sup>30</sup> This time, the parliamentary committee had the explicit task of investigating discriminatory risk profiles. However, this report also lacks attention to racial profiling or discrimination based on race. The report does address prohibited discrimination based on nationality.

To sum up, both reports paid no attention to discrimination based on race. However, the second report did address discrimination based on nationality. The findings align with the research by the Dutch Data Protection Authority from 2021. In their research, the Data Protection Authority concluded that there was no discrimination on the basis of race, but there was discrimination on the basis of nationality.<sup>31</sup> The word 'nationality' is noteworthy here. Turkish-Dutch individuals, for example, can have both Dutch and Turkish nationalities. When they are subjected to additional checks due to their Turkish nationality, this entails racial profiling. The fact that they also have a second nationality, in this case Turkish, is irrelevant to whether they are rightfully receiving allowances or potentially committing fraud. Dutch citizens from Suriname or the (former) Netherlands Antilles usually have Dutch nationality. This group of Dutch citizens also got entangled in the Childcare Benefits Scandal, but it cannot have happened due to their nationality. Therefore, they must have been selected in another way, but neither the second parliamentary inquiry report nor the Data Protection Authority's report addresses this.

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<sup>29</sup> Controle Alt Delete. (2021). *Oordeel van Autoriteit Persoonsgegevens en het OM is incompleet*. Controle Alt Delete. <https://controlealtdelete.nl/articles/oordeel-van-autoriteit-persoonsgegevens-en-het-om-is-incompleet#gsc.tab=0>

<sup>30</sup> Tweede Kamer der Staten-Generaal (2024). *Rapport parlementaire enquêtecommissie Fraudebestrijding en Dienstverlening*. Tweede Kamer der Staten-Generaal. [https://files.tweedekamer.nl/sites/default/files/2024-02/Rapport%20PEFD%20Blind%20voor%20mens%20en%20recht%206022024\\_0.pdf](https://files.tweedekamer.nl/sites/default/files/2024-02/Rapport%20PEFD%20Blind%20voor%20mens%20en%20recht%206022024_0.pdf)

<sup>31</sup> Autoriteit Persoonsgegevens. (2020). *Werkwijze Belastingdienst in strijd met de wet en discriminerend*. Autoriteit Persoonsgegevens. <https://autoriteitpersoonsgegevens.nl/actueel/werkwijze-belastingdienst-in-strijd-met-de-wet-en-discriminerend>

## Does the law provide for positive actions to promoting equality on the ground of racial or ethnic origin?

Measures to achieve equal treatment are permitted based on the Equal Treatment Act (AWGB). The AWGB allows for a policy of preferential treatment ('affirmative action') for marginalized communities regarding the hiring and selection of new employees and the promotion of current employees. The policy should be subject to strict requirements, such as legitimacy, due diligence and proportionality. It's unknown how many organizations apply such an affirmative policy. Some municipalities, including Amsterdam, have introduced preferential policies so that people with a migration background can move more quickly into certain positions. Amsterdam has set itself the goal of having 30% of the higher echelon of civil servants, from scale 15, consist of people with a non-Western migration background.<sup>32</sup> In the Netherlands, 14% of municipalities operate in this way with preferential policies.<sup>33</sup>

In its National Program 2023, the NCDR (National Coordinator against Discrimination and Racism) proposed to introduce an equal treatment obligation following the Irish and British examples. This obligation, which should ensure that the government always takes equal treatment and non-discrimination into account in its policy and its implementation, should apply to all levels of government and all government bodies.<sup>34</sup>

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<sup>32</sup> Gemeente Amsterdam (2023). *Uitvoeringsplan Inclusie en Diversiteit*. Gemeente Amsterdam.

<https://openresearch.amsterdam/nl/page/70941/voortgang-bestuursopdracht-inclusie-diversiteit>

<sup>33</sup> Boonstra, W. (2022). *Gemeenten nog huiverig voor voorkeursbeleid*. Binnenlands Bestuur.

<https://www.binnenlandsbestuur.nl/carriere/weinig-gemeenten-hanteren-voorkeursbeleid>

<sup>34</sup> NCDR (2023). *Nationaal programma tegen discriminatie en racisme 2023*. NCDR.

<https://www.bureauncdr.nl/binaries/bureauncdr/documenten/nationale-programmas/2023/12/12/nationaal-programma-2023/Nationaal+Programma+tegen+Discriminatie+en+Racisme+2023+-+Nederlands.pdf>

## What are the main limitations and gaps of the legal framework in your country to combat structural racism?

We asked the Vice-Chair of the European Commission against Racism and Intolerance (ECRI) and a member of ECRI in respect of the Netherlands, a senior policy officer from Amnesty International Netherlands and a well-known human rights lawyer to help answer this question. Their answers, in which they all stated that there are several limitations and gaps, have been combined below.

The legal framework in the Netherlands lacks an explicit definition of structural racism, which hampers its effective recognition and addressing. Without a clear definition, it becomes difficult to develop targeted policies and measures to combat such systemic issues. Enforcement mechanisms and accountability measures for combating structural racism are inadequate; there are challenges in reporting incidents, there's a lack of effective investigation procedures, and consequences for perpetrators are insufficient. Data collection is insufficient as well, which hinders evidence-based policymaking and monitoring of progress.

Although the Netherlands has enacted legislation to address discrimination, such as the General Equal Treatment Act (in Dutch: *Algemene Wet Gelijke Behandeling*), these laws do not specifically target systemic racism. Their focus is primarily on individual instances of discrimination rather than tackling the institutional and systemic dimensions of racism. Establishing evidence of discrimination can often be challenging, if not impossible, for individuals. Furthermore, the Netherlands lacks a constitutional court, and Article 120 of the Dutch Constitution explicitly prohibits judicial review of legislation's conformity with the Constitution. Unlike other parts of the Kingdom of the Netherlands, only St. Maarten has a constitutional court. Instead, the Netherlands relies on the Advisory Division of the Council of State (in Dutch: *Afdeling Advisering van de Raad van State*). Although this advisory body provides recommendations on the constitutionality of legislation, it is not a court and lacks the authority to issue binding decisions. Its role is to offer non-binding advice to the government and parliament regarding the compatibility of proposed laws with the constitution and other legal norms.

In general, a constitutional court checks whether a rule does not conflict with fundamental rights and freedoms or with the principle of equality as laid down in the Constitution. Article 120 of the

Dutch Constitution also prohibits the court from reviewing the law against the Constitution. The Dutch Constitution does recognize the power of the court to test laws against (human rights) treaties. For example, the European Convention on Human Rights has direct effect in the Dutch legal order. In a report on a possible constitutional court, it was stated that the right of judicial review in the countries we studied in any case forms an extra guarantee for the rule of law and the recognition of the Constitution as a constitutional foundation.<sup>35</sup> The report's authors leave open whether this judicial review should be carried out by the current court or by a constitutional court to be set up separately.

We think that addressing these limitations and filling the gaps in the legal framework would require a comprehensive approach involving legal reforms, awareness campaigns, training programs, data collection improvements, and inclusive policy development. Such efforts are crucial for combating structural racism effectively in the Netherlands.

## What is the impact of these gaps on the protection of people in marginalized communities?

Some key impacts of the gaps on the protection of marginalized communities are:

### Limited legal protection

The gaps in the legal framework can result in limited legal protection for marginalized communities. Without explicit definitions and adequate anti-discrimination laws, certain forms of discrimination, particularly those stemming from structural and systemic biases, may go unrecognized or unaddressed. This can leave individuals vulnerable to discrimination without appropriate legal recourse. Insufficient accountability, enforcement, and legal provisions can limit the availability and effectiveness of remedies and redress for victims of discrimination. This can result in a lack of justice and reparations for individuals who experience harm due to structural

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<sup>35</sup> Claes, M. et al. (2021). *Rechtsvergelijkend onderzoek constitutionele toetsing*. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. <https://zoek.officielebekendmakingen.nl/blg-971406.pdf>

racism, further exacerbating the impact on their well-being and hindering the fight against systemic discrimination.

#### Increased vulnerability to discrimination

The lack of accountability and enforcement mechanisms can contribute to an environment where discrimination against marginalized communities can persist with impunity. This can increase their vulnerability to discrimination and perpetuate systemic inequalities, making it difficult for them to fully exercise their rights and participate equally in society. When the legal framework fails to provide robust protection, individuals may be reluctant to report incidents of discrimination, fearing a lack of meaningful response or redress. The resulting underreporting can lead to an underestimation of the prevalence of discrimination and hinder efforts to address systemic issues effectively.

#### Reinforcement of systemic inequalities

The gaps in the legal framework contribute to the perpetuation of systemic inequalities faced by people of color and marginalized communities. These individuals may continue to face barriers in various aspects of life, such as employment, housing, education, healthcare, and criminal justice. The lack of comprehensive legal protections can reinforce existing disparities and hinder progress towards achieving equality and social inclusion. The Netherlands Institute for Social Research conducted research which led to the conclusion that the cumulative impact of gaps erode trust and confidence in the legal system and institutions among people of color and marginalized communities.<sup>36</sup> When marginalized communities perceive a lack of effective legal protections and accountability, it can lead to skepticism and reluctance to engage with the legal processes, exacerbating feelings of marginalization and exclusion.

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<sup>36</sup> Dagevos, J., De Voogd-Hamelink, M., & Damen, R. (2022). *Gevestigd, maar niet thuis: Eerste bevindingen uit de survey Integratie Migranten*. Sociaal en Cultureel Planbureau.

<https://www.scp.nl/publicaties/publicaties/2022/10/11/gevestigd-maar-niet-thuis.-eerste-bevindingen-uit-de-survey-integratie-migranten-sim2020>

### *Example: criminal justice*

Research shows that young people with and without a migration background equally report committing crimes.<sup>37</sup> Yet it turns out that men with a migration background are checked by the police twice as often as Dutch men without a migrant background.<sup>38</sup> Young people with a migration background are two to three times more likely to be considered suspects.<sup>39</sup> Youth with a migration background are ten times more likely to receive a prison sentence instead of a HALT punishment (community service).<sup>40</sup> Moreover, suspects with a migration background are more severely punished by the courts. Offenders with a “foreign appearance” (sic) who speak the Dutch language are five times more likely to be sentenced to unconditional imprisonment than offenders with a “Dutch appearance” (sic) who also speak the Dutch language. Perpetrators with a “foreign appearance” (sic) who do not speak Dutch are twenty times more likely to be convicted.<sup>41</sup>

### Misuse of algorithms

The use of algorithms by government agencies in the fight against fraud can potentially lead to discrimination in the Netherlands. Discrimination occurs when algorithms are developed or implemented in a way that results in biased outcomes or disproportionate impact on certain individuals or groups. This is because of biased data and lack of transparency/accountability.

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<sup>37</sup> Controle Alt Delete. (2021). *Zelfde delict, ongelijk behandeld*. Controle Alt Delete.

<https://controlealtdelete.nl/articles/zelfde-delict-ongelijk-behandeld#gsc.tab=0>

<sup>38</sup> Controle Alt Delete. (2021). *Etnisch profileren in Amsterdam*. Controle Alt Delete.

<https://controlealtdelete.nl/articles/etnisch-profileren-in-amsterdam#gsc.tab=0>

<sup>39</sup> Bezemer, W. & Leerkes, A. (2021). *Oververtegenwoordiging in strafrechtketen ontrafeld*. Erasmus University Rotterdam. <https://www.eur.nl/nieuws/oververtegenwoordiging-strafrechtketen-ontrafeld>

<sup>40</sup> Boon, A., Van Dorp, M., & De Boer, S. (2005). *Oververtegenwoordiging van jongeren met een migratieachtergrond in de strafrechtketen*. Tijdschrift Voor Criminologie, 3(60).

<https://doi.org/10.5553/TvC/0165182X2018060003001>

<sup>41</sup> Wermink, H., De Keijser, J. & Schuyt, P. (2012). *Verschillen in straftoemeting in soortgelijke zaken: Een kwantitatief onderzoek naar de rol van specifieke kenmerken van de dader*. Nederlands Juristenblad, 11.

[https://www.researchgate.net/publication/263429532\\_Verschillen\\_in\\_straftoemeting\\_in\\_soortgelijke\\_zaken\\_Een\\_kwantitatief\\_onderzoek\\_naar\\_de\\_rol\\_van\\_specifieke\\_kenmerken\\_van\\_de\\_dader](https://www.researchgate.net/publication/263429532_Verschillen_in_straftoemeting_in_soortgelijke_zaken_Een_kwantitatief_onderzoek_naar_de_rol_van_specifieke_kenmerken_van_de_dader)



### *Biased data*

Algorithms rely on historical data to make predictions or decisions. If the data used to train the algorithm is biased or reflects existing societal inequalities, the algorithm can perpetuate those biases. For example, if historical fraud data predominantly includes cases from certain demographic groups due to systemic biases, the algorithm disproportionately targets or scrutinizes individuals from those groups.

We have already elaborated on the Childcare Benefits Scandal. Another example is fraud detection by DUO, the Education Executive Agency, which pays student finance funded by the government. The fraud detection used by DUO turned out to be discriminatory. Journalists found out that risk profiles were used to detect fraud. Their research indicates that 98% of the cases involving suspected fraud were found among students with a migrant background.<sup>42</sup> According to a follow-up study, there was bias and indirect discrimination. DUO used risk profiles to identify suspicious students: where are they registered, where do their parents live, are they perhaps studying at the senior secondary vocational education (MBO) level. Those profiles caused students with a non-western migration background in particular to pop up on the radar.<sup>43</sup> The government has recognized this and has apologized.<sup>44</sup>

### *Lack of transparency and accountability*

Some algorithmic systems used by government agencies lack transparency, making it difficult to understand how decisions are made or to identify and address any discriminatory biases. Lack of accountability mechanisms or proper overview exacerbate the potential for discrimination.

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<sup>42</sup> NOS op 3. (2023). *Zo discrimineerde DUO* [Video]. YouTube. <https://www.youtube.com/watch?v=Asl6TlJhGuA>

<sup>43</sup> The Algorithm Audit (2024). *Vooringenomenheid voorkomen*. The Algorithm Audit. <https://duo.nl/images/vervolgrapport-algorithm-audit.pdf>

<sup>44</sup> Ministerie van Onderwijs, Cultuur en Wetenschap. (2024). *Kabinetsreactie onderzoek naar controleproces uitwonendenbeurs*. Rijksoverheid. <https://www.rijksoverheid.nl/ministeries/ministerie-van-onderwijs-cultuur-en-wetenschap/documenten/kamerstukken/2024/03/01/kabinetsreactie-onderzoek-naar-controleproces-uitwonendenbeurs>

In April 2023, the NRC newspaper published about a possible discriminatory method when processing Schengen visa applications.<sup>45</sup> People with the nationality of more than a hundred countries are obliged to apply for a so-called Schengen visa for a short stay in the Netherlands.<sup>46</sup> Visa applications are first selected by the Ministry of Foreign Affairs to go through a more intensive assessment process, intended to prevent illegal migration. In the assessment, the Ministry uses an 'information-driven working method' (Information Supported Decision Making). Part of this is an automated risk profile to decide which visa applications need to be assessed more intensively. This risk profile contains seven characteristics, including nationality.<sup>47</sup> This means that people with specific nationalities, for example Surinamese, but also various other nationalities, often receive a higher risk score and have an increased chance of being selected by the Ministry for a more intensive assessment of their application.

## How should the law be (re-)formulated to address structural racism and promote equality?

To answer this question, we refer to a civil society letter to the government, the Black Manifesto, the Jewish Manifesto and the manifestos related to Anti-Muslim Racism, anti-Asian racism and anti-Ziganism, as well as answers from the initiators of these Manifestos.

### The civil society letter

After the parliamentary elections of 2022, a new government was formed. The formation of a new government presented a unique opportunity to set equality, equity, representation and inclusion in society as central tenets of the coalition agreement, and thus initiate a push for governance culture improvement. A unique coalition of 160 civil society organizations, initiated by our

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<sup>45</sup> Rengers, M., Houtekamer, C. & Maleeyakul, N. (2023). *"Pas op met deze aanvraag", waarschuwt het algoritme dat discriminatie in de hand werkt. Het ministerie negeert kritiek*. NRC.

<https://www.nrc.nl/nieuws/2023/04/23/beslisambtenarenblijven-profileren-met-risicoscores-a4162837>

<sup>46</sup> See <https://schengenvisum.info/wat-is-schengenvisum/schengenlanden/lijs-met-visumplichtige-nationaliteiten/> for more information.

<sup>47</sup> Tweede Kamer der Staten-Generaal (2023). *Kamerstukken II, 2023-2024, 2023D35387*, p. 5. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/kamerstukken/detail?id=2023D35387&did=2023D35387>

organization IZI Solutions and Comité 21 Maart, from diverse communities in the Netherlands sent a letter<sup>48</sup> to the new government in 2022. Never before had such a diverse, broad and inclusive coalition come together to send a unified message.

#### The manifestos

Around the same time, several marginalized communities drafted their own manifestos with concrete recommendations to those with final responsibility to counter (institutional) racism against the group in question to provide them with relevant information on which policy reinforcements are necessary. The manifestos were made with the aim to provide end-responsible parties with a concrete plan of action on the one hand, and on the other hand to give the affected community and stakeholders tools to put issues on the agenda and monitor them.

The letter and the manifestos advocate a comprehensive approach and policy to counter institutional racism and discrimination, along the following three pillars:

- Equality: equal opportunities for Dutch nationals with a migration background to participate in all facets of Dutch society and in all sectors of society;
- Equitability: removing obstacles and exclusion mechanisms for Dutch citizens with a migration background within public and private organizations in society;
- Representation: a reflection of Dutch citizens with a migration background at all levels (particularly in leadership positions) of (semi)public and private organizations, integrating their perspectives in the development, implementation, and monitoring of policies.

The civil society letter and the manifestos advocate a multifaceted approach, including legal, social, and educational measures to (re)formulate laws to address structural racism and promote equality. It starts with setting a new legal norm and then combining legal measures with broader

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<sup>48</sup> Coalitie van diverse gemeenschappen in Nederland. (2021). *Voorstellen voor het tegengaan van institutioneel racisme en discriminatie [Brief aan de formateur]*. IZI Solutions.

<https://www.izi-solutions.com/nieuws/2021/5/19/brief-aan-de-formateurs-over-het-tegengaan-van-institutioneel-racisme-en-discriminatie>

societal changes, such as addressing unconscious bias, promoting diversity in institutions, fostering inclusive social norms, et cetera. There is common ground on the following points:

- The prohibition of review referred to in article 120 of the Constitution will be abolished. Constitutional review of laws and regulations and of (the implementation of) policy, of the coalition agreement (national) and of coalition agreements (municipal) must be anchored in the Constitution (see also the plea of the Council for the Judiciary);
- Consider the introduction of affirmative action policies and equality measures to address historic disadvantages faced by marginalized racial and ethnic groups. These measures can promote equal opportunities in education, employment, housing, and other areas where disparities persist;
- Develop robust and independent mechanisms for data collection and monitoring of racial and ethnic disparities across various sectors, including criminal justice, education, healthcare, and employment. This data can inform evidence-based policies and interventions to address inequalities and discrimination;
- Encourage meaningful participation of racial and ethnic communities in decision-making processes and policy development. Engaging with community organizations and grassroots initiatives can help identify and address specific concerns and ensure diverse perspectives are represented;
- The government makes equality, equitability, representation and inclusion in society central tenets in improving the culture of governance;
- The anti-discrimination services need to be reformed so that they can carry out their duties independently, better equipped, integrally and uniformly;
- The police, the public prosecutor, anti-discrimination facilities, the Human Rights Board, municipalities and other relevant partners add new “discriminations grounds” to the existing “discrimination grounds”, enabling people to register incidents of racism as anti-black racism, anti-Muslim racism, anti-Asian racism, anti-Ziganism, antisemitism, or racism against migrants and refugees;
- Registration of racism grounds based on anti-black racism, anti-Muslim racism, anti-Asian racism, anti-Ziganism, antisemitism, and racism against migrants and refugees is facilitated among police, public prosecutor, anti-discrimination facilities, Human Rights Board, municipalities and other relevant partners;

- Racial profiling will be penalized, and negatively charged / computerized risk profiles and/or risk models may no longer be used in detection, enforcement, and implementation of policy. Various political parties also concluded a ballot agreement on this during the election campaign. Extra attention need to be paid to digitalization and algorithms used by the government and to the forms of racial profiling incorporated in them;
- The government sets concrete and measurable goals on cultural diversity within all layers (and especially the top) of (semi)public and private organizations. Research shows that central government fails to meet most targets for increased diversity in its own workplace;<sup>49</sup>
- The government implements the initiative bill of the political parties ChristenUnie and GroenLinks that would increase the maximum penalty for offenses and crimes with a discriminatory and group insulting aspect;<sup>50</sup>
- The government comes forward with an official and unequivocal recognition of wrongdoings against certain population groups committed in the name of or with the knowledge of the Dutch government. Recognition of injustice is part of equality in a diverse society.

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<sup>49</sup> Groenewoud, A. (2023). *Overheid haalt eigen diversiteitsdoelen niet of nauwelijks*. Nu.nl.

<https://www.nu.nl/binnenland/6268273/overheid-haalt-eigen-diversiteitsdoelen-niet-of-nauwelijks.html>

<sup>50</sup> GroenLinks. (2020). *GroenLinks en ChristenUnie dienen initiatiefwet in tegen hatecrimes*. Groenlinks.

<https://groenlinks.nl/nieuws/groenlinks-en-christenunie-dienen-initiatiefwet-tegen-hatecrimes>

## 2. NATIONAL POLICIES AND OTHER ACTIONS

### Is there a national anti-racism strategy or other anti-discrimination policies in your country?

The policy of the Dutch government against racism and discrimination can be found in letters that the government has sent to the House of Representatives. In a letter sent during the Black Lives Matter demonstrations, the government acknowledges that “racism and discrimination are persistent problems in our society.”<sup>51</sup> The government speaks of “racial profiling by the police and by the government more broadly”, but also of “institutionalized and widespread everyday racism.” This is substantiated by research into racism and discrimination that has been done in recent years. According to the Dutch government, the policy consists of the following main components:

- Strengthening local anti-discrimination offices, which register reports of discrimination and provide support to victims;
- Research into the criminal investigation and prosecution of discrimination;
- Continue the hotline for discrimination on the internet;
- Monitoring discrimination cases (by police, the Dutch Public Prosecution Service and anti-discrimination agencies);
- Police develop diversity skills.

Apart from this, the government is paying extra attention to various forms of discrimination. There are action plans for countering discrimination on the labor market, with the Action Plan on Labor

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<sup>51</sup> Minister van Binnenlandse Zaken en koninkrijksrelaties (2020). Kabinetsaanpak van discriminatie [Brief aan de voorzitter van de Tweede Kamer der Staten-Generaal]. <https://open.overheid.nl/documenten/ronl-889152c5-2ebf-4e7b-ad5e-65a7245fc1ae/pdf>

Market Discrimination in the period 2018–2021<sup>52</sup>, and in the period 2022–2025.<sup>53</sup> Also, there's an Action Plan against discrimination in the housing market.<sup>54</sup> These Action Plans mainly consist of creating awareness, monitoring and creating new regulations that should be implemented by the sector. Also, there are two national coordinators against specific forms of racism. There's a national coordinator against antisemitism, who drafted an Action Plan for the period 2022–2025<sup>55</sup>, and a national coordinator against discrimination and racism, that also drafts Action Plans.<sup>56</sup> The national coordinators fall under the responsibility of the government, have meetings throughout various Ministries and simply put, try to change things from within these Ministries. They not only have a coordinating role, but also an activating and encouraging role.

The government sent many letters on countering discrimination to the House of Representatives in the period 2020–2021. An overview of these letters can be found in online archives.<sup>57</sup> In

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<sup>52</sup> Ministerie van Sociale Zaken en Werkgelegenheid. (2021). *Programma verdere integratie op de arbeidsmarkt [Brochure]*. Ministerie van Sociale Zaken en Werkgelegenheid. <https://open.overheid.nl/documenten/ronl-b872f1a1-fb28-40dc-9c15-05be6074af71/pdf>

<sup>53</sup> Ministerie van Sociale Zaken en Werkgelegenheid. (2022). *Actieplan arbeidsmarktdiscriminatie 2022–2025: Gelijkwaardige kansen voor iedereen*. Ministerie van Sociale Zaken en Werkgelegenheid. <https://open.overheid.nl/documenten/ronl-f19d4284a21931ba972d8cc2458998bfa4f53146/pdf>

<sup>54</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2022). *Aanpak woondiscriminatie*. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. [https://www.volkshuisvestingnederland.nl/binaries/volkshuisvestingnederland/documenten/brieven/2022/06/29/kamerbrief-bij-monitor-discriminatie-bij-woningverhuur/Kamerbrief\\_monitor\\_discriminatie\\_woningverhuur\\_2022.pdf](https://www.volkshuisvestingnederland.nl/binaries/volkshuisvestingnederland/documenten/brieven/2022/06/29/kamerbrief-bij-monitor-discriminatie-bij-woningverhuur/Kamerbrief_monitor_discriminatie_woningverhuur_2022.pdf)

<sup>55</sup> Nationaal Coördinator Antisemitismebestrijding (2022). *Werkplan Antisemitismebestrijding 2022–2025*. Nationaal Coördinator Antisemitismebestrijding. <https://open.overheid.nl/repository/ronl-8d16f616c89c12ed45999cc9028e279deff615ec/1/pdf/tk-bijlage-ncab-werkplan-definitieve-versie-ter-verzending-aan-tweede-kamer.pdf>

<sup>56</sup> Nationaal Coördinator tegen Discriminatie en Racisme (2023). *Nationaal programma tegen discriminatie en racisme*. Nationaal Coördinator tegen Discriminatie en Racisme. <https://www.bureauncdr.nl/binaries/bureauncdr/documenten/nationale-programmas/2023/12/12/nationaal-programma-2023/Nationaal+Programma+tegen+Discriminatie+en+Racisme+2023+-+Nederlands.pdf>

<sup>57</sup> Rijksoverheid. (2021). *Overzicht van Kamerbrieven over de aanpak van discriminatie en racisme tussen 1 juni 2020 en 1 juni 2021*. Rijksoverheid. <https://open.overheid.nl/documenten/ronl-e4e50a2e-561e-48cf-8096-8c2bbab72fa0/pdf>

September 2022, the Minister of the Interior and Kingdom Relations presented the first National Program against Discrimination and Racism to the House of Representatives.

