

THE NETHERLANDS

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Jews and Muslims faced instances of abuse during the year, although the experiences of the two communities differed. The government repeatedly condemned any form of anti-Semitism or anti-Islam bias and worked with nongovernmental organizations (NGOs) to combat such abuses.

Post pursued outreach to religious minorities, holding and attending events for Muslims and Jews.

Section I. Religious Demography

According to a September report issued by the Central Bureau of Statistics (CBS), the country has become progressively secularized over the past few decades. In 2008, 42 percent surveyed declared no church affiliation, 29 percent declared themselves to be Roman Catholic, 19 percent Protestant, 5.7 percent Muslim, and 2.3 percent other (Hindu, Jewish, or Buddhist). Many of those with some religious affiliation do not actively practice their religious beliefs.

In 2009 CBS estimated the number of Muslims at 850,000, 5.2 percent of the population. Most Muslims live in urban areas and are of Turkish, Moroccan, or Surinamese background. The Muslim population also includes large numbers of asylum seekers from Iran, Iraq, Somalia, and Bosnia and Herzegovina.

According to the Jewish Social Work organization, the country has approximately 45,000 Jews, but the Stephen Roth Institute and the Council of Europe estimated the number at closer to 30,000. Less than one-quarter of Jews belong to active Jewish organizations.

According to the Scientific Council for Government Policy in 2008, there are between 100,000 and 215,000 Hindus, of whom approximately 85 percent originally came from Suriname and 10 percent from India.

The Buddhist community has approximately 17,000 members, according to the Netherlands Institute for Social Research in 2007.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The constitution permits the government to place restrictions on the exercise of religious beliefs on limited grounds, such as concern for health hazards, traffic safety, and risk of public disorder.

It is a crime to engage in public speech that incites religious, racial, or ethnic hatred, and the government prosecuted several cases during the reporting period. Convictions were rare, however, because courts are reluctant to restrict freedom of expression, especially in the context of public debate when politicians or journalists make statements that “offend, shock, or disturb.”

Local governments maintain antidiscrimination units, which give support and advice in case of societal complaints, organize projects, provide information, and register and report on complaints. The government encouraged victims to report incidents of discrimination through a public relations campaign relying on newspaper advertisements, Internet outreach, and television commercials.

The Council of State is an advisory body that gives an opinion on draft legislation by the government before it is submitted for approval to parliament; the opinion is not binding and the government may ignore it if it so pleases. Rulings by the Equal Opportunities Committee are not binding, although they are often respected in practice; court rulings are legally binding; antidiscrimination boards mediate and look for the best possible solution, which may include going to court. At times, the Equal Opportunities Committee and the antidiscrimination boards give advice to the government on specific subjects.

The government provides educational funding to public and religious schools, other religious educational institutions, and healthcare facilities, regardless of religious affiliation. To qualify for funding, institutions must meet strict

nonreligious criteria for curriculum, minimum class size, and healthcare. The government's school policy highlights the Holocaust in curricula but allows schools to design their own approach, and the government reiterated the importance of Holocaust education during the year.

Religious groups are not required to register with the government; however, the law recognizes the existence of religious denominations and grants them certain rights and privileges, including tax exemptions. Although the law does not formally define what constitutes a "religious denomination," religious groups generally did not experience problems in meeting the definition.

The Diyanet (Turkey's religious affairs directorate) is permitted to appoint imams for most of the roughly 200 Turkish mosques in the country. In this way, the government of Turkey exercises influence within the ethnic Turkish Muslim community. Lacking this formal arrangement, the government of Morocco does not exert direct influence over the 150 Moroccan mosques within the country, instead maintaining connections through a federation of Moroccan friendship societies.

To reduce undesired foreign influence, the government continued to subsidize universities providing training for residents interested in becoming imams. Selected universities cooperated with the principal Muslim organizations to design training programs for the purpose of ensuring fledgling imams have a basic understanding of local social norms and values. The government continued to require all imams and other spiritual leaders recruited in Islamic countries to complete a year-long integration course before permitting them to practice in the country.

There are no restrictions on wearing clothing or objects for religious purposes.

The law permits employees to refuse to work on Sundays for religious reasons; however, depending on the work's nature, such as health-sector employment, employers may deny employees such an exception.