When a new government came into power, in 2022, 160 civil society organizations sent a letter to the government.<sup>58</sup> This action had an impact: in the coalition agreement it was included that the government wants to fight against institutional racism.<sup>59</sup> It reads: “Institutional racism has no place in our society. We are working to ban racial profiling. Government and implementing organizations must set a good example in this respect.” Since then, no additional policies have been made to implement these goals. After elections in 2023, a new coalition was formed, led by the extreme-right PVV. In the coalition agreement, written prior to forming a government, it is stated that decisive action will be taken against those guilty of discrimination, racism, antisemitism and “Muslim hatred”.<sup>60</sup>

## How is institutional racism defined and what are the actions proposed to tackle it?

To find out how the Dutch government defines institutional racism, our only available source is a letter from the Secretary of Finance.<sup>61</sup> As far as we know, this is the only letter in which a member of the government discusses the definition of institutional racism. This document explains that institutional racism is seen as a phenomenon that: is collectively and structurally ‘ingrained’ in

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<sup>58</sup> Coalitie van diverse gemeenschappen in Nederland. (2021). *Voorstellen voor het tegengaan van institutioneel racisme en discriminatie [Brief aan de formateur]*. IZI Solutions.

<https://www.izi-solutions.com/nieuws/2021/5/19/brief-aan-de-formateurs-over-het-tegengaan-van-institutioneel-racisme-en-discriminatie>

<sup>59</sup> VVD, D66, CDA, & ChristenUnie. (2021). *Omzien naar elkaar, vooruitkijken naar de toekomst: Coalitieakkoord 2021 – 2025*. Rijksoverheid. <https://open.overheid.nl/documenten/ronl-f3cb0d9c-878b-4608-9f6a-8a2f6e24a410/pdf>

<sup>60</sup> PVV, VVD, NSC en BBB (2024). *Hoop, lef en trots, hoofdlijnen akkoord 2024 – 2028*. Rijksoverheid. <https://www.kabinetsformatie2023.nl/kabinetsformaties/kabinetsformatie-2023/documenten/publicaties/2024/05/16/hoofdlijnenakkoord-tussen-de-fracties-van-pvv-vvd-nsc-en-bbb>

<sup>61</sup> Staatssecretaris van Financiën (2022). *Kamerstukken 31 066, nr. 130*. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/downloads/document?id=2022D21883>



organized forms of coexistence in society; includes rules, procedures, and policies, but also all kinds of non-formalized, socially ingrained behavior; has various manifestations and is often not immediately recognizable due to 'embedding'. This does not necessarily involve intent or deliberate action; rather, it concerns the disadvantage people experience based on their race or origin. The State Secretary then uses this definition to make statements about institutional racism. This statements in this letter specifically address institutional racism in the Childcare Benefits Scandal, and the statements about institutional racism pertain only to the decision-making process for extra checks due to "nationalities with a conspicuous spending pattern" and "donations to religious institutions submitted only in uppercase by immigrants." These selection decisions are characterized as institutional racism. Discrimination in risk selection remains prohibited, but making distinctions is not discriminatory if there is a "justification" for it. The Secretary of State emphasizes that institutional racism occurred "unconsciously and unintentionally." Controle Alt Delete has replied to this letter that that migrant background, religion, or ethnicity should never be among the selection criteria in a risk profile.<sup>62</sup> The Human Rights Institute (NIHR),<sup>63</sup> the National Coordinator against Discrimination and Racism (NCDR)<sup>64</sup> and the State Commission<sup>65</sup> have been using the same definitions of institutional racism in their reports.

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<sup>62</sup> Controle Alt Delete. (2022). *Opgelet: kabinet erkent institutioneel racisme niet helemaal*. Controle Alt Delete. <https://controlealtdelete.nl/articles/opgelet-kabinet-erkent-institutioneel-racisme-niet#gsc.tab=0>

<sup>63</sup> College voor de Rechten van de Mens (2021). *Institutioneel racisme, naar een mensenrechtelijke aanpak*. College voor de Rechten van de Mens. <https://publicaties.mensenrechten.nl/file/7719cd6b-e64e-4baf-b1f2-236bd00eefd8.pdf>

<sup>64</sup> Nationaal Coördinator tegen Discriminatie en Racisme (2023). *Nationaal programma tegen discriminatie en racisme 2023*. Nationaal Coördinator tegen Discriminatie en Racisme. <https://www.bureauncdr.nl/binaries/bureauncdr/documenten/nationale-programmas/2023/12/12/nationaal-programma-2023/Nationaal+Programma+tegen+Discriminatie+en+Racisme+2023+-+Nederlands.pdf>

<sup>65</sup> Staatscommissie tegen Discriminatie en Racisme (2023). *Aard, omvang en oorzaken van discriminatie en racisme in Nederland: eerste inzichten en vervolg*. Staatscommissie tegen Discriminatie en Racisme. <https://www.staatscommissietegendiscriminatieenracisme.nl/binaries/stdr/documenten/publicaties/2023/12/12/index/Eerste+voortgangsrapportage+I.pdf>

## Has your government dedicated any economic or in-kind resources to combat institutional racism?

The Dutch government has not dedicated any economic or in-kind resources to combat structural/institutional racism. Funding has been allocated only for researching and reporting structural/institutional racism. However, the number of discrimination reports at the antidiscrimination bureaus remains low, there is a lack of effective investigation procedures after reported incidents and there are insufficient consequences for perpetrators. In short: there are insufficient checks and balances in place.

## Has your government designated a specific body or agency to combat institutional racism?

Five formal bodies have been established to combat racism; these are described below. Two bodies have the explicit objective to combat institutional racism: the NCDR and the State Commission.

### NCDR

The aim of the National Coordinator against Discrimination and Racism (NCDR) is to combat discrimination and racism.<sup>66</sup> It is unclear whether the NCDR will remain in office, as the current coalition agreement does not state that the NCDR will continue.

### State Commission

The State Commission against Discrimination and Racism advises the government on improving policy and regulations to combat discrimination and racism. The State Commission will largely focus on the institutional side of discrimination and racism. To this end, the Commission will develop an instrument with which the government can be audited and, as a pilot, will put this

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<sup>66</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. (2021). *Functie en Opdracht, Nationaal Coördinator tegen Discriminatie en Racisme*. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, <https://open.overheid.nl/documenten/ronl-36eb73b6-2b92-405d-953a-e3d78e486db6/pdf>

instrument into practice in various government organizations.<sup>67</sup> There is no requirement to use the instrument; its use is optional.

#### NCAB

The National Coordinator against antisemitism (NCAB). The NCAB coordinates and facilitates the cooperation within and with the government to counter antisemitism. The year plan of the NCAB doesn't mention antisemitism as a form of racism.<sup>68</sup>

#### Anti-Discrimination Services

The Anti-Discrimination Services (ADVs) in the Netherlands handle reports of discrimination, offering support, guidance, and legal assistance to victims. They conduct investigations, mediate disputes, and refer cases to relevant authorities. Additionally, ADVs raise awareness through public education and training programs, and they advocate for stronger anti-discrimination policies and legislation. Reports by ADVs are advisory, not prescriptive.

#### NIHR

The Netherlands Institute for Human Rights (NIHR) is the Dutch national equality body. Their work consists mainly of giving (not legally binding) judgments after complaints about discrimination and giving legislative advice to the government. Recent legislative advice entailed the recommendation to create a legal definition of institutional racism<sup>69</sup> and a warning for bias and

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<sup>67</sup> Staatscommissie tegen Discriminatie en Racisme (2023). *Aard, omvang en oorzaken van discriminatie en racisme in Nederland: eerste inzichten en vervolg*. Staatscommissie tegen Discriminatie en Racisme. <https://www.staatscommissietegendiscriminatieenracisme.nl/binaries/stdr/documenten/publicaties/2023/12/12/index/Eerste+voortgangsrapportage+I.pdf>

<sup>68</sup> Nationaal Coördinator Antisemitismebestrijding. (2022). *Werkplan Antisemitismebestrijding 2022-2025*. Nationaal Coördinator Antisemitismebestrijding. <https://www.ncab.nl/binaries/ncab/documenten/publicaties/2022/10/6/werkplan-antisemitismebestrijding-2022-2025/Werkplan+Antisemitismebestrijding+2022-2025.pdf>

<sup>69</sup> Geel, J. (2022). *Advies definitie racisme [Brief aan de minister van Binnenlandse Zaken en Koninkrijksrelaties]*. College voor de Rechten van de Mens. <https://publicaties.mensenrechten.nl/publicatie/ec0a79f4-ad9c-4106-861c-6d907c82f5bd>

discrimination with regard to a new law on data processing.<sup>70</sup> The NIHR also developed an e-learning for public officials.<sup>71</sup> Together with the National Coordinator Against Discrimination and Racism and the State Commission Against Discrimination and Racism, the Dutch NIHR advised the minister of interior affairs to include 'one-sided government action' in the General Equal Treatment Act.<sup>72</sup> To help prevent racial profiling in practice, the Dutch NIHR developed a human rights assessment framework to help detect discrimination risks in the profiles organizations use.<sup>73</sup>

## How do you assess the efficacy of the strategy, or anti-discrimination policies, in addressing structural/institutional discrimination and its consequences?

There are five formal institutional organizations in the Netherlands involved in combating (institutional) racism. These are the NCDR's Bureau, the NCAB, the State Commission, the Anti-Discrimination Services, and the NIHR. None of these organizations have the mandate to make legally binding decisions. The NCDR and the NCAB are government commissioners, formally under the responsibility of the government. They can set agendas and make proposals, but the execution of their proposals depends on whether the government chooses to follow them. This also applies to the State Commission, which is formally structured as an advisory body. The

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<sup>70</sup> College voor de Rechten van de Mens. (2021). *Gelijke behandeling en rechtsbescherming in de knel bij Wet gegevensverwerking door samenwerkingsverbanden*. College voor de Rechten van de Mens.

<https://www.mensenrechten.nl/actueel/nieuws/2021/06/25/gelijke-behandeling-en-rechtsbescherming-in-de-knel-bij-wet-gegevensverwerking-door-samenwerkingsverbanden>

<sup>71</sup> College voor de Rechten van de Mens. (n.d.). *Vooroordelen voorbij*. College Voor De Rechten Van De Mens.

<https://www.mensenrechten.nl/themas/vooroordelen-voorbij>

<sup>72</sup> College voor de Rechten van de Mens. (2023). *Advies aan minister: Verstevig rechtsbescherming tegen discriminatie door de overheid*. College Voor De Rechten Van De Mens.

<https://www.mensenrechten.nl/themas/institutioneel-racisme/nieuws/2023/03/20/advies-aan-minister-verstevig-rechtsbescherming-tegen-discriminatie-door-de-overheid>

<sup>73</sup> College voor de Rechten van de Mens. (2021). *Discriminatie door risicoprofielen: Een mensenrechtelijk toetsingskader*. College voor de Rechten van de Mens.

<https://publicaties.mensenrechten.nl/publicatie/61a734e65d726f72c45f9dce>

primary role of the Anti-Discrimination Services is to serve as a reporting point for discrimination and support complainants. They publish annual reports on these matters. The NIHR is independent from government influence and can conduct investigations into human rights violations, including discrimination.

#### Criticism NCDR

On December 12, 2022, we shared our concerns during the discussion of the first national program of the NCDR at the House of Representatives roundtable meeting.<sup>74</sup> The national program drafted by the NCDR is, in our opinion, not a national program at all. It is mainly a description and enumeration of the experiences and pains of marginalized groups on the one hand, and a listing of already existing policies and approaches from ministries on the other. The content mainly comes from the Ministries; most passages have clearly been aligned with the Ministries. Unfortunately, that means that the proposed measures and reinforcements will only be included in the national program if the government itself agrees on that. Most grassroots organizations have a good relationship with the NCDR – the National Coordinator against Discrimination and Racism – and give him the benefit of the doubt. As a person, he is a passionate man who does not avoid speaking out on racism and discrimination issues in the media. Our criticism applies to the NCDR's governance structure, the mandate and the lack of resources. There are insufficient safeguards for the NCDR to work independently. As a result, ministries have formal and informal control over the programs, content and texts of the NCDR's national program.

#### Criticism Anti-Discrimination Services

By law, all municipalities in the Netherlands should have an Anti-Discrimination Service.<sup>75</sup> In practice, the Anti-Discrimination Services are organized regionally: there are 28 Anti-Discrimination Services for 342 municipalities.<sup>76</sup> Criticism of the Anti-Discrimination Services in the Netherlands, from civil society perspective, includes concerns about their effectiveness,

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<sup>74</sup> Schalkwijk, J. & Abdoelhafiezkhani, D. (2022). *Bijdrage Controle Alt Delete voor het rondetafelgesprek over de NCDR*. Controle Alt Delete. <https://www.tweedekamer.nl/downloads/document?id=2022D53715>

<sup>75</sup> Staatsblad. (2009, juni). *Wet gemeentelijke antidiscriminatievoorzieningen*. Eerste Kamer der Staten-Generaal. [https://www.eerstekamer.nl/behandeling/20090727/publicatie\\_wet](https://www.eerstekamer.nl/behandeling/20090727/publicatie_wet)

<sup>76</sup> Discriminatie.nl. (2024). *Vestigingen van Discriminatie.nl*. Discriminatie.nl. <https://discriminatie.nl/antidiscriminatiebureaus/>

consistency, and visibility. The civil society has long advocated for this strengthening, with various manifestos addressing the ADV system, such as the Black Manifesto.<sup>77</sup> The manifestos argue that ADVs are not sufficiently known or accessible to the public, leading to underreporting of discrimination incidents.<sup>78</sup> As a result of this public pressure, strengthening the ADV's reached the political agenda. In April 2022, Member of Parliament Belhaj submitted a motion requesting the government to explore restructuring the ADV's, similar to the Legal Aid Office.<sup>79</sup> MP Mutluer submitted a motion requesting the government to investigate how ADV's could take on preventive tasks and what funding would be necessary for this.<sup>80</sup>

These political developments prompted the Ministry of the Interior and Kingdom Relations to ask consulting firm Berenschot for their advice. Their report outlines a preferred scenario of working towards a strong central organization for addressing discrimination.<sup>81</sup> Berenschot addressed inadequate funding and resources, which can limit the organizations' ability to provide comprehensive support and services. Also, Berenschot pointed towards the decentralized nature of ADVs, which can result in inconsistencies in how cases are handled and in the quality of services provided across different regions. Reports and complaints about discrimination are crucial for providing timely support to victims. ADVs play an essential role in this process. However, the willingness to report incidents of discrimination is low.<sup>82</sup>

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<sup>77</sup> Zwart Manifest. (2021) *Hervorming ADV's*. Zwart Manifest. <https://zwartmanifest.nl/hervorming-adv/>

<sup>78</sup> Pakhuis de Zwijger. (2023). *De toekomst van Anti-Discriminatie Voorzieningen (ADV's)*. Pakhuis de Zwijger. <https://dezwijger.nl/programma/de-toekomst-van-anti-discriminatie-voorzieningen-adv>

<sup>79</sup> Kamerstukken 30 950. (2022, april). *Motie van het lid Belhaj*. Tweede Kamer der Staten-Generaal. <https://zoek.officielebekendmakingen.nl/kst-30950-291.html>

<sup>80</sup> Kamerstukken 30950-307. (2022). *Motie van het lid Mutluer*. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2022Z10008&did=2022D20370>

<sup>81</sup> Berenschot. (2023, februari). *Inrichting, takenpakket en financiering ADV's*. Rijksoverheid. <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2023/02/20/berenschot-rapport-inrichting-takenpakket-en-financiering-adv/berenschot-rapport-inrichting-takenpakket-en-financiering-adv.pdf>

<sup>82</sup> Movisie & Art. 1. (2024, april). *Discriminatiecijfers in 2023*. Ministerie van Binnenlandse zaken en Koninkrijksrelaties. <https://open.overheid.nl/documenten/34c15b29-b2c7-40c1-8976-f805eb29aa59/file>

In 2023, it was decided that the system of anti-discrimination provisions in the Netherlands will be definitively revised. It has been decided that one central organization to address discrimination will be established, bringing an end to the regional organization of anti-discrimination provisions. Part of the revision includes that the anti-discrimination provisions publicly orient themselves on how they could play a role in addressing and tackling institutional racism.<sup>83</sup> As a part of this revision, the national association of ADVs in the Netherlands have undergone a name change to Discriminatie.nl. With this rebranding, the ADVs aim to create a more unified and recognizable identity for the organization, making it easier for people to find and access their services.<sup>84</sup> In the future plans, the ADVs are still not responsible for addressing institutional racism. They are not responsible for that at the moment either – their only responsibility is to record reports and follow up on them.

#### Criticism NIHR

For the past ten years, the NIHR has remained aloof from the discussion on institutional racism. After the Black Lives Matter demonstrations in 2020, the NIHR decided to get involved. In March 2021 the NIHR published a five-point plan against institutional racism.<sup>85</sup> This plan stated: “a person’s origin or ethnic characteristics must never be the determining factor in risk profiles.” The NIHR does state that ethnicity should not be the determining factor, but in doing so, the NIHR allows room for the use of ethnicity in risk profiling. According to the NIHR in this plan, it may be one of the factors in a risk profile. In November 2021, the NIHR published a Risk Profiling Assessment Framework.<sup>86</sup> This assessment framework provides guidance for screening and assessing a risk profile for discrimination. It contains a minimum standard that government bodies

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<sup>83</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2024). *Verslag werkconferenties ADV-stelsel*. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties.

<https://www.tweedekamer.nl/downloads/document?id=2024D14946>

<sup>84</sup> Pakhuis de Zwijger. (2023). *De toekomst van Anti-Discriminatie Voorzieningen (ADV's)*. Pakhuis de Zwijger.

<https://dezwijger.nl/programma/de-toekomst-van-anti-discriminatie-voorzieningen-adv's>

<sup>85</sup> College voor de Rechten van de Mens. (2021). *Vijf actiepunten tegen institutioneel racisme*. College voor de Rechten van de Mens. <https://publicaties.mensenrechten.nl/file/75a8ed49-7b1e-48d5-8f64-bc50f17fdbd9.pdf>

<sup>86</sup> College voor de Rechten van de Mens. (2021). *Discriminatie door risicoprofielen: Een mensenrechtelijk toetsingskader*. College voor de Rechten van de Mens.

<https://publicaties.mensenrechten.nl/publicatie/61a734e65d726f72c45f9dce>

must meet when drawing up and deploying a risk profile based on rulings by national and international courts and monitoring bodies. The framework is mainly targeted at law enforcement officials and executive government bodies such as the tax authority and the Employee Insurance Administration. The risk profiling assessment framework of the NIHR indicated that selection decisions that include race are allowed, if there's an objective and reasonable justification for the use of race. At the time the NIHR drafted the five-point plan and the framework, this was in line with the then applicable human rights framework. However, the NIHR did create room for the use of ethnicity in risk profiles.

In February 2023, a judicial decision addressed racial profiling during border checks carried out by the Royal Military Police (RMP). The case was initiated by Dutch citizens who had experienced racial profiling during border checks. They received support from advocacy groups such as Amnesty, human rights attorneys and our organization Controle Alt Delete. The Court of Appeal in The Hague ruled that the RMP's proactive checks, conducted without individual suspicion of a criminal offense, constitute impermissible differential treatment when race influences the selection process. Even if race is considered alongside other factors, it suggests that "the selection decision is primarily based on that racial or ethnic characteristic."<sup>87</sup>

According to the ruling of the Court of Appeal, there could be no objective justification for using race in a selection decision, as there could be no objective justification for direct racial discrimination. The ruling shed new light on the legal framework employed by the NIHR. The coalition that pursued this case began in 2018, after one of the involved citizens was checked. When the NIHR published the Risk Profiling Assessment Framework in 2021, several years later, the coalition immediately engaged in dialogue with the NIHR. However, the NIHR did not revise the framework. Even after the Court of Appeal's ruling in 2023, the NIHR did not amend the framework. As of June 2024, the framework is still available on the NIHR's website. The NIHR is currently working on drafting a new version of the human rights assessment framework.

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<sup>87</sup> Gerechtshof Den Haag (2023), ECLI:NL:GHDHA:2023:173, paragraaf 8.20.

<https://deepink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2023:173>



Parallel to these developments, the NIHR experienced a significant internal conflict in which discrimination also played a role. Four of the eight members reported to the Ministry of Justice about the functioning of the chairman. They complained about, among other things, abuse of power, discrimination and the number of additional positions held by the chairman. According to a spokesperson, there is a “paralyzing meeting culture” in the board making “decision-making on essential matters virtually impossible.”<sup>88</sup> A revision of the assessment framework was one of the topics that fell within or could potentially fall within this context.

An independent investigation into the abuses is being kept secret. However, a summary of the conclusion has been disclosed. It reveals, among other things, that there was a “pattern of systematic neglect and exclusion” at the NIHR.<sup>89</sup> The extent to which this may have influenced decision-making regarding the framework cannot be determined from this information. According to a spokesperson from the NIHR, the crisis in the board had no relation to the content of the human rights assessment framework.

Lastly, at the NIHR, just like with the ADVs, it is only possible to report individual cases of racism. It is not possible to file a report concerning institutional racism

## Beyond strictly legal and policy provisions, what are the main actions and measures that your country has adopted to fight institutional racism?

The Dutch government has not taken actions and measures (yet) to combat structural/institutional racism. There was one measure that could be interpreted as combating structural racism on the labor market: new legislation on equal opportunity in recruitment and selection. This would have allowed the Netherlands Labor Authority to supervise the recruitment

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<sup>88</sup> Sietsma, S. & Meindersma, B. (2023). *Crisis mensenrechteninstituut escaleert, college “verlamd.”* NOS. <https://nos.nl/artikel/2476247-crisis-mensenrechteninstituut-escaleert-college-verlamd>

<sup>89</sup> Tweede Kamer der Staten-Generaal. (2024, juli). *Samenvatting rapport commissie onderzoek CRM*. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/downloads/document?id=2024D28586>

and selection practices of employers and intermediaries. However, the Senate voted against this legislation, after which the legislation was not adopted.<sup>90</sup>

## Has your government directly or indirectly promoted policy or academic research on the topic of institutional racism?

The Dutch government indirectly promotes policy and/or academic research on the topic of structural/institutional racism. Platform Inclusion & Community (KIS) is a program hosted by research agencies Verwey-Jonker Institute and Movisie. It is funded by the Dutch Ministry of Social Affairs and Employment. KIS does scientific research on various appearances of racism. KIS concluded that evidence shows that institutional racism is also a problem in the Netherlands.<sup>91</sup> Additionally, they concluded that racism also plays a role in, among other things, in rental housing.<sup>92</sup>

The government admitted to institutional racism at the Dutch tax authorities (2021) and after scandals at the Ministry of Foreign Affairs (2023). These areas were investigated on behalf of the government. In the same breath, a side note must be made. In the parliamentary inquiry into the childcare support scandal, (institutional) racism was at first left out of the inquiry brief. After criticism and input of Controle Alt Delete it became a point of focus in the new parliamentary inquiry on fraud and service delivery which led to insight into the disproportionality of victims with a migrant background.

Since the childcare support scandal, several studies have been conducted in which structural or institutional racism was proven. A few examples are:

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<sup>90</sup> NOS (2024). *Eerste Kamer verworpt wet tegen discriminatie op arbeidsmarkt*. NOS.

<https://nos.nl/artikel/2514312-eerste-kamer-verwerpt-wet-tegen-discriminatie-op-arbeidsmarkt>

<sup>91</sup> Felten, H. (2021). *Institutioneel racisme: bewijs en aanpak*. Kennisplatform Inclusief Samenleven.

<https://www.kis.nl/artikel/institutioneel-racisme-bewijs-en-aanpak>

<sup>92</sup> Hoogenbosch, A. (2015). *Institutioneel racisme bij woningverhuur*. Kennisplatform Inclusief Samenleven.

<https://www.kis.nl/publicatie/institutioneel-racisme-bij-woningverhuur>

- Report processing risk signals for surveillance.<sup>93</sup> This research concerned the Fraud Detection Facility, a system used by the Dutch tax authorities to register potential indicators that could suggest an increased risk of fraud. The research revealed, among other things, that there were insufficient safeguards for the proper, honest, and confidential handling of personal data, including data regarding individuals' nationality.
- The city of Utrecht was the first municipality in the Netherlands to have institutional racism within its municipal organization investigated.<sup>94</sup> In June 2021, the municipality of Utrecht presented a new anti-discrimination agenda. The municipality also wanted to set a good example and take a critical look at itself, as an employer and as a service provider in a diverse city. During the council meeting of 9 July 2020, about the state of affairs in this area and about the development of a new agenda, motion no. 160/2020 was submitted by the political groups of DENK, Partij voor de Dieren and GroenLinks. The motion was passed by the council. This instructs the municipality to "have an external independent investigation carried out into institutional racism and/or the development of policy rules and (enforcement) instruments of the municipality of Utrecht in a more negative way for certain groups". Bureau Omlo was selected by the municipality to carry out the study, which can be found online.<sup>95</sup> In the research phase, Bureau Omlo organized interviews and group discussions with policy officials and implementers, made observations, performed document analysis and file research, carried out a proportionality study and carried out experience research among the target groups of the policy. In the debate that followed the presentation of the research, the Council adopted motions calling for independent complaint handling and dismissal as a starting point after

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<sup>93</sup> KPMG Advisory N.V. (2020). *Rapportage verwerking van risicosignalen voor toezicht Belastingdienst (No. IUC20-673)*. KPMG Advisory N.V. <https://open.overheid.nl/documenten/ronl-42970d17-d8b9-41d6-aa8f-d0cc52ab97c8/pdf>

<sup>94</sup> Omlo, J., et al. (2022). *Eerste aanwijzingen voor institutioneel racisme bij toezicht en handhaving door boa's*. Sociale Vraagstukken. <https://www.socialevraagstukken.nl/eerste-aanwijzingen-voor-institutioneel-racisme-bij-toezicht-en-handhaving-door-boas/>

<sup>95</sup> Fermin, A. et al. (2022). *Institutioneel racisme bij de gemeente Utrecht?: Een verkennende studie naar processen van uitsluiting op vier beleidsterreinen*. Bureau Omlo. <https://www.bureauomlo.nl/wp-content/uploads/2022/02/Rapport-Institutioneel-racisme-gemeente-Utrecht.pdf>

discriminatory acts.<sup>96</sup> Motions to conduct in-depth research and to recognize institutional racism at the municipality in Utrecht were not passed. As far as is known, this type of research has not been carried out in other cities in the Netherlands or disseminated as a good practice.

- “Equal justice”: A parliamentary inquiry into legislators’ ability to counter discrimination.<sup>97</sup> During this research, Controle Alt Delete was heard as an expert. Among other things, we called attention to the adverse effects of the new VOG law. The president of the committee stated: “Therefore, when parliament reviews bills, that should be the main touchstone: Equal justice!”

## Are disaggregated data by ethnic or racial origin collected in your country to assess trends and patterns of institutional racism?

This question is answered with the knowledge of a well-known data scientist at the University of Utrecht and a former PhD researcher of Movisie.

Disaggregated data is being collected in the *Basisregistratie Personen* (BRP, in English: Personal Records Database). Collecting disaggregated data is an essential step towards understanding and addressing structural and institutional racism. However, in the Netherlands, this data is not being used to assess the impact of policies and develop targeted interventions to promote equality and combat discrimination and/or structural and institutional racism. Keeping records of ethnicity is prohibited in the Netherlands, but a person’s nationalit(y)(ies), place of birth and the place of birth of their parents are stored in the BRP. The government in the Netherlands uses that data to determine to which ethnic group a person belongs.

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<sup>96</sup> Gemeenteraad Utrecht. (2022). *Debat raadsbrief rapportage onderzoek institutioneel racisme*. Gemeente Utrecht. <https://utrecht.bestuurlijkeinformatie.nl/Agenda/Index/031716a9-643c-48a9-abc5-8928cb966de6#0ffd1d73-5583-430b-918b-66c0d4875a03>

<sup>97</sup> Eerste Kamer der Staten-Generaal. (2021). *Parlementaire onderzoekscommissie effectiviteit antidiscriminatiewetgeving*. Eerste Kamer Der Staten-Generaal. <https://www.eerstekamer.nl/commissies/poc#p1>

Over the years, different terms have been used to refer to groups of people. In the 1970s, the terms “foreigners” or “guest workers” were used. Later, the terms “migrants” and “minorities” were adopted. Subsequently, the terms “autochthonous” (native) and “allochthonous” (not native) came into use. In addition, the Central Bureau for Statistics (CBS) distinguished between a ‘Western’ and ‘non-Western’ background. This categorization is only known in the Netherlands; it does not exist in other countries. ‘Western’ refers to people from Europe (excluding Turkey), North America, Oceania, Japan and Indonesia. People from Turkey, African continent, Latin America, Asia (excluding Japan and Indonesia), Suriname, the (former) Netherlands Antilles are considered ‘non-Western’. This categorization has little to do with geography. That indicates that other factors such as race and ethnicity play a role. As the *Wetenschappelijke Raad voor Regeringsbeleid* (WRR, in English: Scientific Council for Government Policy) wrote in 2016, it is “not the geography of the country of origin, but the predominantly ‘white’ characteristics of the migrants” that is ultimately the deciding factor. From 2016, CBS decided to change the terminology to “migration background”. This still distinguished between people with a ‘western’ or ‘non-western’ migration background. In 2022, CBS abandoned these terms. The new terms became ‘child of migrant(s)’ and ‘migrant’. We have critically spoken out against this new terminology and called on CBS to choose terms that center on Dutch citizenship. For ethnocultural groups, we proposed to use the hyphen model: country of origin–Dutch.<sup>98</sup> Think, for example, of Surinamese–Dutch, Turkish–Dutch, Moroccan–Dutch, Curaçaoan–Dutch, Polish–Dutch, or German–Dutch. The same is possible with religious groups: for example, Jewish–Dutch, Christian–Dutch, and Islamic–Dutch.

The data collected is categorized by Central Statistical Office (CBS) and used to create statistics about society. Using these data, reports have been published in recent decades about the labor market, social security, the criminal justice system, sports, healthcare and all other aspects of society, in which attention is also paid to the differences between people with and without a migration background. For example, we know that people with a migration background are more likely than people without a migration background to: have a lower income, receive benefits, use healthcare, and be in prison. Studies are also being conducted that are specifically aimed at

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<sup>98</sup> Abdoelhafiezkhan, D, Yilmaz, C (2022). *Waarom deelt het CBS grote groepen Nederlanders wederom in als ‘de Ander’?* NRC. <https://www.nrc.nl/nieuws/2022/02/20/stop-met-hokjesfetisjisme-a4092035>

investigating and combating possible unequal treatment. An example is the investigation into unequal treatment of juvenile suspects and inequality of opportunity in education.<sup>99</sup>

So yes, disaggregated data by ethnic or racial origin are collected and used to assess trends and patterns of structural/institutional racism. These data help to map inequality but are also used to reinforce the negative image of people with a migration background. Based on this data, the leader of the extreme-right and anti-immigrant party PVV can say, for example, that two-thirds of all welfare support go to people with a migration background.<sup>100</sup> Data on race, as used by the police, also add to reinforcement of the negative image of people with a migration background. The budget allocation for the Dutch police is partly based on the amount of people with a migrant background in that area.<sup>101</sup> According to a spokesperson for the Ministry of Justice and Security, work is being done to adjust the way in which funds are distributed. Another instance in which data are used by government to target a specific group is the so-called 'Top 400' in Amsterdam; there, the municipality and police target youngsters when they come forward as a high risk in an algorithm.<sup>102</sup> These young people are profiled based on factors such as their family background and/or the neighborhoods. A coalition consisting of Bits of Freedom, PILP, Controle Alt Delete, scientist Fieke Jansen, and filmmaker Nirit Peled opposes this approach through film,<sup>103</sup> research,<sup>104</sup> and strategic litigation.<sup>105</sup>

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<sup>99</sup> Verwey-Jonker Instituut. (2021). *Kansenongelijkheid in het onderwijs*. <https://www.verwey-jonker.nl/publicatie/kansenongelijkheid-in-het-onderwijs/>

<sup>100</sup> Keim, M. (2018). *FactCheck: 'Tweederde van alle bijstandsuitkeringen gaat naar allochtonen.'* Factory. <https://factory.fhj.nl/factcheck-tweederde-van-alle-bijstandsuitkeringen-gaat-naar-allochtonen/>

<sup>101</sup> Controle Alt Delete. (2023). *Racistisch budgetverdeelsysteem van politieagenten in Nederland*. Controle Alt Delete. <https://controlealtdelete.nl/articles/racistisch-budgetverdeelsysteem-van-politieagenten-in-nederland#gsc.tab=0>

<sup>102</sup> Controle Alt Delete. (2022). *Top400-aanpak is discriminerend*. Controle Alt Delete. <https://controlealtdelete.nl/articles/top400-aanpak-is-discriminerend#gsc.tab=0>

<sup>103</sup> Nirit, P. (2022). *Moeders* [documentary]. VPRO. <https://www.2doc.nl/documentaires/2022/11/moeders.html>

<sup>104</sup> Jansen, F. (2022). *A top-down crime prevention strategy in Amsterdam*. PILP. [https://pilp.nu/wp-content/uploads/2023/10/Top400\\_topdown-crime-prevention-Amsterdam.def\\_.pdf](https://pilp.nu/wp-content/uploads/2023/10/Top400_topdown-crime-prevention-Amsterdam.def_.pdf)

<sup>105</sup> Bits of Freedom. (2024). *Als de gemeente Amsterdam niet stopt met illegale surveillance, stappen we naar de rechter*. Bits of Freedom. <https://www.bitsoffreedom.nl/2024/06/05/als-de-gemeente-amsterdam-niet-stopt-met-de-top400-stappen-we-naar-de-rechter/>

In the municipality of Breda, the police and the municipality cooperate in a so-called 'area-oriented approach.' Municipalities use a wide variety of indicators to detect fraud or criminality. This project was uncovered by research journalists from Follow the Money and Lighthouse Reports. They wrote: "Based on indicators and information exchange, addresses were visited where possible benefit fraudsters live or where social problems occur. The indicators for Breda are not known, but they could include the level of water consumption, possession of a market permit or whether you are a single mother on social assistance."<sup>106</sup>

## What do you think has been the impact of these measures in terms of advancing equality and addressing structural racism?

Insofar as there are measures that (un)intentionally help against institutional racism, their impact cannot be assessed. The reason for this is that the nature, extent and consequences of (institutional) racism are simply not measured. A legislative test is mandatory when developing legislation. Possible discriminatory effects can also be examined as part of that legislative test.<sup>107</sup>

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<sup>106</sup> Schot, E. & Davidson, D. (2024). *Gemeente Breda kijkt in 'probleemwijk' steeds verder achter de voordeur van burgers en negeert waarschuwing toezichthouder*. Follow the Money. <https://www.ftm.nl/artikelen/breda-arme-wijken-data-criminaliteit-bestrijden-wantrouwen>

<sup>107</sup> Rijksoverheid. (2024). *Kenniscentrum voor beleid en regelgeving*. Rijksoverheid. <https://www.kcbr.nl/beleid-en-regelgeving-ontwikkelen/beleidskompas/achtergrond-beleidskompas/verplichte-kwaliteitseisen/uitvoerbaarheid-en-handhaafbaarheid-uh/uitvoeringsanalyse#Uitvoeringsanalyse>

### 3. INSTITUTIONAL PRACTICES, PROCEDURES, SOCIAL BEHAVIOURS, AND ATTITUDES

What are the main historical and societal factors that are still “unresolved” and are affecting the lives of racial minorities and immigrants in your country?

The answers of several (emeritus) professors have been combined to answer this question.

The Netherlands has a complex historical context that continues to have an impact on the lives of marginalized communities. Some of the main historical and societal factors that are still unresolved and affect these communities include Trans-Atlantic slave trade, colonial legacy, World War I/II period and migration history.

The impact of the Dutch past can be seen in various aspects of current society and culture. A few general examples are:

- Socio-economic disparities that persist in the present. The exploitation of colonies and enslaved labor has led to wealth accumulation and economic development in the Netherlands, while former colonies and enslaved individuals faced impoverishment and economic disadvantage.
- People of African, Asian, and Indigenous descent, as well as immigrants from former colonies face prejudice, bias, and unequal treatment in various spheres of life, including education, employment, housing, and the criminal justice system.
- Until today there are still racial hierarchies, issues of integration, cultural erasure and intergenerational trauma.

Specific examples are:



- Extinction policy (closing or reducing the number) of caravan sites of Roma, Sinti and Travelers. According to Roma, Sinti and Travelers, this policy threatens their culture and traditions.<sup>108</sup>
- Moluccan districts are at intervals cordoned off by police when a larger incident occurs because they are seen as a potentially violent group.<sup>109</sup> This doesn't happen in other districts with a high population of people of color.
- 100% checks by Customs at Schiphol Airport are used to counter drugs smugglers. In a specific regulation, it is indicated that flights to the Netherlands, or with a stopover in the Netherlands, are considered high-risk flights if they originate from: Suriname, Venezuela, Curaçao, Aruba, Bonaire, Sint Maarten.<sup>110</sup> Apart from Venezuela, these are all former colonies.
- AOW in Dutch is short for *Algemene Ouderdomswet*, the National Old Age Pensions Act. The AOW-gap refers to a hole in the AOW coverage of people with a Surinamese background. This concerns over 30,000 elderly people who moved from Suriname to the Netherlands. They only started building up their AOW in the Netherlands. Despite being born under the Dutch flag, as Suriname was a colony of the Netherlands until 1975, this group did not accumulate AOW in Suriname. Due to the way the AOW system is designed, they did not accrue AOW rights for the years they lived in Suriname before moving to the Netherlands. A change in the law in 2012 exacerbated the issue, causing elderly people to receive a significantly lower pension and lose up to hundreds of euros per month. In 2023, the government decided to grant EUR 5,000 to people belonging to this specific group.<sup>111</sup>

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<sup>108</sup> Van Raalte, J. (2024). *Den Haag moet meer woonwagenvlekkens realiseren. 'Dit is discriminatie'*. Trouw.

<https://www.trouw.nl/binnenland/den-haag-moet-meer-woonwagenvlekkens-realiseren-dit-is-discriminatie~b41ae3d8/>

<sup>109</sup> Groenendijk, M. (2021). *Buurt verontwaardigd over politieoptreden in Leerdam: 'Het was enorm machtsvertoon'*. Algemeen Dagblad <https://www.ad.nl/rivierenland/buurt-verontwaardigd-over-politie-optreden-in-leerdam-het-was-enorm-machtsvertoon~ac1a5e93/>

<sup>110</sup> Overheid.nl. (n.d.). *Aanwijzingsregeling risicovluchten*. Overheid.nl.  
<https://wetten.overheid.nl/BWBR0041086/2018-07-01>

## Are the racialized groups/communities advocating for specific practices? If so, which ones? (please describe)

Yes, racialized groups/communities are advocating for specific practices. Around the same time, several marginalized communities drafted a manifesto with concrete recommendations to those with final responsibility, in governmental and other public organizations, to counter (institutional) racism against the group in question to provide them with relevant information on which policy reinforcements are necessary. The manifestos were made with the aim to provide end-responsible parties with a concrete plan of action on the one hand, and on the other hand to give the affected community and stakeholders tools to put issues on the agenda and monitor them. More information about the manifestos can be found in the accompanying footnotes: The Black Manifesto,<sup>111</sup> the Jewish Manifesto<sup>112</sup> and the manifestos related to anti-Muslim Racism,<sup>113</sup> anti-Asian racism<sup>114</sup> and anti-Ziganism (in the making). The specific practices advocated for by these communities and groups have been described in the answer to the question 'How should the law be (re-)formulated to address structural racism and promote equality?'.

## What are the most common forms of institutional racism in your country?

In 2022, Movisie developed a guide for municipalities for preventing and combating five specific forms of structural/institutional racism.<sup>115</sup> The handbook was created in cooperation with (self-) organizations from various communities through feedback from concerned municipal officials. Each of these forms of racism has its own history, dynamics and characteristics. The guideline

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<sup>111</sup> Zwart Manifest. (2022). <https://zwartmanifest.nl/>

<sup>112</sup> Joods Manifest. (n.d.) <https://joodsmanifest.nl/>

<sup>113</sup> Emcemo. (2020). *Manifest tegen Islamofobie*. Emcemo. <https://emcemo.nl/?p=558>

<sup>114</sup> Asian Raisins. (2023). *Coalitie tegen anti-Aziatisch racisme geeft aanbevelingen op vijf thema's om systemisch anti-Aziatisch racisme te bestrijden*. <https://asianraisins.nl/eerste-overhandiging-agenda-tot-manifest-beleidsversterkingen-anti-aziatisch-racisme/>

<sup>115</sup> Asante, A. et al. (2018). *Geen ruimte voor discriminatie*. Movisie. <https://www.movisie.nl/sites/movisie.nl/files/2022-07/geen-ruimte-voor-discriminatie-12-7-2022.pdf>

explains that it is important to be mindful of these specific characteristics and that in certain situations, it may actually be necessary to respond to the connection between these different forms. A group that is often not included in research and the debate on racism is people of Asian descent. Anti-Asian racism was not part of this guide either.

In the text below, we describe anti-Black racism, anti-Muslim racism, antisemitism, anti-Ziganism, anti-Asian racism and anti-Slavism.

## ANTI-BLACK RACISM

Institutional and specific anti-Black racism are systems and patterns of thought that have developed from a history of colonialism, imperialism, and slavery, and they still influence the way people act and think today.<sup>116</sup> Institutional racism resulting from the legacy of slavery is also known as anti-Black racism. This specific form of racism emphasizes physical characteristics such as skin color and ethnic origin. Anti-Black racism is a distinct form of racism and discrimination directed at people, groups, institutions, properties, establishments, and/or religious facilities of (perceived) African descent who are racialized as 'Black.' It pertains to groups of people from diverse cultures and with various ethnicities. Just as terms like Islamophobia, anti-Muslim racism, antisemitism, anti-Romani racism, anti-Asian racism, homophobia, and transphobia are used, anti-Black racism can be seen as a specific form of marginalization, oppression, and exclusion that affects Black people. Anti-Black racism is also referred to as 'Afrophobia'.<sup>117</sup> That term refers to the discrimination of the same group of people. These two terms can coexist. However, the 'phobia' in 'Afrophobia' specifically refers to fear, whereas the problem of anti-Black racism is broader and more complex. Therefore, in this report, we use the term anti-Black racism. Anti-Black racism can manifest both in institutional forms and in everyday forms.

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<sup>116</sup> Essed, P. & Hoving, I. (2014). *Dutch Racism*. Rodopi.

<sup>117</sup> Asante, A. et al (2022). *Geen ruimte voor discriminatie*. Movisie. <https://www.movisie.nl/publicatie/geen-ruimte-discriminatie>

In a report by the European Network Against Racism, dating from 2016, researchers conclude that anti-Black racism is a widespread problem in Europe.<sup>118</sup> Discrimination against Black people in the labor market is prevalent and occurs at all levels. Furthermore, Black students often experience anti-Black racism in educational institutions, including from teachers and staff. In addition, in various countries, the N-word is still regularly used in the media, and Black people are stereotypically portrayed as criminals or illegal migrants. Moreover, Black people in different EU member states, as well as in the Netherlands, also experience anti-Black racism in healthcare and the housing market. Black people are also more vulnerable to police violence and racial profiling. A report called 'Being Black in the EU', dating from 2023, confirms these findings.<sup>119</sup> On March 26, 2019, the European Commission adopted a resolution recognizing anti-Black racism and the fundamental rights of people of African descent. It also calls on EU member states to develop policies that improve the position of these groups.<sup>120</sup>

In the Netherlands, signals of anti-Black racism have also been known for years. To underline this, the Dutch government was present at the opening of the UN Decade for People of African Descent in the Netherlands.<sup>121</sup> The then-Minister Lodewijk Asscher spoke the following words: "Especially from a country that can be accused of lagging behind in abolishing slavery, it is to be expected that it will now lead the fight against racism and discrimination."<sup>122</sup>

The Netherlands Institute for Social Research (SCP) conducts periodic research on experiences of discrimination in the Netherlands. In its 2020 report, it is stated that among the surveyed

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<sup>118</sup> Nwabuzo et al. (2016). *Racism and discrimination in the context of migration in Europe*. European Network Against Racism. [https://www.enar-eu.org/wp-content/uploads/shadowreport\\_2015x2016\\_long\\_low\\_res.pdf](https://www.enar-eu.org/wp-content/uploads/shadowreport_2015x2016_long_low_res.pdf)

<sup>119</sup> European Agency for Fundamental Rights. (2023). *Being black in the EU*. European Agency for Fundamental Rights. <https://fra.europa.eu/en/publication/2023/being-black-eu>

<sup>120</sup> European Parliament. (2019). *Resolution of 26 March 2019 on fundamental rights of people of African descent in Europe 2018/2899(RSP)*. [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0239\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0239_EN.html)

<sup>121</sup> Secretary General. (2023). *Implementation of the International Decade for People of African Descent, speech from 18 augustus 2023*. United Nations.

<sup>122</sup> Kennisplatform Inclusief Samenleven. (2016). *Decennium voor mensen van Afrikaanse afkomst en prijsvraag gelanceerd*. Kennisplatform Inclusief Samenleven. <https://www.kis.nl/artikel/decennium-voor-mensen-van-afrikaanse-afkomst-en-prijsvraag-gelanceerd>

Surinamese and Antillean Dutch individuals, in 2018, 60% and 57% respectively reported experiencing discrimination based on their skin color, and 43% and 48% respectively based on their ethnic background.<sup>123</sup> This primarily involved negative treatment and unequal treatment. This experienced discrimination occurred in various areas, such as education, the labor market, the workplace, institutions, and (semi) public spaces.

A study found that 59% of the perpetrators of anti-Black racism have people in their surroundings who often speak negatively about Black Dutch individuals.<sup>124</sup> Within this group, 55% indicated that insulting 'jokes' about Black Dutch individuals are often made.

Anti-Black racism is scarcely recorded, and there is a lack of specific national and local policies to combat it, despite the EU resolution adopted in 2019 and several projects supported by the Ministry of Social Affairs within the framework of the UN Decade for People of African Descent.<sup>125</sup> The anti-discrimination service for the Amsterdam Region (MDRA) is the only anti-discrimination service in the Netherlands that registers anti-Black racism. Other anti-discrimination services, the police, and the Netherlands Institute for Human Rights do not. Registrations from MDRA show that approximately one-fifth of the discrimination reports concerns anti-Black racism.<sup>126</sup>

Examples are:

- Policy and instructions by law enforcement agencies aimed at Black Dutch people, for example: the extra scrutiny of Somalis regarding welfare fraud, which former State Secretary Rutte (the previous Prime Minister) called upon municipalities to do in 2003,

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<sup>123</sup> Andriessen et al. (2020). *Ervaren discriminatie in Nederland II*. Sociaal Cultureel Planbureau. <https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

<sup>124</sup> Wolff, R. et al (2021). *Discriminatie in context. Een onderzoek naar achtergronden oorzaken en triggerfactoren van discriminatie van Nederlanders van Afrikaanse herkomst door jongeren in Nederland*. Erasmus Universiteit Rotterdam/Risbo. <https://www.rijksoverheid.nl/documenten/rapporten/2021/08/09/discriminatie-in-context>

<sup>125</sup> Ministerie van Sociale Zaken en Werkgelegenheid. (2014). *Bijlage 2: het VN-decennium voor mensen van Afrikaanse afkomst*. Rijksoverheid. <https://zoek.officielebekendmakingen.nl/blg-610762.pdf>

<sup>126</sup> Polkamp, M. (2020). *Anti-zwart racisme in de regio Amsterdam*. Meldpunt Discriminatie Regio Amsterdam. <https://mdra.nl/anti-zwart-racisme-in-de-regio-amsterdam/>

and which the court in the city of Haarlem ruled as discriminatory and in violation of the constitution.<sup>127</sup>

- Data on the Dutch Childcare Support Scandal reveals that 70% of the victims have a migration background.<sup>128</sup> Caribbean-Dutch and Surinamese-Dutch individuals are relatively the most heavily affected. Data shows that compared to Dutch individuals without a migrant background, Caribbean-Dutch individuals are 32 times more likely to be victims. Research by the Dutch Data Protection Authority revealed that the Tax and Customs Administration conducted specific fraud investigations targeting Ghanaians from Amsterdam's Southeast Borough.<sup>129</sup> In their approach to combating fraud, various departments within the Tax and Customs Administration used racist terminology. For instance, they referred to "a nest of Antilleans," as if they were talking about animals, and also used the derogatory term "zwartjes" (a racial slur meaning "darkies").
- Until 2023, KMar used risk profiles such as the 'Nigerian money smuggler': fast-moving, well-dressed with a 'non-Dutch appearance'. This risk profile was the basis for the lawsuit filed by Amnesty International, Controle Alt Delete, anti-discrimination service RADAR, and two Black Dutch nationals (Mpanzu Bamenga and Robby Gobardhan) against the Dutch State. In 2023, the plaintiffs won their case in the Court of Appeal in The Hague: during checks, the KMar is no longer allowed to use race as a selection criterion.
- Chances of a prison sentence are bigger for Dutch citizens with a Caribbean background than for African Americans in the USA. Caribbean-Dutch youngsters are 10 times more likely to be put in prison in comparison to their indigenous peers,

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<sup>127</sup> Novum. (2007). *Rechter: Rutte zette aan tot rassendiscriminatie*. Trouw.

<https://www.trouw.nl/politiek/rechter-rutte-zette-aan-tot-rassendiscriminatie-bc40d2da/>

<sup>128</sup> Controle Alt Delete. (2022). *70 procent gedupeerden heeft migratieachtergrond*. Controle Alt Delete.

<https://controlealtdelete.nl/articles/70-procent-gedupeerden-heeft-een-migratieachtergrond#gsc.tab=0>

<sup>129</sup> Autoriteit Persoonsgegevens. (2020). *Werkwijze Belastingdienst in strijd met de wet en discriminerend*.

Autoriteit Persoonsgegevens. <https://autoriteitpersoonsgegevens.nl/actueel/werkwijze-belastingdienst-in-strijd-met-de-wet-en-discriminerend>

compared for the same type of crime.<sup>130</sup> The disproportion with which these groups are detained is even higher compared to than in the USA. An African American is 4 times more likely to be detained than a white American.

- Controle Alt Delete monitors how many deaths occur during or following contact with law enforcement. This includes deaths during arrests, transport and custody. One example displays great similarities between the arrest of the Dutch Tomy Holten and the George Floyd case.<sup>131</sup> Tomy died on March 14, 2020. The actions of the police show great similarities with the USA police: Tomy was also pressed face down on the ground for a long time while an officer was kneeling on his back/neck and another officer had a police shoe on his face.
- An event that receives a lot of media attention annually and serves as a recurring trigger for anti-Black racism is the Dutch tradition of *Sinterklaas* with *zwarte piet* (Black Pete). Every year, intense debates erupt around the *Sinterklaas* period, which can subsequently lead to or be accompanied by anti-Black racism. For example, a passerby shouted "Stupid Blacks" at anti-Zwarte Piet demonstrators,<sup>132</sup> and in The Hague, vandalism occurred<sup>133</sup> to multiple cars and the building where the activist group *Kick Out Zwarte Piet* (KOZP) was gathering at the time. Amnesty International deemed the ban on anti-Zwarte Piet protests in Rotterdam in 2016 as disproportionate, and the police conducted unlawful (violent) arrests.<sup>134</sup> In 2022,

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<sup>130</sup> Boon, A., Van Dorp, M. & De Boer, S. (2005). *Oververtegenwoordiging van jongeren met een migratieachtergrond in de strafrechtketen*. Tijdschrift Voor Criminologie, 3(60).

<https://doi.org/10.5553/TvC/0165182X2018060003001>

<sup>131</sup> Controle Alt Delete. (2020). *Is Tomy Holten onze George Floyd?* Controle Alt Delete.

<https://controlealtdelete.nl/articles/is-tomy-holten-onze-george-floyd#gsc.tab=0>

<sup>132</sup> Het Parool. (2019). *Zo verliepen de demonstraties rond de intocht*. Het Parool.

<https://www.parool.nl/nederland/zo-verliepen-de-demonstraties-rond-de-intocht-bb3fa2f2/>

<sup>133</sup> NOS. (2019). *Bijeenkomst actiegroep Kick Out Zwarte Piet met geweld verstoord; vijf aanhoudingen*. NOS.

<https://nos.nl/artikel/2309627-bijeenkomst-actiegroep-kick-out-zwarte-piet-met-geweld-verstoord-vijf-aanhoudingen>

<sup>134</sup> Amnesty International. (2016). *Rotterdam schond demonstratievrijheid*. Amnesty International.