The government observes the following religious holidays as national holidays: Good Friday, Easter, Ascension Day, Pentecost, and Christmas.

Government Practices

There were no reports of abuses of religious freedom.

Disputes arose when the exercise of the rights to freedom of religion and speech clashed with the strictly enforced ban on discrimination. Such disputes were addressed either in the courts or by antidiscrimination boards. Complaints were occasionally filed against religious or political figures who publicly condemned homosexuality; however, longstanding jurisprudence dictates that such statements, when made on religious grounds, do not constitute a criminal offense absent an intention to offend or discriminate against homosexuals.

The Equal Opportunities Committee, antidiscrimination boards, and the courts have repeatedly addressed the wearing of headscarves in schools and places of employment, ruling on individual complaints and at times issuing their opinion to the government. Headscarves are commonly worn by Muslim women, but full-face Islamic veils are rare. Prevailing jurisprudence holds that any restriction on wearing headscarves in such venues should be limited and based on security or other carefully delineated grounds. In practice headscarves were permitted almost everywhere, including in schools. Legislation to prohibit wearing face covering clothing has been under debate since September 2010. The Council of State gave a negative non-binding opinion on implementing a national veil ban, as there are already exceptional legal provisions and competences to secure the government's stated interests, including the "Identification Act" and the "Public Demonstrations Act."

The Protestant Political Reformed Party (SGP), a conservative party that objects on religious grounds to women running for public office, filed an appeal with the European Court of Human Rights (ECHR) against the April 9, 2010 ruling striking down their men-only slate. The SGP argued that enforcement of the ruling, which required the Dutch government to comply with the UN Convention on the Elimination of all Forms of Discrimination Against Women by ensuring that the SGP would grant women the right to run for office, would violate their religious beliefs. While awaiting the ECHR ruling, the government continues to treat the SGP as a legitimate political entity compliant with Dutch and international laws. In December, the Senate voted down draft legislation proposed by the Animal Rights Party to prohibit the ritual slaughter of animals. The legislation had previously been passed by the House of Representatives, despite fierce protests by the Jewish and Muslim communities. In the House, a majority of secular parties regarded advancing animal welfare as more important than preserving the religious practice in question. The government did not take an official position on the proposed legislation.

Authorities continued to implement an action plan called “Combating Discrimination,” adopted in 2010 to combat discrimination in general and anti-Semitism in particular. The plan underlined the importance of cooperation among authorities and Jewish and non-Jewish organizations at the local level. The government also continued to sponsor the Jewish Moroccan Network Amsterdam, which sought to reduce tensions between Jews and Muslims of Moroccan descent. Moreover, the cabinet maintained frequent contact with various minority organizations to help counter problems of discrimination.

The government mandates school curricula address issues including the Second World War (WWII), the Holocaust, human rights, and respect for cultural diversity. It subsidizes projects such as one run by the Anne Frank Foundation to circulate teaching material on “Anti-Semitism, Old and New Prejudices” as well as education and information campaigns by the National War Commemoration Committee. Moreover, the National Youth Council has set up a committee to come up with ideas on how to better involve youth in commemorating WWII and the Holocaust.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Jews and Muslims faced instances of abuse during the year, although the experiences of the two communities differed. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance. The government repeatedly condemned any form of anti-Semitic or anti-Islamic activity, and it worked with NGOs to combat such abuses.

The Royal Dutch Medical Association took the position in May 2010 that “circumcision of minor boys without medical grounds was a violation of the right to autonomy and the right to physical integrity of a child.” It acknowledged that its position conflicted with the religiously-based practice of male circumcision and therefore called for a dialogue with religious groups.

A recent study by the Netherlands Institute of Social Research observed the Dutch in general have a great deal of faith in their institutions but have the least faith in religious institutions. The secular majority in public discourse is increasingly critical of what it perceives as the “privileges” of religious institutions, such as the selection policies of religious schools, the practice of religious slaughter, and the right of civil servants to refuse to marry same-sex couples for religious reasons.