<https://www.amnesty.nl/actueel/rotterdam-schond-demonstratievrijheid>

rioters<sup>135</sup> surrounded cars with KOZP demonstrators and Amnesty International observers on the A28 offramp to prevent them from reaching the demonstration at the *Sinterklaas* arrival party. The rioters held lit flares against the cars' windows, pelted them with several objects, and slashed one car's tires. It had the effect they were hoping for: the mayor of Staphorst decided to ban the demonstration. A well-known police scientist stated after this event that the police and mayor should have been better prepared for this escalation.<sup>136</sup> "We have known since Gouda in 2014<sup>137</sup>, and then Zaandam, Apeldoorn, the Friesland highway blockades<sup>138</sup> and Volendam that this is a sensitive and complicated case. Now the police are showing for the umpteenth time that the right to demonstrate apparently does not apply to everyone." The Inspectorate for Security and Justice investigated the actions of the police and concluded that the police were "not decisive and adequate enough" in their actions against the "rioters who attacked the protestors."<sup>139</sup>

- There are also many examples of labor market discrimination: job applicants with Black skin color are found to have a smaller chance of progressing through the initial stages of recruitment and selection than those who do not belong to these groups.<sup>140</sup>

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<sup>135</sup> Naber, C. (2022). *Relschoppers verhinderen Zwarte Piet-protest in Staphorst: politie start onderzoek, KOZP doet aangifte*. Algemeen Dagblad. <https://www.ad.nl/binnenland/relschoppers-verhinderen-zwarte-piet-protest-in-staphorst-politie-start-onderzoek-kozp-doet-aangifte~a86eb93b/>

<sup>136</sup> NL Times. (2022). *Staphorst City Council denounces violent blocking of anti-blackface protest*. NL Times. <https://nltimes.nl/2022/11/23/staphorst-city-council-denounces-violent-blocking-anti-blackface-protest>

<sup>137</sup> NL Times. (2014). *90 arrested in Gouda Zwarte Piet protest*. NL Times. <https://nltimes.nl/2014/11/16/90-arrested-gouda-zwarte-piet-protest>

<sup>138</sup> NL Times. (2017). *"White extremists" stop anti-blackface rally; Officials say Zwarte Piet protestors not welcome*. NL Times. <https://nltimes.nl/2017/11/18/white-extremists-stop-anti-blackface-rally-officials-say-zwarte-piet-protestors-welcome>

<sup>139</sup> Inspectie Justitie en Veiligheid (2023). *Politieoptreden bij de demonstratie van Kick Out Zwarte Piet in Staphorst*. Inspectie Justitie en Veiligheid. <https://www.inspectie-jenv.nl/Publicaties/rapporten/2023/11/02/politieoptreden-bij-de-demonstratie-van-kick-out-zwarte-piet-in-staphorst>.

<sup>140</sup> Thijssen, L., Coenders, M. & Lancee, B. (2020). *Ethnic Discrimination in the Dutch Labor Market: Differences Between Ethnic Minority Groups and the Role of Personal Information About Job Applicants—Evidence from a Field Experiment*. *Journal of International Migration and Integration*, 22(3), 1125–1150. <https://doi.org/10.1007/s12134-020-00795-w>



There are more explicit examples: an electronics company in Arnhem rejected an applicant for an intern vacancy for the following reason: 'dark-skinned Nigger'.<sup>141</sup> In this last example, the N-word was spelled out. The person who wrote this was summoned to court and sentenced for racial discrimination to 40 hours of community service.<sup>142</sup>

- Institutional anti-Black racism is also reflected in technological applications: a revolving door, soap dispenser, a self-driving car that does not respond to a person with Black skin color but does respond to a person with white skin color.<sup>143</sup> The most recent case in the Netherlands: a university's "anti-cheating software" did not recognize a student as a human because she is black. Black people are not involved in the development of such applications and are literally overlooked.
- In the sport stadiums, athletes are shouted at by spectators with racist words like: *n\*g\*r* (*n\*gger*), *KK-katoenplukker* (*cotton picker*) and *zwarte piet* (*Black Pete*) often combined with disease-based swear words.<sup>144</sup> Besides being shouted at, athletes also face lynching threats. For instance, Ajax fans have been caught on camera pretending to lynch a former player (Kenneth Vermeer).<sup>145</sup> The fans were brought to trial and sentenced for insulting and making a threat towards Vermeer and received a sentence of 60 hours of court-mandated community service.<sup>146</sup> They were not convicted for racial discrimination.

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<sup>141</sup> Algemeen Dagblad. (2013). *Racistische e-mail belandt bij sollicitant: "Is niks (neger)." Algemeen Dagblad.*

<https://www.ad.nl/tech/racistische-e-mail-belandt-bij-sollicitant-is-niks-neger~a75bf399/>

<sup>142</sup> Rechtbank Gelderland. (2014). *ECLI:NL:RBGEL:2014:5457.*

<https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBGEL:2014:5457>

<sup>143</sup> Defares, G. (2022). *Racisme in software: Hoogleraar Ghebreab waarschuwt er al jaren voor.* OneWorld.

<https://www.oneworld.nl/mensenrechten/racisme-in-software-hoogleraar-ghebreab-waarschuwt-er-al-jaren-voor/>

<sup>144</sup> Algemeen Dagblad. (2019). *Mendes Moreira: 'K-zwarte, k-neger, dat doet me erg veel pijn.'* Algemeen Dagblad. <https://www.ad.nl/nederlands-voetbal/mendes-moreira-k-zwarte-k-neger-dat-doet-me-erg-veel-pijn~ab44432e/>

<sup>145</sup> The Mirror. (2016). *Ajax fans lynched an effigy of a Feyenoord player on Sunday.* The Mirror.

<https://www.mirror.co.uk/sport/football/news/ajax-fans-lynch-effigy-feyenoord-7331127>

<sup>146</sup> Rechtbank Amsterdam. (2016). *ECLI:NL:RBAMS:2016:5666.*

<https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2016:5666>

- Denied entry to entertainment venues in Amsterdam<sup>147</sup>, Breda<sup>148</sup> and Eindhoven<sup>149</sup>.
- Certain (unconscious) processes and structures within institutions can also lead to unequal outcomes between Black individuals and other individuals, such as not being assigned a rental property due to negative stereotypes and prejudices.<sup>150</sup>
- Anti-Black racist messages can often be found on social media. A well-known example is the photo of a group of Black and dark-skinned players from the Dutch national football team in 2014, which received anti-Black racist reactions ranging from "All Black Petes" and "Where is the man in the mitre" to "FC Aap" (Aap means Monkey in English).<sup>151</sup>
- The "Anti-Black Racism White Paper" describes how the Childcare Benefits Scandal affected the Black community, how anti-Black racism affects Muslim communities, and how anti-Black racism manifests itself in the cultural sector.<sup>152</sup>
- In 2017, Dutch member of the House of Representatives Sylvana Simons was portrayed as *Black Pete* and as a naked black woman while a carnival number called "Oh Sylvana" played in the background.<sup>153</sup> Her face was also pasted over victims in what was clearly a representation of a Ku Klux Klan lynching.<sup>154</sup> During a broadcast of

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<sup>147</sup> AT5. (2017). "Mystery guests" leggen discriminatie bij uitgaan bloot. AT5.

[https://www.at5.nl/artikelen/166244/mystery\\_guests\\_leggen\\_discriminatie\\_bij\\_uitgaan\\_bloot](https://www.at5.nl/artikelen/166244/mystery_guests_leggen_discriminatie_bij_uitgaan_bloot)

<sup>148</sup> bnnvara Joop. (2016). Breda weert zwarte mannen uit kroeg: zijn nergens welkom. Bnnvara.

<https://www.bnnvara.nl/joop/artikelen/breda-weert-zwarte-mannen-kroeg-nergens-welkom>

<sup>149</sup> Krekels, J. (2019). Expats gediscrimineerd bij het uitgaan in Eindhoven. Eindhovens Dagblad.

<https://www.ed.nl/eindhoven/expats-gediscrimineerd-bij-het-uitgaan-in-eindhoven-aff1a86c/>

<sup>150</sup> Asante, A. et al. (2018). Geen ruimte voor discriminatie. Movisie.

<https://www.movisie.nl/sites/movisie.nl/files/2022-07/geen-ruimte-voor-discriminatie-12-7-2022.pdf>

<sup>151</sup> Algemeen Dagblad. (2014). Reacties op foto donkere jongens Oranje "diep triest." Algemeen Dagblad.

<https://www.ad.nl/nederlands-voetbal/reacties-op-foto-donkere-jongens-oranje-diep-triest~a5e28ec2/>

<sup>152</sup> Esajas, M., Gabriela, A. & Brotto, I. (2021). Zwart witboek: Actieonderzoek naar anti-zwart racisme in Amsterdam. The Black Archives. [https://www.theblackarchives.nl/uploads/1/0/1/2/101218760/witboek\\_anti-zwart\\_racisme\\_in\\_amsterdam\\_actieonderzoek\\_tba\\_10\\_maart\\_2021\\_1.pdf](https://www.theblackarchives.nl/uploads/1/0/1/2/101218760/witboek_anti-zwart_racisme_in_amsterdam_actieonderzoek_tba_10_maart_2021_1.pdf)

<sup>153</sup> NL Times. (2016). Hague councilor pressing discrimination charges over "Oh Sylvana" song. NL Times.

<https://nltimes.nl/2016/11/21/hague-councilor-pressing-discrimination-charges-oh-sylvana-song>

<sup>154</sup> NL Times. (2016). Man arrested for threatening video about black politician. NL Times.

<https://nltimes.nl/2016/11/23/man-arrested-threatening-video-black-politician>

a 'Football Inside' episode (a football program), commentator Johan Derksen compared Simons to a monkey.<sup>155</sup>

## ANTI-MUSLIM RACISM

Many terms are used to describe the exclusion of Muslims: islamophobia, Muslim hatred, anti-Muslim racism and Muslim discrimination. There has been much debate about these terms, for years. In this report we use the definitions of the Netherlands Institute for Human Rights. They define Muslim discrimination as the unjust unequal treatment of people with an Islamic religion, or of people who, based on their skin color, perceived 'race,' or ethnicity, are seen as Muslim.<sup>156</sup>

Islamophobia involves a mindset that expresses and fosters fear of Islam or Muslims. Muslims are problematized as a group and seen as a threat based on their religion. Anti-Muslim racism primarily concerns hatred or aversion towards Muslims. It is sometimes referred to as '(anti)Muslim hatred.' The term 'racism' is used because this aversion often targets a combination of someone's religion and ethnic background, as can be seen in the definition of the NIHR. For instance, someone might have a problem with 'people from Islamic countries' or discriminate against someone because of an 'Arabic-sounding last name.' In such cases, it is difficult to distinguish whether the perceived aversion is directed at someone's religion or ethnic background. Hatred and aversion towards Muslims in the Netherlands can manifest in behavior against individuals, but also against buildings such as mosques (arson, vandalism) and sacred texts (tearing pages from the Quran). European organizations like the European Coalition of Cities against Racism (ECCAR)<sup>157</sup> and the European Commission against Racism and Intolerance

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<sup>155</sup> NL Times. (2016). *Football analyst compares black politician to a monkey*. NL Times.

<https://nltimes.nl/2016/10/25/football-analyst-compares-black-politician-monkey>

<sup>156</sup> College voor de Rechten van de Mens. (2024). *Muslimdiscriminatie in Nederland*. College voor de Rechten van de Mens. <https://www.mensenrechten.nl/actueel/toegelicht/toegelicht/2024/muslimdiscriminatie-in-nederland>

<sup>157</sup> European Coalition of Cities Against Racism. (2022). *ECCAR Working Group on Anti-Muslim Racism*. ICCAR. <https://www.eccar.info/en/project/anti-muslim-racism-working-group>

(ECRI),<sup>158</sup> as well as grassroots organizations use the term anti-Muslim racism to highlight its institutional nature. Dutch government-funded research institute Movisie has adopted this terminology as well.<sup>159</sup>

Muslim discrimination is the unjust unequal treatment or hostile expressions towards Muslims due to their religion. Discrimination is the legal term used by the College for Human Rights, referring to behavior that is legally prohibited. They state that Islamophobia and anti-Muslim racism or Muslim hatred can be seen as causes or sources of the behavioral phenomenon of Muslim discrimination. Legally establishing Muslim discrimination does not necessarily require proving intent. This means that discrimination exists even if it was not intended to be discriminatory.

For over twenty years, the debate surrounding Islam and Muslims in the Netherlands has been intense and polarized. The ban on face-covering clothing, alleged anti-democratic tendencies in Islamic education, foreign interference and financing of Islamic institutions, the refugee debate, and the training of imams on Dutch soil are just a selection of the themes that are part of the public and political discourse in the Netherlands on a weekly, if not daily, basis. Aside from the fervent debate, the Muslim community in the Netherlands faces various pressures. Research shows that many citizens with a non-migrant background have negative views about the presence of Muslims in the Netherlands.<sup>160</sup> In recent years, we have witnessed several public incidents of anti-Muslim racism in the Netherlands. These incidents varied in nature and severity, ranging from exclusion in the job and housing market to expressions of hatred and violence

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<sup>158</sup> European Commission against Racism and Intolerance. (2021). *Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination*. <https://rm.coe.int/ecri-general-policy-recommendation-no-5-revised-on-preventing-and-comb/1680a5db32>

<sup>159</sup> Movisie. (2022). *Hoe ga je anti-moslim racisme tegen?* Movisie. <https://www.movisie.nl/sites/movisie.nl/files/2022-07/anti-moslim-racisme-220720.pdf>

<sup>160</sup> Huijnk, W. et al. (2015). *Werelden van verschil: Over de sociaal-culturele afstand en positie van migrantengroepen in Nederland*. Sociaal en Cultureel Planbureau. [https://repository.scp.nl/bitstream/handle/publications/535/Werelden\\_van\\_verschildef.pdf?sequence=1](https://repository.scp.nl/bitstream/handle/publications/535/Werelden_van_verschildef.pdf?sequence=1)

against Muslims. Examples include a pig's head deposited at mosques<sup>161</sup> and a Muslim woman who was assaulted by two men, who pulled the niqab off her head and beat her up.<sup>162</sup>

Republiek Allochtonië published a factsheet on Muslim hatred and Muslim discrimination in September 2023.<sup>163</sup> They provided the following information for this publication:

- According to the most recent SCP study on experienced discrimination, 69% of Dutch Muslims experienced discrimination in 2019.<sup>164</sup>
- Research on the stigmatization and discrimination of Muslims in Utrecht shows that about two-thirds of those who experience Muslim discrimination encounter it on the street or in public spaces.<sup>165</sup> Muslim discrimination is also frequently experienced in the labor market (52%), online (51%), in shops and markets (40%), on public transportation (32%), and in education (24%). Additionally, the media and politics were often mentioned. This research also highlights that non-Muslims can be victims of Muslim discrimination.
- A preliminary survey conducted as part of the Fourth Monitor on Muslim Discrimination revealed that 69% of Dutch Muslim citizens experience discrimination.<sup>166</sup> Three-quarters of respondents had encountered some form of discrimination in the labor market due to their (perceived) Islamic faith. Labor market discrimination against Muslims occurs to a similar extent during job applications, in the workplace, and in career advancement to

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<sup>161</sup> Algemeen Dagblad. (2013). 'Varkenskop neergelegd bij moskee in Boskoop'. Algemeen Dagblad.

<https://www.ad.nl/binnenland/varkenskop-neergelegd-bij-moskee-in-boskoop~afbfa29e/>

<sup>162</sup> Elshout, D. (2014). *Belaagde moslima Eindhoven wil weg uit Nederland*. BN De Stem.

<https://www.bndestem.nl/overig/belaagde-moslima-eindhoven-wil-weg-uit-nederland~a0b4517d/>

<sup>163</sup> Republiek Allochtonië. (2023). *Factsheet moslimhaat en moslimdiscriminatie*. Republiek Allochtonië.

<https://www.republiekallochtonie.nl/blog/feiten/factsheet-moslimhaat-en-moslimdiscriminatie>

<sup>164</sup> Andriessen, I. et al. (2020). *Ervaren discriminatie in Nederland II*. Sociaal Cultureel Planbureau.

<https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

<sup>165</sup> Omlo & Butter. (2020). *Utrecht is ook mijn stad*. Bureau Omlo en Ewoud Butter.

<https://www.bureauomlo.nl/wp-content/uploads/2020/07/Utrecht-is-mijn-stad.-Cijfers-en-verhalen-over-discriminatie-en-stigmatisering-van-moslims-in-Utrecht.-Een-verkennende-studie.-.pdf>

<sup>166</sup> Butter, Van Oordt, Van der Valk. (2021). *Monitor moslimdiscriminatie, vierde rapportage*.

<https://ewoudbutter.files.wordpress.com/2021/05/vierde-rapportage-opgemaakt-def.pdf>

higher positions. Only a small minority of respondents who experienced discrimination reported it to the police or an anti-discrimination service.

Research (dating from 2017) on public attitudes based on a sample of nearly 4,000 young Dutch people further reveals that 30% of participating boys and 15 % of girls hold negative views about Muslims.<sup>167</sup> Approximately 5%, 880,000 individuals, of the Dutch population are Muslim.<sup>168</sup> People who are not Muslims but are perceived as such by others can also experience anti-Muslim racism.

From the various studies mentioned above on experienced Muslim discrimination, as well as the research on racism at the Ministry of Foreign Affairs,<sup>169</sup> a consistent picture emerges: Muslims regularly encounter different forms of discrimination and exclusion at work, at school, on the street, or elsewhere. These experiences include aggressive, direct, and conscious forms of discrimination, as well as subtle, indirect, and sometimes unconscious remarks or expressions, making Muslims feel that they still do not belong. They are often seen as 'non-Dutch,' 'the other,' a 'fifth column,' or a 'threat to our (Western) way of life.' A relatively large number of Dutch (perceived) Muslims feel they constantly have to prove their 'worthiness,' their loyalty to the Netherlands, and their acceptable views on issues like terrorism, (homo)sexuality, gender relations, Israel, Erdogan, etc.

Various studies show that everyday experiences of discrimination and hatred have a profound impact on the daily lives and well-being of Dutch Muslims. More information on this subject can

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<sup>167</sup> Van Wonderen, R. & Van Kapel, M. (2017). *Oorzaken en triggerfactoren moslimdiscriminatie in Nederland*. Verwey-Jonker Instituut. <https://www.verwey-jonker.nl/wp-content/uploads/2020/07/116024-Oorzaken-en-triggerfactoren-moslimdiscriminatie-30-juni-WEB-2.pdf>

<sup>168</sup> Centraal Bureau voor de Statistiek. (2021). *Welk geloof hangen we aan?* Centraal Bureau voor de Statistiek. <https://longreads.cbs.nl/nederland-in-cijfers-2021/welk-geloof-hangen-we-aan/>

<sup>169</sup> Omlo, J. et al. (2022). *Racisme bij het ministerie van Buitenlandse Zaken*. Bureau Omlo. <https://open.overheid.nl/repository/ronl-a7ef5ccebe37f2ef792eb693c1b79141119de6f8/1/pdf/racisme-verkenning-rapport-omlo.pdf>

be read in the publications by Meld Islamofobie.<sup>170</sup> Practically everyone who experiences Muslim discrimination has emotional reactions, often influencing behavior, ranging from hiding their Islamic identity to engaging in conversations or confrontations.

Several studies have been conducted in recent years on discrimination in recruitment and selection using field experiments. Researchers employ a ‘*situation test*,’ where they send nearly identical resumes to employers, with the only difference being the name or place of birth of the applicant, adjusted in a way that suggests either a person with a migrant background or a person without a migrant background. This way, researchers test whether individuals are rejected based on their migrant background in practice. This type of research shows that Muslims face discrimination in job applications: if the resume mentions a (perceived) Islamic country as the place of birth, the person is less likely to be invited for an interview compared to someone with the exact same resume who lists the Netherlands as their place of birth.<sup>171</sup> Furthermore, indications that the applicant is involved in the management of an Islamic organization significantly reduces their chances of being invited for a job interview, even if that experience is relevant to the position. Various field experiments also demonstrate discrimination against individuals with a migrant background, who are often Muslims, in the Dutch labor market. Research and reports focus on discrimination of Arabic-Named Applicants in the Netherlands,<sup>172</sup> ethnic discrimination on the Dutch labor market,<sup>173</sup> and labor market discrimination against Moroccan

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<sup>170</sup> Abaaziz. (2019). *Alledaagse islamofobie in Nederland, een verkennend onderzoek*. Meld Islamofobie.

[https://www.meldislamofobie.org/app/uploads/2019/09/Rapport-Meld-Islamofobie\\_Alledaagse-Islamofobie-in-Nederland\\_-def\\_27092019.pdf](https://www.meldislamofobie.org/app/uploads/2019/09/Rapport-Meld-Islamofobie_Alledaagse-Islamofobie-in-Nederland_-def_27092019.pdf)

<sup>171</sup> Di Stasio, V. et al. (2019). *Muslim by default or religious discrimination? Results from a cross-national field experiment on hiring discrimination*. Journal of Ethnic and Migration Studies, volume 47, issue 6.

<https://www.tandfonline.com/doi/full/10.1080/1369183X.2019.1622826>

<sup>172</sup> Blommaert, L. et al. (2013). *Discrimination of Arabic-Named Applicants in the Netherlands: An Internet-Based Field Experiment Examining Different Phases in Online Recruitment Procedures*. Social Forces 92(3):957–982.

[https://www.researchgate.net/publication/259369063\\_Discrimination\\_of\\_Arabic-Named\\_Applicants\\_in\\_the\\_Netherlands\\_An\\_Internet-Based\\_Field\\_Experiment\\_Examining\\_Different\\_Phases\\_in\\_Online\\_Recruitment\\_Procedures](https://www.researchgate.net/publication/259369063_Discrimination_of_Arabic-Named_Applicants_in_the_Netherlands_An_Internet-Based_Field_Experiment_Examining_Different_Phases_in_Online_Recruitment_Procedures)

<sup>173</sup> Thijssen, L. et al. (2019). *Etnische discriminatie op de Nederlandse arbeidsmarkt*. Mens & Maatschappij, volume 94, no 2. <https://www.bramlancee.eu/wp-content/uploads/2019/07/ThijssenCoendersLancee2019.pdf>

communities in the Netherlands and Spain.<sup>174</sup> Other research showed employers still discriminate, but less than before.<sup>175</sup>

Discrimination of individuals with a migrant background has also been objectively demonstrated in the housing market: the discrimination in housing rental monitor by Art.1 and RADAR reveals, among other findings, that men and women with a 'Moroccan-sounding name' have a lower chance of receiving an invitation to view a house than a housing seeker with a Dutch-sounding name.<sup>176</sup>

Examples of institutional anti-Muslim racism include structural discrimination and exclusion in the housing market, within the Dutch police force, or within the military.<sup>177</sup> Researchers of Movisie state, amongst others, that when a company structures recruitment and selection processes in a way that allows personal preferences and biases to have a significant influence, it can be considered institutional racism. Healthcare providers, for instance, those who wear a headscarf, also experience discrimination and racism in their work.<sup>178</sup>

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<sup>174</sup> Del Pilar González Ramos, M. et al. (2019). *Labour market discrimination against Moroccan minorities in the Netherlands and Spain: a cross-national and cross-regional comparison*. Journal of Ethnic and Migration Studies 47(4):1-24.

[https://www.researchgate.net/publication/334023609\\_Labour\\_market\\_discrimination\\_against\\_Moroccan\\_minorities\\_in\\_the\\_Netherlands\\_and\\_Spain\\_a\\_cross-national\\_and\\_cross-regional\\_comparison](https://www.researchgate.net/publication/334023609_Labour_market_discrimination_against_Moroccan_minorities_in_the_Netherlands_and_Spain_a_cross-national_and_cross-regional_comparison)

<sup>175</sup> Panteia. (2020). *Werkgevers discrimineren nog steeds, maar minder dan eerst*. Panteia.

<https://archief.panteia.nl/nieuws/werkgevers-discrimineren-nog-steeds-maar-minder-dan-eerst/>

<sup>176</sup> Radar (2019). *Steekproef van Radar: Negentig procent van verhuurmakelaars discrimineert*. Radar.

<https://radar.avrotros.nl/artikel/steekproef-van-radar-negentig-procent-van-verhuurmakelaars-discrimineert-radar-checkt-31934>

<sup>177</sup> Felten, H. et al. (2017). *Wat werkt in de aanpak van institutioneel racisme: Een literatuuronderzoek*.

Kennisplatform Inclusief Samenleven. [https://www.kis.nl/sites/default/files/2022-06/wat\\_werkt\\_in\\_de\\_aanpak\\_van\\_institutioneel\\_racisme-def.pdf](https://www.kis.nl/sites/default/files/2022-06/wat_werkt_in_de_aanpak_van_institutioneel_racisme-def.pdf)

<sup>178</sup> Stomp, O. (2021). *Amper beleid over tegengaan discriminatie in de zorg*. Movisie.

<https://www.movisie.nl/sites/default/files/beheer/movisies-2021-03/26/>



Anti-Muslim hatred targets not only individuals but also Muslim buildings. Since the 1970s, there have been cases of arson, vandalism, and destruction of mosques.<sup>179</sup> The perpetrators are often anonymous, but in recent years, they have increasingly operated from small radical or extreme right-wing groups. The number of incidents of aggression against mosques varies greatly from year to year. In the Fourth Monitor on Muslim Discrimination, it is concluded that the number of incidents per year has decreased compared to the peak in 2015–2016, but it remains higher than before 2015.<sup>180</sup> The aggression targets both existing mosques and those under construction.

Muslims have faced discrimination by the public administration in various ways in recent years. An aspect of the Childcare Benefits Scandal was that a donation to a mosque could result in individuals being placed on a secret blacklist. Those on the blacklist were subjected to stricter scrutiny by the tax authority.<sup>181</sup> In 2021, NRC revealed that at least ten Dutch municipalities had secretly investigated mosques in their cities. With funds provided by the National Coordinator for Counterterrorism and Security (NCTV), they hired the private research firm NTA, which – without revealing their identity – spoke with visitors, administrators, and imams.<sup>182</sup> The managing director of NTA has been made responsible for the national approach to dealing with racism within the police since 2023.<sup>183</sup> This is problematic because the managing director of NTA cooperated with

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<sup>179</sup> Republiek Allochtonië. (2019). *Haatincidenten gericht tegen moskeeën. Historisch overzicht en update van de lijst (november 2019)*. Republiek Allochtonië.

<https://www.republiekallochtonie.nl/blog/achtergronden/haatincidenten-gericht-tegen-moskeeen-historisch-overzicht-en-update-van-de-lijst-november-2019>

<sup>180</sup> Butter, E., Van Oordt, R. & Van der Valk, I. (2021). *Monitor moslimdiscriminatie, vierde rapportage*. Ewoud Butter, Roemer van Oordt en Ineke van der Valk. <https://ewoudbutter.files.wordpress.com/2021/05/vierde-rapportage-opgemaakt-def.pdf>;

<sup>181</sup> Controle Alt Delete (2022). *Etnisch en religieus geladen risicoprofielen bij Belastingdienst*. Controle Alt Delete. <https://controlealtdelete.nl/articles/etnisch-en-religieus-geladen-risicoprofielen-bij-belastingdienst#gsc.tab=0>

<sup>182</sup> Kouwenhoven, A., Rosenberg, E. & Van der Poel, R. (2021). *Undercover naar de moskee: geheim onderzoek naar islamitische organisaties*. NRC. <https://www.nrc.nl/nieuws/2021/10/15/undercover-naar-de-moskee-hoe-gemeenten-al-jaren-een-bedrijf-inhuren-om-heimelijk-islamitische-organisaties-te-onderzoeken-a4061964>

<sup>183</sup> Controle Alt Delete (2023). *Controle Alt Delete last 'pauze' in gesprekken met de politie*. Controle Alt Delete. <https://controlealtdelete.nl/articles/controle-alt-delete-last-pauze-in-gesprekken-met-de-politie#gsc.tab=0&gsc.sort=>

a practice of secret and unlawful surveillance, in which people were viewed as potential terror suspects based on their religion.

In 2023, it was revealed that not only NTA was conducting secret research; the Ministry of Social Affairs also conducted secret research on Muslims.<sup>184</sup> Hundreds of Muslims are unjustly listed on a secret terrorism list. As a result, they cannot travel freely as they risk being detained. According to the Minister of Security and Justice, people that experience this must resolve this issue themselves.<sup>185</sup> One of the people involved in all these investigations was senior civil servant Dick Schoof. He was the head of the NCTV and, in that capacity, the responsible manager for the secret investigation of mosques. Regarding Islamic schools, he said at the time: “At those schools, children are raised against our democratic constitutional state and thus as potential terrorists.”<sup>186</sup> Schoof then became the Secretary-General (SG), the highest civil servant, of the Ministry of Security and Justice. In this role, he was responsible for leaving people who were unjustly on a terrorism list to their own devices. Dick Schoof just became the new Prime Minister of the Netherlands in 2024.<sup>187</sup>

Examples:

- Muslim women being harassed by Islamophobes.<sup>188</sup> Dutch Muslim women are being attacked by Islamophobes without any reason. Two people were doused with beer at Amsterdam Central Station. An editor of the *Kleurrijke Lijst* was verbally abused in a

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<sup>184</sup> NOS (2023). *Ministerie van Sociale Zaken betreurt geheim onderzoek naar moslims en moskeeën*. NOS.

<https://nos.nl/artikel/2491097-ministerie-van-sociale-zaken-betreurt-geheim-onderzoek-naar-moslims-en-moskeeën>

<sup>185</sup> Rubio, I. (2023). *Nederlandse burgers die onterecht op geheime terreurlijst staan, moeten het zelf oplossen*.

Algemeen Dagblad. <https://www.ad.nl/binnenland/nederlandse-burgers-die-onterecht-op-geheime-terreurlijst-staan-moeten-het-zelf-oplossen~aafecd39/>

<sup>186</sup> NOS. (2024). *NOS journaal van dinsdag 28 mei*. NOS. [https://npo.nl/start/serie/nos-journaal-20-00-uur/seizoen-61/nos-journaal\\_93650/afspelen](https://npo.nl/start/serie/nos-journaal-20-00-uur/seizoen-61/nos-journaal_93650/afspelen)

<sup>187</sup> NOS (2024). *Topambtenaar Dick Schoof (ex-AIVD, ex-NCTV) kandidaat-premier*. NOS.

<https://nos.nl/artikel/2522197-topambtenaar-dick-schoof-ex-aivd-ex-nctv-kandidaat-premier>

<sup>188</sup> Joop.nl. (2015). *Moslima's belaagd door islamhaters*. Joop.nl. <https://www.bnnvara.nl/joop/artikelen/moslima-s-belaagd-door-islamhaters>

supermarket. A Muslim woman was denied access to public transportation. Another one received insults on the street and then a condescending finger wag from someone came to help. On Facebook, there are increasingly more stories about outbursts of Islamophobia after the Charlie Hebdo incident in Paris, France.

- The anti-Islam group Pegida placed a banner and two puppets at the As-Soennah mosque in The Hague on a weekday in the morning.<sup>189</sup> The insulting messages on the banner read: 'Prophet Mohamed child molester' and 'The Quran = poison'
- The far-right anti-Muslim movement Pegida wanted to destroy the "fascist" Quran during a demonstration in Eindhoven.<sup>190</sup>
- Research dating from 2020 showed that job applicants with a Muslim background are 40% less likely to be invited for a job interview.<sup>191</sup> A more recent report confirmed these findings and concluded that discrimination in the job market is a daily reality for many Muslim women.<sup>192</sup>
- In internships, young people with a surname that suggests a migrant background have a lower chance of receiving an invitation.<sup>193</sup>
- Applicants face rejection based on their (perceived) Muslim identity. Muslim women wearing hijab are rejected much more frequently in job interviews compared to women without a migration background, but also more frequently than Muslim women who do not wear a hijab.<sup>194</sup>

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<sup>189</sup> Algemeen Dagblad. (2019). *Kwetsend spandoek en twee poppen bevestigd aan Haagse moskee*. Algemeen Dagblad. <https://www.ad.nl/buitenland/kwetsend-spandoek-en-twee-poppen-bevestigd-aan-haagse-moskee~ac465fd0/>

<sup>190</sup> Studio 040. (2021). *Pegida wil 'fascistische' koran vernietigen tijdens demonstratie in Eindhoven*. Studio 040. <https://studio040.nl/nieuws/artikel/pegida-wil-fascistische-koran-vernietigen-tijdens-demonstratie-in-eindhoven>.

<sup>191</sup> Van der Schier, M. (2020). *Discriminatie op de arbeidsmarkt? Dit zijn de cijfers*. Algemeen Dagblad. <https://www.ad.nl/werk/discriminatie-op-de-arbeidsmarkt-dit-zijn-de-cijfers~a31e53d0/>

<sup>192</sup> Blommaert, L. et al. (2024). *Verkenning arbeidsmarktdiscriminatie moslima's*. Radboud Universiteit. <https://www.tweedekamer.nl/downloads/document?id=2024D23005>

<sup>193</sup> Andriessen, I. et al. (2021). *Ongelijke kansen op de stagemarkt*. Verwey Jonker Instituut. <https://www.verwey-jonker.nl/artikel/mbo-studenten-stagediscriminatie/>

<sup>194</sup> De Jong, S. (2022). *Islamitische vrouwen met hoofddoek vaker afgewezen voor baan*. NRC. <https://www.nrc.nl/nieuws/2022/07/25/met-hoofddoek-vaker-afgewezen-voor-baan-a4137314>

- During a religious lesson at Leiden's Visser 't Hoofd Lyceum, a state school, students were required to complete an anti-Islamic writing assignment.<sup>195</sup>
- There was a decade-long smear campaign against the Haga Lyceum in Amsterdam (Islamic school) by the minister of Education and the mayor of Amsterdam. Eventually, the Council of State, the highest administrative court in the Netherlands, ruled in favor of the Haga Lyceum.<sup>196</sup>
- (Perceived) Muslims are denied entry to entertainment venues in Amsterdam,<sup>197</sup> Breda<sup>198</sup> and Eindhoven.<sup>199</sup>
- Chances of a prison sentence are bigger for Dutch citizens with a Moroccan background than for African Americans in the USA. Moroccan-Dutch youngsters are 12 times more likely to be put in prison in comparison to their indigenous peers.<sup>200</sup> The disproportion with which these groups are detained is even higher compared to than in the USA. African Americans are 4 times more likely to be detained than white Americans.
- The Anti-Money Laundering and Anti-Terrorist Financing Act (Wwft) requires financial institutions, such as banks, notaries, real estate agents, and lawyers, to investigate the sources of their clients' funds and report unusual transactions. An unintended effect of this law is that Muslims are being profiled. In 2024, it was revealed that Muslims are

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<sup>195</sup> Metro Nieuws. (2020). *Ophef over anti-islam opdracht op school: 'Islamofobie vanaf jonge leeftijd opgedrongen'*. Metro Nieuws. <https://www.metronieuws.nl/in-het-nieuws/binnenland/2020/11/ophef-over-anti-islam-opdracht-op-school-islamofobie-vanaf-jonge-leeftijd-opgedrongen/>

<sup>196</sup> Nederlands Dagblad. (2020). *'Het is over. Het Haga krijgt gelijk.'* Nederlands Dagblad. <https://www.nd.nl/nieuws/politiek/950638/-het-is-over-het-haga-krijgt-gelijk->

<sup>197</sup> AT5. (2017). *'Mystery guests' leggen discriminatie bij uitgaan bloot.* AT5. [https://www.at5.nl/artikelen/166244/mystery\\_guests\\_leggen\\_discriminatie\\_bij Uitgaan\\_bloot](https://www.at5.nl/artikelen/166244/mystery_guests_leggen_discriminatie_bij Uitgaan_bloot)

<sup>198</sup> Joop.nl. (2016). *Breda weert zwarte mannen uit kroeg: zijn nergens welkom.* Joop.nl. <https://www.bnnvara.nl/joop/artikelen/breda-weert-zwarte-mannen-kroeg-nergens-welkom>

<sup>199</sup> Eindhovens Dagblad. (2019). *Expats gediscrimineerd bij het uitgaan in Eindhoven.* Eindhovens Dagblad. <https://www.ed.nl/eindhoven/expats-gediscrimineerd-bij-het-uitgaan-in-eindhoven-aff1a86c/>

<sup>200</sup> Boon, A., Van Dorp, M. & De Boer, S. (2018). *Oververtegenwoordiging van jongeren met een migratieachtergrond in de strafrechtketen.* Tijdschrift voor Criminologie 2018 (60) 3.

discriminated against by banks.<sup>201</sup> The NCDR commissioned a brief literature review on Muslim discrimination.<sup>202</sup> In a newspaper article, he highlighted the structural discrimination of Muslims by banks and other financial institutions as a result of this law.<sup>203</sup> He also warned of a new benefits scandal.

- Analysis shows that Dutch newspapers predominantly depict veiled Muslim women from abroad. These are usually women living in war zones, women who are fleeing, women who are victims of a disaster or some form of oppression, or women who are victims (or sometimes perpetrators) of terrorist acts.<sup>204</sup> Another study on Muslim women in the ANP image database shows that these photos provide a one-sided portrayal of Muslim women: almost all Muslim women are depicted wearing a headscarf or a niqab and are almost always photographed outdoors (often shopping) and mostly suggesting a passive demeanor.<sup>205</sup>

## ANTI-ZIGANISM

Anti-Ziganism and discrimination against Sinti and Roma are visible in expressions and behavior towards Sinti and Roma, as well as institutional policies and practices of marginalization, exclusion, physical violence, devaluation of Sinti and Roma cultures and lifestyles, and hate speech directed towards Sinti and Roma and other individuals and groups who have historically

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<sup>201</sup> NOS. (2024). *Klanten ervaren discriminatie door banken, minister noemt het 'zeer ernstig'*. NOS.

<https://nos.nl/artikel/2522070-klanten-ervaren-discriminatie-door-banken-minister-noemt-het-zeer-ernstig>

<sup>202</sup> College voor de Rechten van de Mens. (2024). *Discriminatie door financiële instellingen veelvoorkomend probleem zonder gerichte maatregelen: wat gaat er mis en wat moet er gebeuren?* College voor de Rechten van de Mens. <https://www.mensenrechten.nl/actueel/toegelicht/toegelicht/2024/discriminatie-door-financiele-instellingen-veelvoorkomend-probleem-zonder-gerichte-maatregelen>

<sup>203</sup> Ghaemina, S. (2023). *'Nieuw toeslagenschandaal' ontstaat in de omgang van banken met moslims*. Trouw. <https://www.trouw.nl/religie-filosofie/nieuw-toeslagenschandaal-ontstaat-in-de-omgang-van-banken-met-moslims-b5689b20>

<sup>204</sup> Yüksel, C. & Butter, E. (2022). *Moslima's in kranten; een verkennend onderzoek naar foto's van gesluierde moslima's in Nederlandse kranten*. Ewoud Butter. <https://ewoudbutter.nl/2022/10/31/moslimas-in-kranten-een-verkennend-onderzoek-naar-fotos-van-gesluierde-moslimas-in-nederlandse-kranten/>

<sup>205</sup> Yüksel, C. & Butter, E. (2020). *'Moslima'. Een onderzoek naar de representatie van moslima's in de beeldbank van het ANP*. Ewoud Butter. <https://ewoudbutter.files.wordpress.com/2020/10/onderzoek-moslimas-in-beeldbank-anp-def.pdf>

and continue to be perceived, stigmatized, or persecuted as 'gypsies'. This leads to the treatment of Sinti and Roma as an assumed foreign group and associates them with a range of pejorative stereotypes and distorted images that represent a specific form of racism. These marginalized communities have a centuries-long history of persecution, exclusion, and discrimination. Recognition for the suffering endured by these groups during World War II received little attention for a long time. In recent years, there has been an increase in attention, but the current treatment of Sinti and Roma has not improved. In the Netherlands there are an estimated 8.000 – 22.000 Roma and Sinti.

The Netherlands Institute for Social Research (SCP) conducts (periodic) research on experiences of discrimination in the Netherlands. In that research, anti-Ziganism is not included as a separate category.

The Fundamental Rights Agency (FRA), the European Agency for Fundamental Rights, has conducted research on discrimination against Sinti and Roma in various countries, including the Netherlands.<sup>206</sup> The 2019 findings show that Sinti and Roma face discrimination when searching for employment, in the workplace, in education, in healthcare, and in housing – both in the search for rental or purchase properties (Roma) and in finding a designated spot for a mobile home (especially Sinti). Many Sinti and Roma express reluctance to mention their family name and/or ethnic background due to concerns of rejection, for example, in job applications. A staggering 43% of Sinti and Travelers in the Netherlands have experienced hate-motivated intimidation (such as offensive remarks in public or online). However, 92% did not report the latest incident they experienced to the authorities. Furthermore, the Fundamental Rights Agency (FRA) research shows that in the Netherlands, 1 in 3 people feel (very) uncomfortable with the idea of having Roma neighbors (31 %). In 2022 the FRA specifically called for governmental organizations to improve quality of life, enhance job opportunities and improve educational prospects.<sup>207</sup>

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<sup>206</sup> Fundamental Rights Agency. (2019). *Roma, Sinti en Reizigers in Nederland*. Fundamental Rights Agency.  
<https://fra.europa.eu/nl/publication/2020/roma-and-travellers-six-countries-country-sheets>

<sup>207</sup> Fundamental Rights Agency. (2022). *Fundamental Rights Report 2022*. Fundamental Rights Agency.  
<https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022>

A recent report from KIS on 'The Social Position of Sinti and Roma in the Netherlands' reveals that the social inclusion of Sinti and Roma in the Netherlands is still lagging behind.<sup>208</sup> Sinti and Roma are underrepresented in higher education, have relatively low labor market participation, and experience discrimination in various areas. This issue is not only present in the Netherlands but also in other European countries, despite Roma being the largest ethnic minority in Europe. In the Netherlands, Sinti and Roma experience discrimination within the education system regarding school advice and finding internships.<sup>209</sup> Sinti and Roma children are said to have relatively fewer educational opportunities than other children and are more likely to be unnecessarily placed in special education or referred to such programs.

#### Examples:

- Stigmatizing portrayals in children's books. In the book *Kinderroof of zigeunerroof?* Jean Kommers describes erroneous and stereotypical images about "gypsies" that appear in children's books.<sup>210</sup> See also the overview with examples published by the International Institute of Social History (IISH): Gypsy life in Dutch children's books from 1825 to 1990;
- Media reports that include stereotypical statements, use undesirable terminology ("Gypsies") or paint a one-sided picture of Sinti and Roma;<sup>211</sup>
- The European Court of Human Rights<sup>212</sup> and the National Ombudsman<sup>213</sup> ruled (2017) that the "extinction policy" for caravan sites followed in municipalities is

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<sup>208</sup> Kennisplatform Inclusief Samenleven. (2023). *De maatschappelijke positie van Sinti en Roma in Nederland*. Kennisplatform Inclusief Samenleven. <https://www.kis.nl/publicatie/de-maatschappelijke-positie-van-sinti-en-roma-nederland-nieuw-rapport-en-infographic>

<sup>209</sup> Seidler, Y. et al. (2020). *Monitor Sociale Inclusie (meting 4) Derde vervolgmeting naar de woon- en leefomstandigheden Roma en Sinti in Nederland*. Erasmus Universiteit Rotterdam/Risbo. [https://www.kis.nl/sites/default/files/2022-06/risbo\\_monitor\\_sociale\\_inclusie\\_2019.pdf](https://www.kis.nl/sites/default/files/2022-06/risbo_monitor_sociale_inclusie_2019.pdf)

<sup>210</sup> Kommers, J. (1993). *Kinderroof of zigeunerroof?* Van Arkel, J.

<sup>211</sup> Lucassen, L. (2010). *Vijf misverstanden over de Roma*. Republiek Allochtonië. <https://www.republiekallochtonie.nl/blog/achtergronden/vijf-misverstanden-over-de-roma>

<sup>212</sup> ECtHR (2016). *Factsheet on evictions and expulsions*. ECtHR. <https://rm.coe.int/1680656fe8>

<sup>213</sup> Blaakman, M. et al. (2017). *Woonwagenbewoner zoekt standplaats*. Nationale Ombudsman. <https://www.nationaleombudsman.nl/system/files/bijlage/DEF%20Rapport%202017060%20Woonwagenbewoner%20zoekt%20standplaats.pdf>

discriminatory and should be abolished. Municipalities must ensure that people have a chance of getting a pitch within a reasonable period of time.

- After a ten-year battle, The Association *Sinti, Roma and Woonwagbewoners Nederland* succeeded in putting an end to the extinction policy for caravan sites. However, hardly any places have been added since then. Although more than 2,000 people are waiting for a caravan pitch, only about 100 new places have been realized in the last two years.<sup>214</sup> Municipalities were ordered by the state in 2018 to realize more places, but a poll of municipalities shows that little has happened.
- In 2024, The Hague's court ruled in a groundbreaking decision that the municipality of The Hague discriminates against caravan dwellers based on race.<sup>215</sup> Lawyers from PILP and Houthoff represented clients in this case. There are insufficient pitches, the court ruled, and the municipality has not created any new pitches for 25 years. This ruling has far-reaching consequences for all municipalities in the Netherlands. They will also have to build additional pitches.
- In 2024, a report commissioned by the NCDR investigated the lack of caravan sites and places. It found that in five years, fewer than 50 new places have been added, while the need is at least 4,000.<sup>216</sup>

## ANTISEMITISM

Antisemitism is a societal issue that affects both Jews and non-Jews. Members of the Jewish community in the Netherlands are at risk of being attacked while engaging in Jewish cultural and religious festivities, visiting kosher restaurants, or walking in the street wearing a yarmulke. However, slurs containing the word 'Jew' are also used against non-Jews, particularly individuals

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<sup>214</sup> Olde Hanhof, B. (2020). *Woonwagbewoners moeten lang wachten op standplaats*. NOS.

<https://nos.nl/artikel/2350797-woonwagbewoners-moeten-lang-wachten-op-standplaats>

<sup>215</sup> Rechtbank Den Haag. (2024). *ECLI:NL:RBDHA:2024:7830*.

<https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2024:7830>

<sup>216</sup> Teodorescu, D., De Vries, F. & Van Kan, A. (2024). *Van uitsterf- naar uitstelbeleid: Woonwagbewoner zoekt nog steeds standplaats*. Nationaal Coördinator tegen Discriminatie en Racisme.

<https://www.bureauncdr.nl/documenten/kamerstukken/2024/04/08/verkennd-onderzoek-woonwagstandplaatsen-roma-en-sinti>



holding public positions such as police officers, public officials, train conductors, and teachers, for example. Antisemitism, the formal term for hatred against Jews, is still present. Antisemitic chants can still be heard at football matches, Jewish graves are desecrated, and during the COVID-19 pandemic, old and new conspiracy theories about Jews were actively shared.<sup>217</sup>

There are an estimated 50.000 Jews living in the Netherlands. Combating antisemitism is a collective responsibility of the government, civil society organizations, and all citizens. Although the Jewish community in the Netherlands is relatively small, the government recognizes a problem that requires a comprehensive societal approach. As of April 1, 2021, a National Coordinator for Combating Antisemitism (NCAB) has been appointed to provide broad advice on streamlining efforts to combat antisemitism.<sup>218</sup> The role of the NCAB is primarily to identify, connect, coordinate, and advise. Jewish identity is typically inherent to an ethnicity, making antisemitism comparable to racism. It is a widespread misconception that antisemitism is intolerance towards religion or that all Jews are religious.

Antisemitism takes various forms. In recent years, conspiracy theories have stood out among the online spread of hate messages and antisemitic sentiments. For example, there have been recent conspiracy theories about white depopulation, 'The Great Replacement', and its relation to an Jewish elite manipulating things behind the scenes.<sup>219</sup> This latter conspiracy theory was also heard in COVID-19 debates and during anti-lockdown demonstrations. Several studies recorded various forms of antisemitism, including verbal abuse, physical violence, vandalism, and anti-Semitic remarks in public debates, on social media, and during public gatherings. These expressions occur at a personal level and sometimes at an institutional level as well.

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<sup>217</sup> Grapperhaus, F. (2020). *Speech minister Grapperhaus bij viering Chanoeka van de Maccabi-vereniging Nederland*. Rijksoverheid. <https://www.rijksoverheid.nl/documenten/toespraken/2020/12/13/speech-minister-grapperhaus-bij-viering-chanoeka-van-de-maccabi-vereniging-nederland>

<sup>218</sup> Nationaal Coördinator Antisemitismebestrijding. (2022). *Werkplan*. Nationaal Coördinator Antisemitismebestrijding. <https://www.ncab.nl/documenten/publicaties/2022/5/27/werkplan>

<sup>219</sup> Dirk Moses, A. (2019). "White Genocide" and the Ethics of Public Analysis. *Journal of Genocide Research*.

The following information has been compiled with input from the Consultative Body of Jews, Christians, and Muslims (OJCM), the Center for Information and Documentation on Israel (CIDI), and the Anne Frank Foundation.

The problem of Antisemitism has existed for a long time and has a long tradition in Europe. It has roots in Christianity – since the early Middle Ages – and since the 19th century, it has also emerged in racist ideologies as a threat to the purity of the “Aryan race”. Since the establishment of the state of Israel in 1948, hatred towards Jews has been intertwined with aversion towards the state of Israel and its policies towards Palestinians. These, too, are forms of institutional antisemitism to varying degrees. For example, it manifests when institutions such as schools or sports clubs fail to intervene when slurs containing the word “Jew” are used, or when the Holocaust, literally meaning “destruction,” is not addressed due to the potential for intense discussions. Discriminatory and antisemitic remarks made in parliament or a municipal council can also be regarded as institutional racism. For instance, consider antisemitic comments made by politicians in the House of Representatives or in the media.

Not everyone, however, subscribes to the analysis that hatred against Jews is inherently linked to aversion towards the state of Israel. Two international sources, also referenced in the Netherlands, present a different and more nuanced analysis. JFREJ published a report titled ‘Understanding Antisemitism’ in 2017.<sup>220</sup> In this report, they critically address the occupation of Palestinian territories and the oppression of Palestine, while also stating, “It is not anti-Jewish to denounce oppressive acts committed by Jews,” and “We must criticize Jews who support the oppression of Palestinians on the same terms and by the same standards that we hold for all oppressors the world over—we are enraged because of what they do, not by who they are.” A similar analysis is presented in the Jerusalem Declaration On Antisemitism.<sup>221</sup> In examining expressions related to the Israel-Palestine conflict, they recommend distinguishing between antisemitic and non-antisemitic statements (refer to sections B and C of the Declaration).

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<sup>220</sup> JFREJ (2017). *Understanding Antisemitism: an offering to our movement*. JFREJ. <https://jfrej-web-assets.nyc3.digitaloceanspaces.com/JFREJ-Understanding-Antisemitism-November-2017-v1-3-2.pdf>

<sup>221</sup> The Jerusalem Declaration On Antisemitism. (2020). <https://jerusalemdeclaration.org/>

The Netherlands Institute for Social Research (SCP) conducts periodic research on experiences of discrimination in the Netherlands. In their 2020 report, the researchers refer to the 2018 data on antisemitism from the Fundamental Rights Agency (FRA), as the number of Jewish respondents was too small to draw generalizations. The FRA study revealed that 35% of the surveyed Jews in the Netherlands reported experiencing some form of negative treatment or verbal threats in the preceding months due to their Jewish identity. This primarily included personally targeted offensive or threatening remarks, as well as offensive gestures, inappropriate staring, and offensive comments on the internet. The FRA study also found that 27% of Dutch Jews felt discriminated against based on religion or belief in the previous twelve months, and 13% due to their ethnic background. Furthermore, the study showed that 90% of the Dutch Jewish respondents felt that antisemitism has (strongly) increased in the past five years.

Against the background of all this is, there has been a discussion about how antisemitism should be defined. In June 2017, the European Parliament called on all European countries to adopt the IHRA working definition<sup>222</sup>. However, this definition is subject to debate because it does not make a clear distinction between antisemitism and criticism of the State of Israel. The Dutch organization Another Jewish Sound therefore called on the House of Representatives not to use the IHRA definition.<sup>223</sup> This was not listened to: a majority in the House of Representatives adopted a motion calling for the definition of the International Holocaust Remembrance Alliance (IHRA) to be adopted.<sup>224</sup> It is unclear to what extent the use of this new definition led to a clarification of antisemitism and a strengthening of its approach.

On October 7, 2023, Hamas launched an attack on Israel. Hamas killed 1,200 Israelis. Additionally, 240 people were abducted to Gaza. In response, the Israeli army entered Gaza. At the time of writing, seven months after the entering of Gaza, at least 35,000 Gazans have been killed by the

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<sup>222</sup> European Parliament. (2017). *European Parliament resolution of 1 June 2017 on combating antisemitism (2017/2692(RSP))*. European Parliament. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0243+0+DOC+PDF+V0//EN>

<sup>223</sup> Hamburger, J (2020). *IHRA-definitie, waarom Nederland hem niet moet overnemen*. Een Ander Joods Geluid. <https://www.eajg.nl/ihra-definitie-waarom-nederland-hem-niet-moet-overnemen/>

<sup>224</sup> Tweede Kamer der Staten-Generaal. (2020). *Motie van het lid Bisschop, 35 570 VI nr. 70*. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2020Z22987&did=2020D48580>

army, including an unknown number of fighters and thousands of women and children. According to the United Nations, in Gaza in early 2024, life-saving healthcare was on the verge of collapse<sup>225</sup> as hospitals were destroyed and there was famine<sup>226</sup> as a result of Israel blocking the import of humanitarian aid. The UN Special Rapporteur on the human rights situation in the Occupied Palestinian Territories recently stated that there are now reasonable grounds to assume that Israel is committing genocide in Gaza.<sup>227</sup> Israel's military actions also led to civilian demonstrations in the Netherlands. The slogan 'from the river to the sea, Palestine will be free' was used, among other things. This statement is not punishable in the Netherlands. The House of Representatives has adopted a motion calling for this statement to be made a punishable offense because it would incite violence and promote the destruction of Israel.<sup>228</sup>

Examples are:

- Destruction or damage such as defacement of synagogues,<sup>229</sup> Jewish cemeteries<sup>230</sup> and Jewish monuments.<sup>231</sup> All have been targeted with acts of vandalism, including graffiti, damage to property, and desecration of graves.

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<sup>225</sup> UN News. (2024). *Lifesaving medical care collapsing under assault in Gaza: WHO*. United Nations. <https://news.un.org/en/story/2024/02/1146632>

<sup>226</sup> Associated Press. (2024). *The UN says there's 'full-blown famine' in northern Gaza. What does that mean?* Associated Press. <https://apnews.com/article/gaza-famine-world-food-program-israel-hamas-war-476941bf2dc259f85a706408b2a665ff>

<sup>227</sup> UN News (2024). *Rights expert finds 'reasonable grounds' genocide is being committed in Gaza*. United Nations. <https://news.un.org/en/story/2024/03/1147976>

<sup>228</sup> NOS (2023). *'From the river to the sea'-leus is geweldsoproep, vindt Kamermeerderheid*. NOS. <https://nos.nl/artikel/2495345-from-the-river-to-the-sea-leus-is-geweldsoproep-vindt-kamermeerderheid>

<sup>229</sup> Jonet.nl. (2022). *Synagoge-gebouw van Roermond doelwit van vandalisme*. Jonet.nl. <https://jonet.nl/synagoge-gebouw-van-roermond-doelwit-van-vandalisme/>

<sup>230</sup> Rijnmond. (2020). *Hakenkruis en leuzen gekalkt op Joodse begraafplaats in Dordrecht*. Rijnmond. <https://www.rijnmond.nl/nieuws/191609/hakenkruis-en-leuzen-gekalkt-op-joodse-begraafplaats-in-dordrecht>

<sup>231</sup> Frisart, R (2020). *Vandalen lijken tekeer gegaan bij joods monument in Baarn, 'aangifte volgt'*. De Gooi en Eemlander. [https://www.gooieneemlander.nl/cnt/dmf20200201\\_91512282?](https://www.gooieneemlander.nl/cnt/dmf20200201_91512282?)

- Defacement of a bridge with swastikas<sup>232</sup> and antisemitic slogans.<sup>233</sup>
- Far-right extremist demonstrations take place where antisemitism plays a role in their message, theme, or in expressions during the demonstration;<sup>234</sup>
- Some individuals, groups and even political party *Forum voor Democratie* (FvD) deny or downplay the Holocaust, spreading false narratives or revisionist theories aimed at minimizing or distorting the historical facts of the Holocaust.<sup>235</sup>
- Antisemitic conspiracy theories blaming Jews for various societal problems<sup>236</sup> or global events,<sup>237</sup> such as controlling the world economy or media, continue to circulate.
- Antisemitism is prevalent on social media platforms, where Jewish individuals and communities face hate speech, threats, and the dissemination of antisemitic tropes and stereotypes.<sup>238</sup>

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<sup>232</sup> Nesselaar, F (2023). *Brug in Gouda beklad met hakenkruizen: zoveelste teken van Jodenhaat dat opduikt in de stad*. Algemeen Dagblad. <https://www.ad.nl/gouda/brug-in-gouda-beklad-met-hakenkruizen-zoveelste-teken-van-jodenhaat-dat-opduikt-in-de-stad-a21876f9/>

<sup>233</sup> Joop.nl (2023). *Racisten projecteren neonazi-leuzen op Erasmusbrug tijdens jaarwisseling*. Joop.nl. <https://www.bnnvara.nl/joop/artikelen/racisten-projecteren-neonazi-leuzen-op-erasmusbrug-tijdens-jaarwisseling>

<sup>234</sup> Tierolf, B., Drost, L. & Van Kapel, M. (2018). *Zevende rapportage racisme, antisemitisme en extreemrechts geweld in Nederland*. Verwey Jonker Instituut. [https://www.verwey-jonker.nl/wp-content/uploads/2020/07/118004\\_Zevende\\_rapportage\\_racisme\\_antisemitisme\\_extreemrechts\\_geweld-2.pdf](https://www.verwey-jonker.nl/wp-content/uploads/2020/07/118004_Zevende_rapportage_racisme_antisemitisme_extreemrechts_geweld-2.pdf)

<sup>235</sup> Kanttekening. (2022). *FvD: debat over omvang Holocaust moet mogelijk zijn in Tweede Kamer*. Kanttekening. <https://dekanttekening.nl/nieuws/fvd-debat-over-omvang-holocaust-moet-mogelijk-zijn-in-de-tweede-kamer2/>

<sup>236</sup> NOS. (2022). *Antisemitismebestrijder: Baudet verspreidt oude antisemitische complottheorie*. NOS. <https://nos.nl/artikel/2437908-antisemitismebestrijder-baudet-verspreidt-oude-antisemitische-complottheorie>

<sup>237</sup> Vreeken, R. (2020). *Antisemitisme op sociale media groeit: 'Corona is de schuld van Joden en zionisten'*. Volkskrant. <https://www.volkskrant.nl/nieuws-achtergrond/antisemitisme-op-sociale-media-groeit-corona-is-de-schuld-van-joden-en-zionisten~b6b42528/>

<sup>238</sup> CIDI. (2022). *Social media spelen grote rol in antisemitisme*. CIDI. <https://www.cidi.nl/social-media-spelen-grote-rol-in-antisemitisme/>

- Anti-Jewish songs and chants in cities with professional football clubs (Rotterdam,<sup>239</sup> Utrecht,<sup>240</sup> The Hague,<sup>241</sup> Alkmaar<sup>242</sup> and others) that are not specifically directed against Jews, but against the soccer club Ajax.
- Windows of kosher restaurants have been smashed;<sup>243</sup>
- Jewish individuals face verbal insults, slurs, threats, and offensive comments based on their Jewish identity. In example, men wearing a yarmulke have been attacked;<sup>244</sup>
- Bullying Jewish families out of the neighborhood because of their Jewishness. For example, in the city of Hippolytushoef where a Jewish family was terrorized for almost 20 years with fireworks bombs and swastikas.<sup>245</sup>
- Jews are subjected to stereotypes in children's books such as being greedy, controlling, or manipulative, perpetuating harmful prejudices and biases.<sup>246</sup>

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<sup>239</sup> Frankenhuis, G., Vink, M. (2023). *Onderzoek OM na aangifte antisemitische leuzen bij Feyenoord: 'Bedreigend voor Joden'*. Telegraaf. <https://www.telegraaf.nl/sport/969509075/onderzoek-om-na-aangifte-antisemitische-leuzen-bij-feyenoord-bedreigend-voor-joden>

<sup>240</sup> Rijken, K. (2020). *FC Utrecht veroordeelt anti-Joodse leuzen voor bekerduel tegen Ajax*. Jonet.nl. <https://jonet.nl/fc-utrecht-veroordeelt-anti-joodse-leuzen-voor-bekerduel-tegen-ajax/>

<sup>241</sup> Roele, J. (2019). *Harde kern ADO bekladt stad met antisemitische leuzen*. Parool. <https://www.parool.nl/amsterdam/harde-kern-ado-bekladt-stad-met-antisemitische-leuzen~be38115b/>

<sup>242</sup> Plaatsman, M. (2023). *Ook burgemeester Alkmaar reageert op antisemitische koren AZ-supporters: "onacceptabel"*. Duinstreek Centraal. <https://duinstreekcentraal.nl/60137470-ook-burgemeester-alkmaar-reageert-op-antisemitische-koren-az-supporters-onacceptabel>

<sup>243</sup> Van der Heeden, D. (2018). *Koosjer restaurant HaCarmel in Amsterdam opnieuw mikpunt*. Algemeen Dagblad. <https://www.ad.nl/binnenland/koosjer-restaurant-hacarmel-in-amsterdam-opnieuw-mikpunt~a01ab351e/>

<sup>244</sup> Polak, A. (2021). *Man aangevallen in de trein. NS: keppel dragen niet slim*. Joods.nl. <https://www.joods.nl/2021/05/man-met-keppel-op-aangevallen-in-trein-ns-keppel-dragen-niet-slim/>

<sup>245</sup> RTL Nieuws. (2019). *Vuurwerkbommen en hakenkruizen: joods gezin al bijna 20 jaar geterroriseerd*. RTL Nieuws. <https://www.rtl.nl/nieuws/nederland/artikel/4898031/vuurwerkbommen-en-hakenkruizen-joods-gezin-al-bijna-20-jaar?redirect=rtlNieuws>

<sup>246</sup> Takken, W. (2023). *Sinistere stereotypen in jeugdboeken*. NRC. <https://www.nrc.nl/nieuws/2023/04/06/sinistere-stereotypen-in-jeugdboeken-a4161508>

- Soldiers in the Dutch army have made Nazi statements. Investigations into the presence of the extreme right within the military were sabotaged by the military.<sup>247</sup>

## ANTI-ASIAN RACISM

‘Racism is also what has not been said or is not seen’ is the title of an essay published in Dutch newspaper *De Volkskrant* in 2021. It was written by Pete Wu, who is a writer and journalist and one of the better-known Asian Dutch people in the Netherlands.<sup>248</sup> The title itself sums up the continued ignorance and invisibility regarding anti-Asian racism in the Netherlands and within Europe. Anti-Asian racism is so institutionalized that it is literally and visibly forgotten in any Dutch or European policy, research and within its discourse.

The turning point in visibility appears to have been the 2020 outbreak of the Covid-19 virus, which was accompanied by an explosion of racist and hate speech incidents against persons of Asian descent in the Netherlands. While anti-Asian racism is not a new phenomenon, social media, grassroots platforms, social movements like Black Lives Matter and other (sometimes) violent incidents of anti-Asian racism, among others, have made this issue more visible. These developments have not only contributed to increased visibility, but also increased awareness and progress when it comes to fighting anti-Asian racism in the Netherlands.<sup>249</sup> According to the Dutch Statistics Bureau, there are around 1.000.000 people with an Asian background in the Netherlands.

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<sup>247</sup> Berkhout, K., Kouwenhoven, A. & Rosenberg, E. (2023). *Hoe onderzoek naar nazi-uitingen binnen het leger werd gesaboteerd*. NRC. <https://www.nrc.nl/nieuws/2023/06/28/hoe-nazi-onderzoeken-binnen-het-leger-werden-gesaboteerd-a4168443>

<sup>248</sup> Wu, P. (2021). *Racisme is ook wat níét wordt gezegd en wat niet wordt gezien*. Volkskrant. <https://www.volkskrant.nl/columns-opinie/racisme-is-ook-wat-niet-wordt-gezegd-en-wat-niet-wordt-gezien~b810c1cb/>

<sup>249</sup> Kartosen-Wong, R. (2022). *Ook als Nederlands-Aziatische ‘modelminderheid’ heb ik last van racisme en machtsmisbruik*. Trouw. <https://www.trouw.nl/tijdgeest/ook-als-nederlands-aziatische-modelminderheid-heb-ik-last-van-racisme-en-machtsmisbruik~b1364ed17/>

Anti-Asian racism dates back to the early 1600 and finds its roots in the Dutch establishment of the VOC (Dutch East India Company) after the Dutch declared its independence from Spain. They started trading first of all with Mughal India, nowadays Afghanistan, then with South India and Bangladesh, and South Asia for cotton and silk. They continued their operations throughout Asia and went as far as Japan, including present-day Indonesia, Taiwan, Malaysia and Vietnam.<sup>250</sup> To enforce the power over their realm, the Dutch famously employed their divide and rule (conquer) strategy and did not hesitate to harshly enforce their authority by means of explicit cruelty; this includes genocides, like the Banda genocide in 1621 and the 1740 Batavia Massacre of the Chinese population. Establishment of negative images and stereotypes about Asians date back from this period and have been present since, in literature and in images.<sup>251</sup> Contrary to popular belief, anti-Asian racism is very much a Dutch and European problem.

The first Asians arrived in the Netherlands in early 1900: some Peranakan Chinese students. A high influx of Chinese sailors who were brought in as cheap labor followed around 1910, which made Chinese migrants some of the first migrants that entered Dutch society. This set off anti-Asian racism, with the Dutch calling this migrant group 'yellow peril', 'Asian plague', 'untrustworthy' and so on – derogatory words and slurs that hailed from colonial times and the VOC.<sup>252 253</sup>

As early as 1927, a motion on "The Chinese Question" was passed by the House of Representatives in response to reflections by then House of Representatives member Johan Brautigam. This requested the then government to set up a committee to investigate the "Chinese

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<sup>250</sup> Is geschiedenis (n.d.). *De oprichting van de VOC*. <https://isgeschiedenis.nl/nieuws/de-oprichting-van-de-voc#:~:text=In%201602%20werd%20in%20Middelburg,Hollandse%20handel%20met%20het%20oosten>

<sup>251</sup> Asian Raisins & PAC. (2023). *De agenda tot manifest tegen anti-Aziatisch racisme*. <https://pac.tv/wp-content/uploads/2023/05/agendaantiazatischracisme-v.-110523.pdf>

<sup>252</sup> Wubben, H. (1988). 'Chineez en ander Aziatisch ongedierte'. *Lotgevallen van Chinese immigranten in Nederland, 1911-1940*. Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden 103(2):286. [https://www.researchgate.net/publication/284782597\\_HJJ\\_Wubben\\_'Chineez\\_en\\_ander\\_Aziatisch\\_ongedierete'\\_Lotgevallen\\_van\\_Chinese\\_immigranten\\_in\\_Nederland\\_1911-1940](https://www.researchgate.net/publication/284782597_HJJ_Wubben_'Chineez_en_ander_Aziatisch_ongedierete'_Lotgevallen_van_Chinese_immigranten_in_Nederland_1911-1940)

<sup>253</sup> Dharmowijono, W. (2009). *Van koelies, klontongs en kapiteins : het beeld van de Chinezen in Indisch-Nederlands literair proza 1880-1950*. PhD thesis. <https://dare.uva.nl/search?identificatie=8e1738bd-e962-4d5b-b3ec-3c68bf2ce28f>



Problem". This committee justified razzias because of the Chinese 'plague' and organized deportations (but did not succeed as no one wanted to fund deportation).<sup>254</sup>

From the first time Asians arrived in the Netherlands, Asian people have been discriminated against and seen as 'the other', treated with much prejudice, lack of privileges and suppression, and little rights; they have been paid little and have mostly been treated unequally. With the arrival of Asian people 'the model minority myth' was also established in the Netherlands; a discourse in which the group was praised for being 'silent' and 'not creating fuss' compared to other migrant groups. However, it was never considered that Asians kept in line and tried to not stand out for existential survival reasons. In brief: the Asian community molded itself into 'silent generations' which spawned the model minority myth.<sup>255</sup>

This same 'model minority myth' has been at the heart of why discrimination and racism against Asians is not seen or even recognized. The claim that Asians are integrated (read: assimilated) and are an 'equal' part of the so-called dominant Dutch culture and society causes much inequality. Anti-Asian racism is substantial and can be found throughout society, institutions, and in daily life.

The fact is that there are at least 1,2 million Asian Dutch in the Netherlands excluding older generations. However, none of them are part of research or public discourse, for example members of the House of Representatives. Nor are Asian Dutch as a group ever made part of research, which means that the Dutch government excludes them for consideration while crafting policies. They are also discriminated against by institutions like the Dutch tax authorities. There is actually a blacklist of Asian (Chinese) listing them as frauds and within the authorities.<sup>256</sup> Older

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<sup>254</sup> Van Heek, F. (1936). *Chineesche immigranten in Nederland*. NV J. Emmering's Uitgevers Mij.

<https://www.delpher.nl/nl/boeken/view?coll=boeken&identifier=MMKB06:000008620:00022>

<sup>255</sup> Kartosen-Wong, R. (2018). *Gastcolumn: 'Aziatische Nederlanders. Het zijn net mensen'*. Volkskrant.

<https://www.volkskrant.nl/columns-opinie/gastcolumn-aziatische-nederlanders-het-zijn-net-mensen~b4dd8391/>

<sup>256</sup> Roelofs, R. (2022). *Nederland fraudeland*. 2Doc. <https://www.2doc.nl/documentaires/2022/01/nederland-fraudeland.html>

Chinese immigrants in the Netherlands are socially vulnerable.<sup>257</sup> To improve access to Dutch healthcare, including mental healthcare, providers should pay more attention to issues such as communication barriers, including knowledge about the right to care.<sup>258</sup> Institutionalized racism against Asians is reflected in for example research calls that ‘forget’ to include Asians into research, for example the MPG call, of which the present study is a part, not listing anti-Asian racism as an example of institutionalized racism.

Within explicit racism Asians within the Netherlands report to be subject to investigations by for example customs, as there is a prejudice that Asians ‘smuggle’ all kinds of ‘illegal’ materials, money or exotics.<sup>259</sup> There are also instances of physical assaulted in public by bystanders such as, for example: 16-year-old Yanii who was kicked in the head in the city of Zaandam, and in the city of Tilburg, 24-year-old Cindy who was beaten in such a way that she suffered a concussion and lost consciousness, after which her body was also cut with a knife (source: information from the legal support team of the Pan Asian Collective).

Microaggressions are daily, subtle, intentional, and often unintentional questions, remarks, jokes or behavioral actions that showcase bias and prejudice. The lack of acknowledgement and understanding about microaggressions and the continuous structural exclusion is a form of social domination that has a negative impact systemically. They are just as harmful or can be even more than other forms of racism. Asians have created coping strategies that are mostly more harmful due to the model minority myth. On a daily basis, Asian Dutch have to deal with for example “you Asians don’t have opinions”, “so what do you think about China?”, “Asians don’t experience racism”, and so forth.

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<sup>257</sup> Cheung, S. (2022). *Family, health, and wellbeing: the lives of Chinese immigrants in the Netherlands* (thesis).

Groningen universiteit. <https://research.rug.nl/en/publications/family-health-and-wellbeing-the-lives-of-chinese-immigrants-in-th>

<sup>258</sup> Liu, J. (2014). *Thesis*.

<https://dspace.library.uu.nl/bitstream/handle/1874/301927/Liu.pdf?sequence=1&isAllowed=y>

<sup>259</sup> Kartosen-Wong, R (2022). *Ook als Nederlands-Aziatische ‘modelminderheid’ heb ik last van racisme en machtsmisbruik*. Trouw. <https://www.trouw.nl/tijdgeest/ook-als-nederlands-aziatische-modelminderheid-heb-ik-last-van-racisme-en-machtsmisbruik~b1364ed17/>

In the Netherlands, there are grass root organizations like Pan Asian Collective and Asian Raisins that work together in creating more awareness for Asian Dutch perspectives and understanding about Asian racism. Pan Asian Collective started the 'We are not viruses' petition, art 12 Sv procedures and campaigns and formed an anti-Asian racism alliance within the Netherlands. This alliance organized #StopAsianHate manifestations on March 27<sup>th</sup> and April 10<sup>th</sup>, 2020, where hundreds of Asian Dutch and allies gathered on the Museumplein in Amsterdam.

In May 2023, an agenda for a manifesto on combating anti-Asian racism was presented to the National Coordinator against Discrimination and Racism (NCDR).<sup>260</sup> The manifesto outlines policy enhancements against anti-Asian racism and recommendations against systemic anti-Asian racism across five themes. The agenda aims to increase knowledge about Asians in the Netherlands, raise awareness about the existence of anti-Asian racism, and provides tools regarding relevant themes and challenges at hand.

Examples are:

- The song 'Hanky Panky Shanghai' used in primary schools in the Netherlands stems from persistent and racist stereotypes.<sup>261</sup>
- Asians face racial slurs, derogatory comments, or offensive jokes targeting their ethnicity or appearance. Often Asians experience micro-aggressions such as being treated as perpetual foreigners, facing assumptions about their intelligence or abilities, or being subject to insensitive comments about their food or customs.<sup>262</sup>

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<sup>260</sup> Asian Raisins. (2023). *Coalitie tegen anti-Aziatisch racisme geeft aanbevelingen op vijf thema's om systemisch anti-Aziatisch racisme te bestrijden*. Asian Raisins. <https://asianraisins.nl/eerste-overhandiging-agenda-tot-manifest-beleidsversterkingen-anti-aziatisch-racisme/>

<sup>261</sup> Asian Raisins. (2023). *Stop racism in the classroom*. Asian Raisins. <https://asianraisins.nl/en/stop-hps-eng/>

<sup>262</sup> Bnnvara. (2023). *Hoezo wordt discriminatie van Aziatische Nederlanders amper erkend?* Bnnvara. <https://www.bnnvara.nl/artikelen/waarom-voelen-aziatische-nederlanders-zich-dagelijks-gediscrimineerd>

- Asians are being subjected to stereotypes and discrimination<sup>263</sup> based on their cultural practices,<sup>264</sup> language,<sup>265</sup> or physical appearance.
- Asians in the Netherlands have reported instances of racial stereotyping and discrimination in various aspects of life, including education,<sup>266</sup> media<sup>267</sup> and social interactions.<sup>268</sup> This ranges from subtle biases and prejudices to more overt forms of discrimination.
- Asian Dutch individuals are underrepresented in the media; or depicted in stereotypical ways in the media.<sup>269</sup>
- The COVID-19 pandemic has exacerbated such stereotyping and the resulting anti-Asian racism.<sup>270</sup>
- There is a large lack of knowledge about the complexity and diversity of Asian communities in the Netherlands.<sup>271</sup>

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<sup>263</sup> NOS. (2022). *Expositie wil stereotypen over Aziaten bestrijden: 'We zijn niet allemaal Chinees'*. NOS.

<https://nos.nl/artikel/2427729-expositie-wil-stereotypen-over-aziaten-bestrijden-we-zijn-niet-allemaal-chinees>

<sup>264</sup> Nu.nl. (2018). *Wendy van Dijk denkt dat ze in de huidige tijd geen programma meer zou kunnen maken met het typetje Ushi*. Nu.nl. <https://www.nu.nl/media/5085026/wendy-van-dijk-denkt-typetje-ushi-niet-meer-geaccepteerd-zou-worden.html>

<sup>265</sup> Roks, S. (2016). *Wordt het niet eens tijd dat die Chinese man in 'Ik hou van Holland' met pensioen gaat?* Vice. <https://www.vice.com/nl/article/mgv94n/even-over-de-chinese-man-in-ik-hou-van-holland224>

<sup>266</sup> Bnnvara. (2017). *Chinese Nederlanders boos om racistisch lesmateriaal basisscholen*. Bnnvara. <https://www.bnnvara.nl/joop/artikelen/chinese-nederlanders-boos-racistisch-lesmateriaal>

<sup>267</sup> Kartosen-Wong, R. (2021). *Media moeten beseffen dat anti-Aziatische 'grappen' niet kunnen*. Trouw. <https://www.trouw.nl/opinie/media-moeten-beseffen-dat-anti-aziatische-grappen-niet-kunnen~b742b029/>

<sup>268</sup> Broekroelofs, R. & Poerwoatmodjo, J. (2021). *De stilte voorbij*. Kennisplatform Inclusief Samenleven. <https://www.kis.nl/sites/default/files/2022-06/de-stilte-voorbij-discriminatie-oost-aziatische-nederlanders.pdf>

<sup>269</sup> Spraakmakers. (2019). *Geen Aziatische rolmodellen: 'Ik wilde wit zijn'*. KRO-NCRV. <https://www.nporadio1.nl/nieuws/cultuur-media/97bfb45d-973e-42b9-b77c-869386fe9f94/geen-aziatische-rolmodellen-ik-wilde-wit-zijn>

<sup>270</sup> Joop.nl. (2020). *Hashtag tegen stigmatisering Chinezen: #IkBenGeenVirus*. Bnnvara. <https://www.bnnvara.nl/joop/artikelen/hashtag-tegen-stigmatisering-chinezen-ikbengeenvirus>

<sup>271</sup> Luong, R. (2021). *Guess who: Asian edition*. Dutch Creativity Awards. <https://dutchcreativityawards.nl/gallery/guess-who-asian-edition>

- Within research and policy, Asian Dutch individuals are often overlooked.<sup>272</sup> For the first time, in 2024, a large-scale study was conducted among Dutch people of (South) East Asian descent regarding experienced discrimination. It shows that one in three people experienced discrimination in the past year.<sup>273</sup>

## ANTI-SLAVISM

People of Eastern European origin form a growing population group in the Netherlands. In 2009, approximately 250,000 people of Eastern European descent lived in the Netherlands.<sup>274</sup> By 2022, this number had increased to over 400,000 people.<sup>275</sup> This increase was likely influenced by the fact that from January 1, 2014, individuals from Romania and Bulgaria were able to work in the Netherlands without a work permit. Eastern Europeans in the Netherlands often work as labor migrants in sectors such as bulb cultivation and greenhouse cultivation, but they are also employed in high-tech companies and universities.<sup>276</sup> A book with various articles written from migrant academics' perspectives provides valuable insights into racism during social

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<sup>272</sup> Asian Raisins. (2023). *Coalitie tegen anti-Aziatisch racisme geeft aanbevelingen op vijf thema's om systemisch anti-Aziatisch racisme te bestrijden*. <https://asianraisins.nl/eerste-overhandiging-agenda-tot-manifest-beleidsversterkingen-anti-aziatisch-racisme/>

<sup>273</sup> Feddes, A. et al. (2024). *Onderzoek naar ervaren discriminatie en racisme bij mensen met een (Zuid-)Oost-Aziatische herkomst in Nederland*. Ministerie van Sociale Zaken en Werkgelegenheid. <https://www.rijksoverheid.nl/documenten/rapporten/2024/03/18/bijlage-1-eindrapport-ervaren-discriminatie-nederlanders-met-een-zuid-oost-aziatische-herkomst>

<sup>274</sup> Centraal Bureau voor de Statistiek. (2009). *Kwart miljoen Oost-Europeanen in Nederland*. Centraal Bureau voor de Statistiek. <https://www.cbs.nl/nl-nl/nieuws/2009/46/kwart-miljoen-oost-europeanen-in-nederland>

<sup>275</sup> Centraal Bureau voor de Statistiek. (2023). *Bevolking; geslacht, Ift, generatie en migr.achtergrond, 1 jan; 1996-2022*. Centraal Bureau voor de Statistiek. <https://www.cbs.nl/nl-nl/cijfers/detail/37325>

<sup>276</sup> Nieuwsuur. (2019). *Wie zijn de Oost-Europese kennismigranten in Nederland?* NOS. <https://nos.nl/nieuwsuur/artikel/2285304-wie-zijn-de-oost-europese-kennismigranten-in-nederland>

interactions,<sup>277</sup> in universities,<sup>278</sup> during visa application procedures,<sup>279</sup> and institutional racism in the labor market.<sup>280</sup>

Eastern Europeans in the Netherlands face mainly racism in the housing market, from the police and from the tax authorities. Examples are:

- In 2013, the media reported on Eastern European gangs allegedly committing fraud with allowances and benefits in the Netherlands. In response, stricter controls on social benefits were implemented, a practice that would eventually lead to the Childcare Benefits Scandal. The media referred to this fraud as the “Bulgarian fraud.”
- An aspect of the Childcare Benefits Scandal was the secret registration system kept by the tax authorities. The risk profiles contained selection criteria such as: “allochtoon (non-Western compatriots)”, “of foreign origin”, “entrepreneurs of immigrant origin” and “taxpayers whose surname ends with ...IC”.<sup>281</sup> The last selection criterium is explicitly aimed at Slavic surnames.
- Eastern Europeans are also referred to as a group in other instances in the media. For example, the term “Polish hotels” is used to refer to group accommodations where mainly

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<sup>277</sup> Stojmenovska, D. (2024). *Of Academia, Status, and Knowing Your Place*. In: Olga Burlyuk and Ladan Rahbari (eds), *Migrant Academics’ Narratives of Precarity and Resilience in Europe*. Cambridge, UK: Open Book Publishers.

<sup>278</sup> Khosravi Ooryad, S. (2023). *Inside the Migrant Academic’s Body: Strategic Outsider within Toxic Substructures*. In: Olga Burlyuk and Ladan Rahbari (eds), *Migrant Academics’ Narratives of Precarity and Resilience in Europe*. Cambridge, UK: Open Book Publishers

<sup>279</sup> Asgarilaleh, T. (2023). *On Being a ‘Migrant Academic’: Precarious Passports and Invisible Struggles* In: Olga Burlyuk and Ladan Rahbari (eds), *Migrant Academics’ Narratives of Precarity and Resilience in Europe*. Cambridge, UK: Open Book Publishers

<sup>280</sup> Andrikopoulos, A. (2023). *Becoming White?* In: Olga Burlyuk and Ladan Rahbari (eds), *Migrant Academics’ Narratives of Precarity and Resilience in Europe*. Cambridge, UK: Open Book Publishers

<sup>281</sup> Controle Alt Delete. (2022). *Etnisch en religieus geladen risicoprofielen bij Belastingdienst*. Controle Alt Delete. <https://controlealtdelete.nl/articles/etnisch-en-religieus-geladen-risicoprofielen-bij-belastingdienst#gsc.tab=0>

Polish workers live.<sup>282</sup> Additionally, terms like “MOE-landers” are also used. MOE means “Midden en Oost Europees” (Middle and East European), but the word “moe” also means tired, making “MOE-landers” a derogatory term. The police explicitly targeted “MOE-landers”, which eventually led to a ruling by the High Council.<sup>283</sup>

- Eastern Europeans looking for a house face discrimination in the housing market. Prospective tenants with a “Polish-sounding” male name are less likely to be invited for a property viewing.<sup>284</sup>

## What are the main sectors and areas affected by structural/institutional racism in your country?

Structural and institutional racism have an impact on various sectors and areas in the Netherlands. The government extensively utilizes predictive algorithms. This is evident from a confidential survey conducted among 54 government agencies, obtained by the Dutch Broadcasting Foundation NOS (Nederlandse Omroep Stichting) through the Freedom of Information Act.<sup>285</sup> The use of predictive algorithms carries a significant risk of discrimination, according to various researchers and human rights organizations such as Amnesty Nederland and Controle Alt Delete. Various examples have already been provided in answering the questions above.

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<sup>282</sup> EenVandaag. (2018). Keer op keer ophef over Polenhotels: ‘We hebben ze hard nodig.’ EenVandaag.

<https://eenvandaag.avrotros.nl/item/keer-op-keer-ophef-over-polenhotels-we-hebben-ze-hard-nodig/>

<sup>283</sup> Hoge Raad. (2018). ECLI:NL:HR:2018:1872. <https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2018:661>

<sup>284</sup> Rijksoverheid. (2021). *Discriminatie op de woningmarkt landelijk groot probleem*. Rijksoverheid.

<https://www.rijksoverheid.nl/actueel/nieuws/2021/04/23/discriminatie-op-de-woningmarkt-landelijk-groot-probleem>

<sup>285</sup> Schellevis, J. & De Jong, W. (2019). *Overheid gebruikt op grote schaal voorspellende algoritmes, ‘risico op discriminatie.’* NOS. <https://nos.nl/artikel/2286848-overheid-gebruikt-op-grote-schaal-voorspellende-algoritmes-risico-op-discriminatie>

### Justice system

This topic is elaborated on in the answer to the question: Do minority groups experience racial discrimination when dealing with police forces?

### Health-care system

The Dutch healthcare system is full of misconceptions about medical differences between white people and people of color. Health scientist Charifa Zemouri explains: "A lot of medical knowledge is based on science from colonial times."<sup>286</sup> The scientist illustrates the many consequences of these ideas with an example. "Imagine this: you have a Black man and a white man with equal weight, height, and the same lung damage. In order for the Black man to receive the same diagnosis and medical treatment, he would need to have more severe lung damage and worse test values on spirometry compared to the white man. Behind the spirometry test, there is a whole formula that corrects for 'race'. And don't forget, race is a socio-cultural concept assigned to people based on their outward characteristics. [...] People of color have a different "threshold value" for many medical tests before receiving a diagnosis."

### Housing Market

Research indicates that there is also institutional racism present in the housing market.<sup>287</sup> Landlords and intermediaries (considered as part of the institutional field) systematically discriminate based on origin. Out of all real estate agents, 86% were willing to engage in discriminatory practices on behalf of a landlord. This appears to be caused by racist and stereotypical beliefs, which influence the selection decisions regarding individual prospective tenants. As a result, individuals from majority groups are favored while individuals from marginalized communities are disadvantaged. The study does not distinguish between the various migration backgrounds.

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<sup>286</sup> Humberto. (2023, May 26). 'Zwarte mensen worden systematisch achtergesteld bij diagnoses in de zorg'. NPO Radio 1. <https://www.nporadio1.nl/nieuws/gezondheid/a1250f61-dec4-4e81-87d6-decc3d73fe77/zwarte-mensen-worden-systematisch-achtergesteld-bij-diagnoses-in-de-zorg>

<sup>287</sup> Felten, H. et al. (2021). *Institutioneel racisme in Nederland*. Kennisplatform Inclusief Samenleven. [https://ec.europa.eu/migrant-integration/sites/default/files/2021-05/institutioneel\\_racisme-literatuuronderzoek-def\\_0.pdf](https://ec.europa.eu/migrant-integration/sites/default/files/2021-05/institutioneel_racisme-literatuuronderzoek-def_0.pdf)



## Labor market

Since the initial research conducted by Frank Bovenkerk in the 1970s, it has been consistently demonstrated through various studies that structural discrimination exists in the labor market. An analysis of data from Eurostat and the OECD reveals that in almost no other European country are the employment prospects for individuals with a migrant background as poor as in the Netherlands.<sup>288</sup> The problem on the labor market is widespread. According to a sample survey conducted among non-affiliated temporary employment agencies, it was found that 40 % of them comply with requests for discrimination.<sup>289</sup> At employment agencies affiliated with industry associations, it was found that in 13 % (ABU) and 26 % (NBBU) of cases, requests for discrimination were complied with.

Another study found that an applicant with a Dutch background and a conviction for a violent offense has a significantly higher chance of receiving a positive response compared to a person with a migrant background and a clean criminal record.<sup>290</sup> As a result of the parliamentary investigation into the possibilities for the legislature to combat discrimination, a specific focus was also placed on the labor market. The Partial Report on the Labor Market can be read online.<sup>291</sup>

The government aimed to promote equal opportunities for everyone and intended to encourage employers to actively contribute to this goal by developing a law on equal opportunities: The Equal Opportunities in Recruitment and Selection Act.<sup>292</sup> This law would require employers in the Netherlands to have a procedure in place to prevent discrimination during the recruitment and

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<sup>288</sup> Witteman, J (2015). *Allochtoon erg slecht af op Nederlandse arbeidsmarkt*. Volkskrant.

<https://www.volkskrant.nl/economie/allochtoon-erg-slecht-af-op-nederlandse-arbeidsmarkt~bf882e77/>

<sup>289</sup> Molijn, C. (2019). *Onderzoek Inspectie: nog veel uitzendbureaus werken mee aan discriminatie*. NRC.

<https://www.nrc.nl/nieuws/2019/07/11/onderzoek-inspectie-nog-veel-uitzendbureaus-werken-mee-aan-discriminatie-a3966873>

<sup>290</sup> Thijssen, L., Coenders, M. & Lancee, B. (2019). *Etnische discriminatie op de Nederlandse arbeidsmarkt*. Mens & Maatschappij, vol. 94, no. 2. <https://www.bramlancee.eu/wp-content/uploads/2019/07/ThijssenCoendersLancee2019.pdf>

<sup>291</sup> Bosselaar, T. & Kocsis, T. (2022). *Gelijk recht doen, Deelrapport Arbeidsmarkt*. Eerste Kamer.

[https://www.eerstekamer.nl/overig/20220614/gelijk\\_recht\\_doen\\_deelrapport/f=/vltshvecqrzs\\_opgemaakt.pdf](https://www.eerstekamer.nl/overig/20220614/gelijk_recht_doen_deelrapport/f=/vltshvecqrzs_opgemaakt.pdf)

<sup>292</sup> Eerste Kamer der Staten-Generaal (2024). *Wet toezicht gelijke kansen bij werving en selectie*. Eerste Kamer. [https://www.eerstekamer.nl/wetsvoorstel/35673\\_wet\\_toezicht\\_gelijke\\_kansen](https://www.eerstekamer.nl/wetsvoorstel/35673_wet_toezicht_gelijke_kansen)

selection of personnel. Intermediaries, such as temporary employment agencies and recruiters, would also be obligated to comply with this law. However, in 2024, the Senate rejected this law, so forcing it not to come into effect.

## Education

Inequality of opportunities is deeply rooted in society, embedded in various underlying mechanisms within the lived experiences of children and young people. It exists within “the system,” the neighborhood, and the social environment of students. In Dutch society, there is a significant amount of inequality and unequal opportunities as well. Research shows that the academic success of children and young people is influenced not only by the school’s input but also by various factors such as the socio-economic position of parents, the social support available to students, and the language skills of parents in both Dutch and potentially another language.<sup>293</sup> Additionally, prejudices and discrimination also play a role in the educational opportunities children receive. The background of students plays a significant role in the school advice they receive, the expectations teachers have of them, and the educational opportunities provided to them. This is where the well-known Dutch saying “where you are born can determine your school career” comes from. Students with a migrant background consistently experience receiving sub- level school advice.<sup>294</sup> This means that they are more likely than students without a migrant background to receive a lower educational recommendation than what is warranted based on their final test results.

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<sup>293</sup> Nederlands Jeugd Instituut. (n.d.). *Wat is kansenongelijkheid in het onderwijs?* Nederlands Jeugd Instituut. <https://www.nji.nl/kansengelijkheid-in-het-onderwijs/wat-is-kansenongelijkheid-in-het-onderwijs#wat-is-kansenongelijkheid-in-het-onderwijs>

<sup>294</sup> Kennisplatform Inclusief Samenleven. (2023). *Onderzoek naar te laag schooladvies: KIS zoekt ouders en onderwijsprofessionals*. Kennisplatform Inclusief Samenleven. <https://www.kis.nl/artikel/onderzoek-naar-te-laag-schooladvies-kis-zoekt-ouders-en-onderwijsprofessionals>

## Are experiences of racial discrimination exacerbated by sexism, classism, or other forms of oppressions?

In general, experiences of racial discrimination are exacerbated by other forms of oppression. This theory is called intersectionality, which is a framework developed by Kimberlé Crenshaw that highlights the interconnected nature of various social categories, such as race, gender, class, sexuality, and ability, and how they intersect to shape an individual's experiences of privilege, disadvantage, and discrimination.<sup>295</sup> It recognizes that individuals possess multiple social identities that can intersect and interact, leading to unique experiences and systems of oppression. Intersectionality emphasizes the need to consider the intersections of various social identities when analyzing power dynamics, social inequalities, and systemic discrimination, and it aims to bring attention to the often overlooked or marginalized experiences of individuals with intersecting identities.

An example of intersectionality in the Netherlands could be the experiences of Black Muslim women in the workforce. Black Muslim women may face discrimination based on their race and their religion as well as their gender, leading to unique challenges and barriers in their professional lives. They may encounter racial and religious bias and stereotypes that affect their opportunities for career advancement, while also facing gender-based discrimination and biases that impact their access to equal pay and leadership positions. The intersection of race, religion and gender in this context highlights how multiple dimensions of identity can intersect to shape an individual's experiences and the specific forms of discrimination they may face.

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<sup>295</sup> Columbia Law School. (2017). *Kimberlé Crenshaw on Intersectionality, More than Two Decades Later*. Columbia Law School. <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>

## Do minority groups experience racial discrimination when dealing with public administration?

Marginalized communities in the Netherlands experience racial discrimination when dealing with public administration in various ways. The NCDR stated that Dutch laws and regulations in recent years have been “based on institutionalized mistrust from the political and governmental entities towards citizens.”<sup>296</sup> Examples of racial discrimination in dealing with public administration, elaborated on above, include the Childcare Benefits Scandal, racial profiling by law enforcement officials, 100% drug checks at airports, fraud detection by DUO, the policy for assessing visa applications at the Ministry of Foreign Affairs, secret information gathering on Muslims and the allocation of caravan sites for Roma, Sinti, and Travelers.

## How do the state and public institutions directly or indirectly contribute to the spread of existing levels of discrimination and structural racism?

There are several laws that directly or indirectly contribute to structural racism:

- *Wet inburgering 2021* (Civic Integration Act 2021). Not every newcomer is obligated to participate in the integration process. This depends, among other factors, on their current nationality. The integration is not mandatory for people that are citizens of countries in the EU, Liechtenstein, Norway, Iceland and Switzerland.<sup>297</sup>
- *Rijkswet op het Nederlanderschap* (Kingdom Act on Dutch Nationality). This is a law that determines who acquires Dutch nationality, under what conditions nationality can be obtained, and how Dutch nationality can be lost. If a Dutch citizen, who also holds another

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<sup>296</sup> Trouw. (2022). *Nederlandse wet- en regelgeving is ‘gebaseerd op wantrouwen vanuit de politiek en overheid jegens de burgers’*. Trouw. <https://www.trouw.nl/binnenland/nederlandse-wet-en-regelgeving-is-gebaseerd-op-wantrouwen-vanuit-de-politiek-en-overheid-jegens-de-burgers~bca0e7ce/>

<sup>297</sup> Rijksoverheid. (n.d.). *Moet ik als nieuwkomer inburgeren?* Rijksoverheid. <https://www.rijksoverheid.nl/onderwerpen/immigratie-naar-nederland/vraag-en-antwoord/moet-ik-als-nieuwkomer-inburgeren>

nationality, commits a crime and is convicted to a minimum of eight years of imprisonment, their Dutch nationality can be revoked. As examples of crimes that can lead to the revocation of Dutch citizenship, the government mentions a war crime, a terrorist crime, or membership of an organization that poses a threat to national security.<sup>298</sup> In practice, this law was used to strip the Dutch citizenship from Moroccan-Dutch individuals who had joined the fight led by IS in Syria and Iraq.<sup>299</sup>

- *Wet gedeeltelijk verbod gezichtsbedekkende kleding* (Partial Ban on Face-Covering Clothing Act). This law is commonly known as the “burqa ban.” The law is formulated neutrally but explicitly introduced to curb the wearing of Islamic face veils. Face-covering clothing includes, among others, Islamic face veils such as the (Islam-inspired) burqa and niqab. While the proposal is not limited to these garments, they do serve as the direct trigger for it. According to the Council of State, this raises questions about its compatibility with freedom of religion. The Council of State’s advisory division has provided recommendations on this matter four times before. The Council of State ultimately concluded that the necessity of such a ban had not been demonstrated and that it was not compatible with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights (ECHR) without further justification.<sup>300</sup>
- New police dress code. In 2023, the Minister of Justice and Security announced that the headscarf and yarmulke in police are now prohibited by law.<sup>301</sup> Although the rule applies to all expressions of religious beliefs, the new dress code seems mainly aimed at settling the discussion about wearing a headscarf by Muslim women in the police. The minister has ignored advice on this from the NIHR, the NCDR and even from high-ranking police

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<sup>298</sup> Rijksoverheid. (n.d.). *Intrekken Nederlandse nationaliteit door overheid*. Rijksoverheid.

<https://www.rijksoverheid.nl/onderwerpen/nederlandse-nationaliteit/nederlandse-nationaliteit-verliezen/intrekken-nederlandse-nationaliteit-door-overheid>

<sup>299</sup> RTL Nieuws. (2023). *Nederlanderschap al bij 20 mensen ingetrokken en aantal stijgt nog*. RTL Nieuws.

<https://www.rtl.nl/nieuws/nederland/artikel/5384585/nederlanderschap-ingetrokken-terroristisch-misdrijf-veiligheid>

<sup>300</sup> Raad van State. (2015). *Wet gedeeltelijk verbod gezichtsbedekkende kleding, kenmerk W04.15.0170/I*. Raad van State. <https://www.raadvanstate.nl/adviezen/@63763/w04-15-0170/>

<sup>301</sup> Van Houten, M. (2023). *Hoofddoek en keppel bij politie nu ook bij wet verboden. ‘Dieprijest dat we zo zijn afgegleden’*. Trouw. <https://www.trouw.nl/religie-filosofie/hoofddoek-en-keppel-bij-politie-nu-ook-bij-wet-verboden-diepriest-dat-we-zo-zijn-afgegleden~b523c01c/>

officers. Remarkable detail: the announcement of this new legislation was made on the day of the Islamic feast of sacrifice.

Research by Pharos into social exclusion shows that social exclusion increases and maintains health differences.<sup>302</sup> Discrimination and stereotyping contribute to growing contra indications and exclusion based on ethnicity and social class, the researchers note. It shows that the effects of discrimination have an impact on people's health. In 2023, Pharos itself removed eight articles containing wrong information about migrants for healthcare providers. The website stated that Moluccan and Indonesian people would have a "higher pain threshold" and that there is no Turkish translation for the word "depression."<sup>303</sup>

## Do minority groups experience racial discrimination when dealing with police forces?

People with a migration background experience racial discrimination on large scale (in various levels) when dealing with police forces. This is our field of expertise. With Controle Alt Delete we provide critical, constructive and honest reflections on social developments within law enforcement organizations. We organize meetings, (co)produce critical films, hold lectures, give trainings to civilians and police officers, write blogs, offer constructive solutions to facilitate policy change and assist victims wherever possible. Our approach is bottom-up; we take citizens' experiences as a starting point. They come to us through our hotline, with experiences of police brutality and racial profiling. We use advocacy: we focus on changing the policies and structures in which officers work. We organize campaigns: we carry out campaigns in collaboration with citizens, NGOs and journalists to exercise maximum pressure on politicians and law enforcement.

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<sup>302</sup> Hosper, K. et al. (2024). *Sociale uitsluiting en gezondheidsverschillen*. Pharos.

<https://www.sociale vraagstukken.nl/sociale-uitsluiting-hoeveel-gezondheidsongelijkheid-vinden-we-acceptabel/>

<sup>303</sup> Groenewoud, A. (2024). *Kenniscentrum haalt tiende van site offline: informatie over migranten klopt niet*.

Nu.nl. <https://www.nu.nl/discriminatie/6317727/kenniscentrum-haalt-tiende-van-site-offline-informatie-over-migranten-klopt-niet.html>

## Racial profiling

Controle Alt Delete identifies three main drivers of racial profiling: risk profiles that incorporate race, conscious bias and unconscious bias.<sup>304</sup> The first driver is the use of risk profiles which include race or ethnicity as a factor. These are used to evaluate, score, calculate or predict the probability of norm violation of people or groups. A risk profile is a set of one or more criteria (indicators), on the basis of which an estimate is made of a risk of norm violation and on the basis of which a selection decision is then made. A characteristic feature of risk profiles is that they are used proactively by governments or implementing organizations, i.e. without concrete, individualized suspicion of norm violation. When these descriptions include certain ethnicities, as was proven to be the case at the Dutch Tax Office, Police and the KMar, racial profiling is likely to ensue. The second driver is conscious bias, of which we have seen examples in law enforcement making racist statements or using racial slurs at civilians. The third driver is unconscious bias: personal attitudes that officials are not aware of, but nonetheless result in unequal treatment.

There is an ongoing debate in the Netherlands on the exact frequency of racial profiling. There is no singular answer to this as most studies are qualitative in nature. The Netherlands has no quantitative datasets on the prevalence of racial profiling, as there is neither systematic registration of police stops nor yearly surveys of experiences of profiling among civilians. The Monitor Racial Profiling, carried out by Controle Alt Delete in cooperation with the Vrije Universiteit's (VU) Talent Lab, contains a survey among nearly 2000 respondents in Amsterdam. It showed that men with a non-western migration background are twice as likely to be subjected to police stops than white Dutch men.<sup>305</sup> In a recent national survey conducted by the Central Bureau for Statistics (CBS), similar results emerged: Turkish-Dutch and Surinamese-Dutch individuals are stopped by the police about twice as often as people whose parents were both

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<sup>304</sup> Schalkwijk, J. & Abdoelhafiezkhani, D. (2022). *Zonder (toe)zicht op politiecontrole staat de aanpak van etnisch profileren nog in de kinderschoenen*. Cahier Politiestudies, 2022-4, nr. 65. <https://actie.controlealtdelete.nl/wp-content/uploads/2022/12/Artikel-Cahier-politiestudies-dec-2022-Schalkwijk-en-Abdoelhafiezkhani.pdf>

<sup>305</sup> Controle Alt Delete. (2020). *Etnisch profileren in Amsterdam*. Controle Alt Delete. <https://controlealtdelete.nl/articles/etnisch-profileren-in-amsterdam#gsc.tab=0>

born in the Netherlands. Moroccan-Dutch individuals experience this even 2.5 times more often than Dutch-Dutch individuals.<sup>306</sup>

The Dutch police recognize that racial profiling takes place but does not recognize that racial profiling is a structural problem. The police have drawn up policy on racial profiling since 2014. However, that policy was – and is – not intended to combat racial profiling. The current policy is mainly aimed at inclusivity between police officers.<sup>307</sup> Meanwhile, the National Ombudsman has shifted the burden of proof to law enforcement: they will have to prove there was no racial profiling, rather than the other way around.<sup>308</sup> In 2024, the police have announced a policy measure stating that race, ethnicity and origin can't be a factor at all when making selection decisions for proactive checks.<sup>309</sup> The KMar has implemented the same policy change.<sup>310</sup> The policy changes were established after the legal case about racial profiling during border checks by The Royal Military Police (see question 2). Both the police's and the KMar's policies are now in line with human rights. Controle Alt Delete states that the next step is to ensure that all law enforcement officers internalize this change and make it a reality in practice.<sup>311</sup>

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<sup>306</sup> Centraal Bureau voor Statistiek. (2023). *Mensen met herkomst buiten Nederland vaker door politie gecontroleerd*. Centraal Bureau voor Statistiek. <https://www.cbs.nl/nl-nl/nieuws/2024/09/mensen-met-herkomst-buiten-nederland-vaker-door-politie-gecontroleerd>

<sup>307</sup> Schalkwijk, J., & Abdoelhafiez Khan, D. (2022). *Zonder (toe)zicht op politiecontrole staat de aanpak van etnisch profileren nog in de kinderschoenen*. Cahier Politiestudies, 2022-4, nr. 65. <https://actie.controlealtdelete.nl/wp-content/uploads/2022/12/Artikel-Cahier-politiestudies-dec-2022-Schalkwijk-en-Abdoelhafiezkhani.pdf>

<sup>308</sup> Nationale Ombudsman. (2021). *Verkleurde beelden. Hoe moet de overheid omgaan met klachten over etnisch profileren*. Nationale Ombudsman. <https://www.nationaleombudsman.nl/system/files/onderzoek/Verkleurde%20Beelden-%20klachtbehandeling%20etnisch%20profilieren%20DEF.pdf>

<sup>309</sup> Groenewoud, A. (2024). *Politie weegt uiterlijk en afkomst niet langer mee bij controles van burgers*. Nu.nl. <https://www.nu.nl/discriminatie/6310190/politie-weegt-uitelijik-en-afkomst-niet-langer-mee-bij-controles-van-burgers.html>

<sup>310</sup> Groenewoud, A. (2024). *Ook marechaussee stopt met meewegen uiterlijk en afkomst bij controles*. Nu.nl. <https://www.nu.nl/discriminatie/6310631/ook-marechaussee-stopt-met-meewegen-uitelijik-en-afkomst-bij-controles.html>

<sup>311</sup> Controle Alt Delete. (2024). *Politie en KMar stoppen met etnisch profileren*. Controle Alt Delete. <https://controlealtdelete.nl/articles/politie-en-kmar-stoppen-met-etnisch-profileren#gsc.tab=0>



Regarding racial profiling by special investigative officers (BOAs) and KMar, no datasets currently exist.

#### Deaths in police custody

Controle Alt Delete, the only organization in the Netherlands maintaining statistics on race and policing, has recorded 105 “fatal incidents” that involved the police between 2016 and 2023. Out of all victims, 35% had a migration background. Even when leaving the 54% of whom there was no information on their ethnicity out of the equation, this means that people with a migration background are 11 times more likely to die when encountering the police.<sup>312</sup> By contrast, for Black Americans in the USA, this factor is 2.5.<sup>313</sup> Pressure by Controle Alt Delete has also resulted in Police and Ministry of Justice keeping track of the number of civilians that yearly die during police actions.<sup>314</sup>

#### Stop and search

Preventive searches have a high risk of racial profiling and a low probability of finding weapons. Research by Amnesty International shows the risk of racial profiling during of stop and search is high.<sup>315</sup> If a designated security risk area has a high percentage of residents with an immigrant background, this risk increases further. Furthermore, additional legal frameworks to facilitate stop and search is unnecessary, as police already have the legal capacity to check for weapons. Articles 50 and 51 of the Weapons and Ammunition Act (*‘Wet Wapens en Munitie’*) grants police the ability to search people, luggage and vehicles if they believe there is “reasonable cause” to do so. Reasons may include weapon-related incidents having taken place at a given location, or concrete intel that a person is carrying a weapon. Thus, if there is concrete information

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<sup>312</sup> Controle Alt Delete. (2024). *Dossier: deaths in police custody*. Controle Alt Delete.

<https://controlealtdelete.nl/dossier-politiedoden?lang=en#gsc.tab=0>

<sup>313</sup> The Guardian (2017). *The counted. People killed by police in the US in 2016*. The Guardian.

<https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>

<sup>314</sup> Controle Alt Delete. (2020). *Politie gaat registreren hoeveel mensen overlijden tijdens of na een aanhouding*. Controle Alt Delete. <https://controlealtdelete.nl/articles/politie-gaat-registreren-hoeveel-mensen-overlijden-tijdens-of-na-een-aanhouding#gsc.tab=0>

<sup>315</sup> Amnesty. (2013). *Proactief politieoptreden vormt risico voor de mensenrechten*. Amnesty.

[https://www.amnesty.nl/content/uploads/2016/11/rapport\\_etnisch\\_profileren\\_ainl\\_28\\_okt\\_2013.pdf?x71839](https://www.amnesty.nl/content/uploads/2016/11/rapport_etnisch_profileren_ainl_28_okt_2013.pdf?x71839)

on weapons circulating, the law already provides sufficient cause. A recent publication by Amnesty, with an update on the aforementioned topics, underlined these concerns and stated that racial profiling is a statewide problem.<sup>316</sup>

### Demonstrations

Demonstrating is a human right. However, the right to protest is under pressure worldwide, including in the Netherlands. Demonstrators often face unnecessary restrictive regulations that are also in violation of human rights. That is why Amnesty International is running the Right to Protest campaign. Amnesty International's report, *"Demonstratierecht onder druk – Regel en praktijk in Nederland moeten beter,"* highlights that both national and local governments in the Netherlands are falling short in safeguarding the right to protest.<sup>317</sup>

### Discrimination within the police

Within the police organization, officers of color and officers with an Islamic background face racism, discrimination and exclusion. This is evident from the KRO-NCRV 2Doc documentary *"De Blauwe Familie"*, which appeared on TV in 2022. The documentary features whistleblowers from the police organization who reported instances of abuse to their employers, including racism and discrimination, and subsequently had their lives made miserable. The Blue Family shows that the police leadership pays lip service to inclusion, but that the practice is very different. The police immediately acknowledged on national Radio<sup>318</sup> and the national *Nieuwsuur*<sup>319</sup> that racism, discrimination and exclusion in the workplace is a structural problem. The entire police leadership

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<sup>316</sup> Amnesty. (2024). *Etnisch profileren is overheidsbreed probleem*. Amnesty.

<https://www.amnesty.nl/content/uploads/2024/03/Amnesty-2024-Rapport-Etnisch-profileren-is-overheidsbreed-probleem-2.pdf?x17005>

<sup>317</sup> Amnesty. (2022). *Demonstratierecht onder druk*. Amnesty.

[https://www.amnesty.nl/content/uploads/2022/11/AMN\\_22\\_33\\_demonstratierecht-onder-druk.pdf?x14286](https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf?x14286)

<sup>318</sup> Spraakmakers. (2022). *Korpschef Martin Sitalsing reageert op documentaire 'De Blauwe Familie' over racisme en discriminatie bij de politie*. KRO-NCRV. <https://www.nporadio1.nl/fragmenten/spraakmakers/ddea4cc7-4b56-45e0-9ee2-97dbaa7bd29/2022-05-23-korpschef-martin-sitalsing-reageert-op-documentaire-de-blauwe-familie-over-racisme-en-discriminatie-bij-de-politie>

<sup>319</sup> Nieuwsuur. (2022, May 23). *Politiechef over racisme: 'Voor recidivisten geen plek binnen het korps'*. NOS. <https://nos.nl/nieuwsuur/artikel/2429993-politiechef-over-racisme-voor-recidivisten-geen-plek-binnen-het-korps>

published a video message in which they make it clear that from now on, disciplinary measures will be the standard consequence for subjecting others to racism, discrimination and exclusion in the workplace.<sup>320</sup> The police unions launched a hotline for experiences with discrimination within the police.<sup>321</sup> The House of Representatives watched the documentary and held a discussion with participants.<sup>322</sup> Following the debate, a motion was adopted calling on the police to enter into discussions with all participants.<sup>323</sup> The documentary is now mandatory teaching material for the training of new officers.<sup>324</sup> Yet, the participants in the documentary have not experienced any improvement. They speak out, among other things, about the lack of aftercare for officers who are forced to deal with racism and discrimination.<sup>325</sup>

## Are there patterns of discrimination and structural racism in the practices of private organizations, employers, and ordinary citizens against minority groups?

Yes, there are patterns of discrimination and structural racism that exist in the practices of private organizations, employers, and ordinary citizens against marginalized communities in the Netherlands. Some of the main manifestations and forms of racism in the Netherlands have already been explained in the answers to previous questions. A manifestation that we have not

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<sup>320</sup> Politie. (2022). *Ontslag vanaf nu uitgangspunt bij racisme door de politie [video]*. Controle Alt Delete.

<https://www.youtube.com/watch?v=ymQuKfhs-el>

<sup>321</sup> Nederlandse Politie Bond. (2022). *Politiebonden lanceren Meldpunt Discriminatie*. Nederlandse Politie Bond.

<https://www.politiebond.nl/actueel/nieuws-and-blog/politievakbonden-lanceren-gezamenlijk-meldpunt-discriminatie/>

<sup>322</sup> Tweede Kamer der Staten-Generaal. (2022). *Documentaire De blauwe familie*. Tweede Kamer der Staten-Generaal.

[https://www.tweedekamer.nl/debat\\_en\\_vergadering/commissievergaderingen/details?id=2022A06324](https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2022A06324)

<sup>323</sup> Tweede Kamer der Staten-Generaal. (2022). *Tweeminutendebat Politie (CD 22/12)*. Tweede Kamer der Staten-Generaal. <https://www.tweedekamer.nl/downloads/document?id=2022D56546>

<sup>324</sup> Groenewoud, A. (2024). *Politie pakt racisme aan en maakt kritische docu verplichte lesstof opleiding*. Nu.nl.

<https://www.nu.nl/binnenland/6302644/politie-pakt-racisme-aan-en-maakt-kritische-docu-verplichte-lesstof-opleiding.html>

<sup>325</sup> Hart van Nederland. (2024). *Uitzending van 24 februari 2024*. Hart van Nederland.

elaborated on but does occur is hate speech by politicians, especially by politicians of FvD and PVV in the Netherlands with terms like “kopvoddentaks” (head rag tax)<sup>326</sup> and ‘homeopathic dilution.’<sup>327</sup> These instances of hate speech are often anti-Muslim rhetoric, antisemitic remarks and derogatory statements targeting immigrants and refugees. In addition, politicians have displayed anti-black racism. For example, an FvD politician spoke about “negroid primates” in the House of Representatives.<sup>328</sup> When Mitchell Esajas, a campaigner for the rights of Black people in the Netherlands, received a royal honor for his efforts, he also received a flood of racist reactions.<sup>329</sup> In the past two years, some studies have been conducted into institutional racism at the municipality as an employer. Research showed that there are clear signals of institutional racism in the municipality of Amsterdam.<sup>330</sup> Research in Utrecht showed that there are no indications of institutional racism in formal rules and procedures, but there were indications of institutional racism in the supervision and enforcement department.<sup>331</sup>

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<sup>326</sup> Trouw. (2009). *Wilders wil ‘kopvoddentaks’*. Trouw. <https://www.trouw.nl/nieuws/wilders-wil-kopvoddentaks~bd027ad3/>

<sup>327</sup> Timmermans, R. (2023). *‘Baudet flirt met de ideeën van nazi’s’*. Historisch Nieuwsblad. <https://www.historischnieuwsblad.nl/audet-flirt-met-de-ideeen-van-nazis/>

<sup>328</sup> Joop.nl. (2023). *Ranzige FvD-racist Gideon van Meijeren uit debat over racisme geknikkerd*. Joop.nl. <https://www.bnnvara.nl/joop/artikelen/ranzige-fvd-racist-gideon-van-meijeren-uit-debat-over-racisme-geknikkerd>

<sup>329</sup> Esajas, M. (2023). *‘Zóveel racistische berichten na mijn lintje had ik niet verwacht’*. Oneworld. <https://www.oneworld.nl/mensenrechten/zoveel-racistische-berichten-na-mijn-lintje-had-ik-niet-verwacht/>

<sup>330</sup> Kros, K. et al. (2023). *Institutioneel racisme bij de gemeente als werkgever*. Kennisplatform Inclusief Samenleven. [https://openresearch.amsterdam/image/2023/12/18/kis\\_rapport\\_institutioneel\\_racisme\\_bij\\_gemeente\\_als\\_werkgever.pdf](https://openresearch.amsterdam/image/2023/12/18/kis_rapport_institutioneel_racisme_bij_gemeente_als_werkgever.pdf)

<sup>331</sup> Fermin, A. et al. (2022). *Institutioneel racisme bij de gemeente Utrecht?: Een verkennende studie naar processen van uitsluiting op vier beleidsterreinen*. Bureau Omlo. <https://www.bureauomlo.nl/wp-content/uploads/2022/02/Rapport-Institutioneel-racisme-gemeente-Utrecht.pdf>

## Do you consider there has been an increase of racist and xenophobic incidents during the pandemic?

Due to the Covid-19 pandemic, social organizations received increasing reports from individuals of East Asian descent who experienced discrimination based on their ethnicity and origin. The societal consequences of the coronavirus and the growing reports of discrimination led to an exploratory study conducted by KIS on the experiences of discrimination during the Covid-19 pandemic among individuals with an East Asian background in the Netherlands.<sup>332</sup> We've elaborated on several examples by answering question 16 under the heading about anti-Asian racism.

## Is structural racism publicly or officially recognized as a serious problem in your country by the media, politicians, or society in general?

The coalition agreement of Rutte IV stated: "Too often, Dutch citizens are given fewer opportunities or are excluded based on their origin, gender, color, race, age, religion, sexual orientation, or disability. That is unacceptable."<sup>333</sup> And further: "There is no place for institutional racism in our society. We are committed to combating ethnic profiling. Government and implementing organizations must set a good example in this regard." The coalition clearly took a stance against discrimination and racism with this statement. It was the first time ever that combating racial profiling was explicitly mentioned in the national coalition agreement. This was an important step forward and a starting point for the fight against discrimination and racism. However, it is disappointing that no concrete measures were linked to it. Considering the impact of racial profiling, the scale of the Childcare Support Scandal, and the role that racial profiling played in it, this is incomprehensible. The recognition of structural/institutional racism is still in its

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<sup>332</sup> Broekroelofs, R. & Poerwoatmodjo, J. (2021). *De stilte voorbij*. Kennisplatform Inclusief Samenleven.

<https://www.kis.nl/sites/default/files/2022-06/de-stilte-voorbij-discriminatie-oost-aziatische-nederlanders.pdf>

<sup>333</sup> Kabinetsformatie. (2021). *Coalitieakkoord 'Omzien naar elkaar, vooruitkijken naar de toekomst'*. Rijksoverheid.

<https://www.kabinetsformatie2023.nl/binaries/kabinetsformatie/documenten/publicaties/2021/12/15/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst/coalitieakkoord-2021-2025.pdf>

infancy, but society is on a tipping point partly because of the commemoration year of the slavery past (1 July 2023 to 1 July 2024). During the Memorial Year, the Kingdom of the Netherlands will pause to reflect on this painful history – and on how this history still plays a negative role in the lives of many today.

## What are the main concrete effects of racist practices on the enjoyment of fundamental human rights for minority groups in your country?

Research shows that discrimination harms people's health.<sup>334</sup> According to research "the more frequently people experience discrimination, the more often they suffer from depression."<sup>335</sup> Experiences of discrimination are painful and make individuals feel excluded and unable to fully participate in society. As a result, people lose trust in institutions and feel less safe. Discrimination also reinforces social inequality in society, as individuals are not given the same opportunities for education, employment, or housing. All of this leads to unhealthy stress, which can have detrimental effects on people's physical and mental well-being. Discrimination is therefore a significant contributor to health disparities.

Dutch citizens with a migration background face additional health disadvantages due to experiencing discrimination in healthcare, which puts them at risk of not receiving the appropriate care. Discrimination and exclusion occur at various levels within the healthcare system, all of which are interconnected. Discrimination based on ethnic background occurs in the doctor's office, medical education, scientific research, quality standards and guidelines for healthcare, and organizational policies.

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<sup>334</sup> Hosper, K. et al. (2024). *Sociale uitsluiting en gezondheidsverschillen*. Pharos.

<https://www.socialevraagstukken.nl/sociale-uitsluiting-hoeveel-gezondheidsongelijkheid-vinden-we-acceptabel/>

<sup>335</sup> Ikram, M. (2016). *Social determinants of ethnic minority health in Europe*.

[https://pure.uva.nl/ws/files/2749997/179183\\_Proefschrift\\_Ikram\\_PUBLIC\\_zonder\\_dankwoord\\_p.\\_261\\_263\\_.pdf](https://pure.uva.nl/ws/files/2749997/179183_Proefschrift_Ikram_PUBLIC_zonder_dankwoord_p._261_263_.pdf)

Research shows that there is a clear correlation between the level of experienced discrimination and various physical conditions.<sup>336</sup> Experienced discrimination increases the risk of conditions such as cardiovascular diseases, high blood pressure, obesity, and a weakened immune system. Moreover, there is a link between experienced discrimination and negative consequences for mental health: the risk of depression, anxiety, chronic stress, and poor sleep increases.<sup>337</sup> Experiencing discrimination is associated with a decrease in overall well-being, life satisfaction, and self-esteem.<sup>338</sup> In certain groups, discrimination also contributes to higher rates of alcohol abuse and addiction.<sup>339</sup> Furthermore, daily encounters with discrimination can cause epigenetic changes – changes in DNA – that result in accelerated aging processes and premature age-related diseases.<sup>340</sup> Once individuals become aware of discrimination as a part of life, they often develop heightened vigilance.<sup>341</sup> The mere possibility of being treated differently creates additional stress. This stress can also lead to sleep disorders, high blood pressure, and depression. Indeed, it means that not only discrimination itself, but also the fear or expectation of being treated unfairly can have negative health effects. The fear of confirming stereotypes can create a significant amount of stress as well. Moreover, the fear of experiencing discrimination can deter individuals from seeking healthcare services.

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<sup>336</sup> Ikram, M. (2016). *Social determinants of ethnic minority health in Europe*. AMC-UvA.

<https://dare.uva.nl/search?identifier=f209d712-f5d2-4d4c-8a6b-4b50d43e891c>

<sup>337</sup> Van de Beek, M. et al. (2017). *Social exclusion and psychopathology in an online cohort of Moroccan-Dutch migrants: Results of the MEDINA-study*. PLoS One 12(7):e0179827. <https://pubmed.ncbi.nlm.nih.gov/28692653/>

<sup>338</sup> Paradies, Y. et al. (2015). *Racism as a Determinant of Health: A Systematic Review and Meta-Analysis*. PLoS One 10(9): e0138511. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4580597/>

<sup>339</sup> Gilbert, A, Zemore, S (2016). *Discrimination and drinking: A systematic review of the evidence*. Social Science & Medicine, 2016:Jul:161:178–94. <https://pubmed.ncbi.nlm.nih.gov/27315370/>

<sup>340</sup> Hertzman, C, Boyce, T (2010). *How experience gets under the skin to create gradients in developmental health*. Annual Review of Public Health, 2010:31:329–47. <https://pubmed.ncbi.nlm.nih.gov/20070189/>

<sup>341</sup> LaVeist, T. et al. (2014). *The relationships among vigilant coping style, race and depression*. Social Issues. 2014 Jun 1; 70(2): 241–255. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4061746/>

Discrimination also has significant implications for the development and health of children and young people.<sup>342</sup> It is associated with poorer pregnancy and birth outcomes, such as preterm birth and low birth weight.<sup>343</sup> Often, such outcomes are a result of increased stress experienced by the mother. Children and young people who face discrimination are more likely to exhibit mental health issues and engage in unhealthy lifestyles. Their parents' experiences with discrimination also play a role in this, as it impacts the family dynamics.<sup>344</sup>

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<sup>342</sup> Priest, N. et al. (2012). *A systematic review of studies examining the relationship between reported racism and health and wellbeing for children and young people*. *Social Science & Medicine*, 2013 Oct;95:115–27.

<https://pubmed.ncbi.nlm.nih.gov/23312306/>

<sup>343</sup> Heard-Garris, N et al. (2017). *Transmitting Trauma: A systematic review of vicarious racism and child health*. *Social Science & Medicine*, 2018 Feb;199:230–240. <https://pubmed.ncbi.nlm.nih.gov/28456418/>

<sup>344</sup> Tran, A. (2014). *Family contexts: parental experiences of discrimination and child mental health*. *American Journal of Community Psychology*, 2014 Mar;53(1–2):37–46.

<https://pubmed.ncbi.nlm.nih.gov/24146093/>



## 4. RECOMMENDATIONS

What could be the most effective remedies for the damages caused by institutional racism to minority groups in your country?

This question can be interpreted in two ways. The first: what is the most effective way to counter institutional racism? Two: what is the most effective remedy for the damage caused? Here, we answer both questions.

What is the most effective way to counter institutional racism?

Institutional racism is a widespread problem, rooted in the (international) history of the Netherlands and Europe, with an enormous diversity of stakeholders, including private and public stakeholders and citizens. We will therefore only answer this question based on the government's possibilities to bring about change. Change from the government is necessary and must go through four stages:

### *Recognition*

The government recognizes that institutional racism is a problem;

### *Set a standard*

The government introduces a clear standard with regard to institutional racism. This standard should consist of the following aspects: a definition of institutional racism that is periodically updated based on evolving insights into institutional racism over time; a definition that is legally and human rights-based, preferably aligning with the European Convention on Human Rights; a definition that addresses racism embedded in processes, policies, and (un)written rules of institutions and within institutional domains, resulting in (in)direct unequal treatment between people of different origins, skin color, and/or religion.

### *Guard the standard*

Effective sanctions in case of violations of the standard need to be enforced. Government-funded institutions seem to lack the knowledge, capacity, or mandate to address to monitor and address institutional racism. We recommend the establishment of an independent institution tasked with monitoring and enforcement. This institution should comprise experts with relevant knowledge and expertise, including representatives from the marginalized groups affected, and use disaggregated data to assess whether implementing the norm leads to equal treatment and a reduction in institutional racism.

### *Monitor, adjust, sanctions*

The government monitors whether the set goals are being achieved and adjusts them as necessary. When needed, sanctions should help to encourage the desired behavior.

The Dutch government, albeit tentatively at times and with some legal reservations, has acknowledged that institutional racism is a problem. As we have shown in the answers above, this has not led to the setting of clear standards in the areas of education, health care, justice and security or other public domains. The government has not yet arrived at steps 2 and 3. The most effective way to combat institutional racism, at the moment, is to create policies and rules that aim to combat institutional racism.

### *What is the most effective remedy for the damage caused?*

The most effective remedies for the damages caused by institutional racism are restorative justice and reparations. In December 2022, Prime Minister Rutte offered apologies on behalf of the Dutch state and recognized that slavery was a 'crime against humanity.' This apology opens the door for exploring restorative justice approaches and considering reparations for historical injustices and systemic harms caused by racism until today. This involves acknowledging past wrongs, providing redress, and working towards reconciliation and healing.

## What are the good practices in tackling institutional racism in your country by stakeholders, civil society or the government?

Knowledge platform KIS (*Kennisplatform Inclusief Samenleven*) has conducted research on what works in addressing institutional racism.<sup>345</sup> This literature review specifically focuses on the domains of the labor market, safety, education, and the housing market. They have examined over 200 scientific studies, predominantly from peer-reviewed journals.

According to their research, in tackling institutional racism, the first step is to focus on setting social norms. Social norms exert influence not only within specific companies or organizations but also across entire institutional fields, such as the labor market. Clear social norms against racism and discrimination are crucial because whether individuals discriminate or not, depends largely on the perceived social norm in a particular context. These social norms are also influenced by laws. Anti-discrimination laws, laws promoting equality, and laws that encourage companies, organizations, or entire institutional fields to prevent discrimination can be helpful in this regard. To ensure that social norms are adhered to and implemented in practice, fair processes need to be established within organizations, companies, and institutions. These processes should not only avoid discrimination (e.g., not allowing racial profiling) but also prevent individual employees' biases and perceptions of stereotypes from influencing the services provided. Additionally, every new form of policy or rule should be examined to ensure that they have equitable outcomes for people from different backgrounds. Processes are only fair when they result in equal outcomes, and it is crucial to systematically check this before implementing new processes in an organization, company, or municipality to prevent institutional racism.

To ensure that compliance with social norms and fair processes is not optional, an approach focused on accountability should be adopted. When organizations, companies, or even entire institutional fields (and the people working within them) know that they are likely to be held accountable for their choices and processes, it reduces the likelihood of discrimination. However,

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<sup>345</sup> Felten, H. et al. (2017). *Wat werkt in de aanpak van institutioneel racisme: Een literatuuronderzoek*. Kennisplatform Inclusief Samenleven. [https://www.kis.nl/sites/default/files/2022-06/wat\\_werkt\\_in\\_de\\_aanpak\\_van\\_institutioneel\\_racisme-def.pdf](https://www.kis.nl/sites/default/files/2022-06/wat_werkt_in_de_aanpak_van_institutioneel_racisme-def.pdf)

it is important that accountability is not limited to reporting to a colleague or someone known within the organization but to an external authority. Ideally, this external authority should include Black individuals or individuals with a migrant background, as in such cases, white individuals tend to make more effort to adhere to the norm of non-discrimination. To enhance the impact of accountability, a reward system should be implemented for organizations and companies that perform well (“naming and faming”). In the case of well-known companies, a system of punishment can also be implemented when they fail to meet the standards (“naming and shaming”). This can effectively incentivize organizations to actively address and prevent discrimination. While the mechanisms described in this study are generally applicable, it is important to understand the specific conditions within Dutch institutions, such as the influence of Dutch legislation and the political context, and how to address them effectively in practice. Furthermore, it is worth noting that the literature has limited information on the perspectives of victims of institutional racism regarding possible solutions. There is a lack of utilization of experiential knowledge in scientific research. Therefore, in future research, both in the Netherlands and internationally, it is important to give more attention to incorporating the insights and experiences of those who have experienced institutional racism. This highlights the need to combine academic knowledge with lived experiences to develop more comprehensive and effective strategies in tackling structural and institutional racism.

## What should the government, or the relevant stakeholders do to combat institutional racism in your country?

In addition to the points mentioned above, there are three other relevant recommendations:

### Positive actions regarding hiring decisions

Diversity is beneficial for representation, and it can contribute to a solution to racism. However, hiring decisions should remain based on individuals’ capabilities, attitudes, and qualifications rather than solely on their ethnic background. Lowering access requirements could spark a contentious debate where individuals without migrant backgrounds may rightfully feel excluded, and those with migrant backgrounds may be placed in certain positions despite lacking qualifications. This could exacerbate polarization. Therefore, it is strongly advised to remove the suggestion of reducing access requirements from the recommendation. Everyone entering the

public administration should be suitable for the role, regardless of their background. Some possible recommendations to promote diversity within organizations are:

- Develop and implement diversity policies: Organizations can establish diversity policies explicitly aimed at attracting, retaining, and promoting diverse talent within the organization.
- Objective recruitment and selection: Revising recruitment and selection procedures can help reduce potential bias and attract more diversity. This may include using diverse recruitment channels, employing diverse selection committees, and ensuring an objective assessment of candidates.
- Promote cultural change: Organizations can actively work to promote an inclusive work culture.
- Mentorship programs and networking opportunities: establishing mentorship programs and providing networking opportunities for diverse employees can help promote equal opportunities and encourage career development within the organization.
- Set and monitor diversity goals: Organizations can set diversity goals and regularly monitor progress to track and identify any issues. It is essential to measure diversity not only in terms of demographic characteristics but also in terms of inclusion, equal opportunities, and work culture.
- Introduce legislation that not only requires companies to combat discrimination but also makes discrimination in recruitment and selection by companies a criminal offense.

#### Collect disaggregated data

In 2020, the United Nations' Committee on the Elimination of All Forms of Racial Discrimination (CERD) adopted a recommendation on racial profiling by law enforcement officials.<sup>346</sup> Part of this recommendation was about collecting disaggregated data:

*States should collect regularly and monitor disaggregated quantitative and qualitative data on relevant law enforcement practices such as identity checks, traffic stops or border searches, which include information on the prohibited grounds for racial discrimination, including its*

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<sup>346</sup> CERD (2020). *General recommendation No. 36 on preventing and combating racial profiling by law enforcement officials*. United Nations. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-36-2020-preventing-and>

*intersecting forms, as well as the reason for the law enforcement action and the outcome of the encounter. The anonymized statistics generated by such practices should be made available to the public and discussed with local communities. Such data should be collected in accordance with human rights standards and principles, such as data protection regulations and privacy guarantees. This information must not be misused.*

We recommend aligning with the above text to collect disaggregated data; and not only among law enforcement officials, but also within and by other government organizations. Given the persecution of Jews, Roma, Sinti, and members of the LGBTQI+ community during the Second World War, maintaining a database that records race (and other grounds of discrimination) is highly sensitive. Considering the political developments wherein extreme and far-right parties are gaining power nationally (and potentially also at the European level), a high level of sensitivity regarding this matter remains warranted. We support the recommendation to establish a database *only* if the following conditions are met:

- Avoid categorizing people based on their origin except for scientific research purposes or in policy-making to highlight inequality.
- Ensure transparency and accountability in the establishment and maintenance of the database, with clear guidelines on data collection, storage, and usage. This includes strict protocols to safeguard the privacy and confidentiality of individuals.
- Establish a robust legal and ethical framework governing the database, with mechanisms for ongoing review and oversight to prevent misuse or abuse of data. This framework should adhere to international human rights standards and data protection regulations.
- Implement comprehensive data security measures to protect against unauthorized access, breaches, and misuse of sensitive information. This includes encryption, access controls, regular audits, and staff training on data handling protocols.
- Establish mechanisms for monitoring and evaluating the database's effectiveness and impact on addressing discrimination and promoting equality. This should include regular reporting on key metrics and outcomes, as well as opportunities for feedback and input from stakeholders.

### Promote inclusive language

The government should promote inclusive language in policy-making documents, strategies, and public communication to recognize and normalize the co-existence of marginalized groups in our intercultural society. We recommend the following guidelines:

- Develop and disseminate guidelines or directives that encourage the use of inclusive language in all official documents, strategies, and communications.
- Provide template documents and resources that incorporate inclusive language principles, making it easier for government departments and agencies to adopt inclusive language in their communications.
- Establish review mechanisms to ensure that policy documents and public communications undergo scrutiny for inclusive language use. Encourage feedback from diverse communities to identify areas for improvement.
- Collaborate with diversity and inclusion experts, advocacy groups, and linguistic experts to develop best practices and guidelines for inclusive language usage.

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