A number of outspoken right-wing politicians continued to argue openly that Islam was incompatible with the country's traditions and social values. Geert Wilders, leader of the Party of Freedom, advocated an anti-immigrant and anti-Islam platform with a primary focus on countering "Islamization" of Dutch and Western society. Wilders, who is not a member of the government, was the most prominent of several politicians seen as encouraging public disapprobation of Muslims by claiming Islam preaches violence and hatred. There were no government spokesmen who engaged in such action. On June 23, the Amsterdam District Court acquitted Wilders of offending, inciting hatred toward, and discriminating against Muslims. Although the court found some of Wilders' anti-Islamic and anti-immigrant statements "rude and disparaging," it did not regard them as "inflammatory" or inciting hatred and discrimination given the political context in which they were made. The court noted prevailing jurisprudence permitted criticism of a religion and the behavior of supporters of a religion.

Muslims continued to face societal resentment, attributable to perceptions that Islam is incompatible with Western values and that Muslim immigrants have failed to integrate within Dutch society. In a speech on June 28, Deputy Prime Minister Verhagen, speaking as the leader of the Christian Democratic Party and not on behalf of the government, declared the multicultural society "a failure" and stressed "the primacy of Western values," focusing his rhetoric on the failure of non-Western immigrants to integrate into Dutch society.

Major incidents of violence against Muslims were rare. However, minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive language, were common. The government consistently investigates such incidents but the National Police Service has difficulty identifying perpetrators. The Minister of Security and Justice stated that motivations could include xenophobia, wantonness, intoxication, or even conflicts over parking problems or building projects. The Minister of Security and Justice remarked local authorities invariably take supplemental security measures if necessary.

Anti-Semitic incidents, including verbal threats, cursing, and desecration of monuments and cemeteries, continued to occur. There were four incidents of physical violence (including two incidents where stones were thrown through the windows of private homes, and one incident in which a boy wearing a yarmulke was beaten by three other boys), 61 'real-life' incidents (involving vandalism, desecration, verbal abuse, or telephone harassment), and 47 offensive e-mails. The incidents were committed mostly by native Dutch. The independent Center for

Information and Documentation on Israel (CIDI) noted the incidents show not all anti-Semitism is “imported.” CIDI pointed out that writers of anti-Semitic e-mails often link their present prejudice about Jews to the Holocaust, which they tend to deny or minimize.

In its most recent report, the Registration Center for Discrimination on the Internet (MDI) in 2010 received 414 reports of anti-Semitism of which it considered 212 punishable, including 68 denials of the Holocaust. Whereas the Web sites of right-wing extremists traditionally accounted for most of the anti-Semitism expressed on the Internet, the MDI found expressions of anti-Semitism increased on mainstream interactive Web sites. Reports on incidents are rarely published in the news, although occasionally the press reports on the prosecution of individuals who made offensive statements on the Internet.

The Public Prosecutor’s National Discrimination Expertise Center was set up to optimize the criminal processing of discrimination cases. In 2010, it registered 170 offenses of discrimination. Of these, 43 percent related to race and 43 percent to religion (36 percent against Jews, 7 percent against Muslims). During the same year, officials dealt with 171 offenses, brought 121 indictments, obtained 90 convictions, and entered into 17 out-of-court settlements.

Expressions of anti-Semitism also occurred throughout the year during soccer matches. In March fans in the ADO soccer club chanted, “ Hamas, Hamas, all Jews be gassed,” and other anti-Semitic slogans during a match. As a result, the ADO soccer club was censured by a court in The Hague following a suit brought by the Combat Anti-Semitism Foundation (“Stichting BAN”).

There were several convictions for using offensive language with respect to Jewish people. For example, on December 19 a man was convicted in Amsterdam for sending offensive e-mails in 2010 and 2011 about Jews “for no purpose at all.”

CIDI engaged in various programs to counter prejudice against Jews and others in schools. In doing so, it worked with Muslim organizations, Jewish groups, the Center for Culture and Leisure (a Dutch gay rights organization), and the Rotterdam Anti-Discrimination Action Council to set up the Intercultural Alliance Foundation. The foundation’s primary goal is to promote in schools the Anti-Defamation League’s World of Difference diversity programs. These initiatives include the Classroom of Difference program, which trains teachers in handling discrimination, and the peer training program, which trains participants to engage students in debate on tolerance towards others.

Some educators have debated whether to discuss the mandatory Holocaust curriculum in the broader context of human rights by including references to the Israeli-Palestinian conflict, in order to better engage the interests of students at predominantly ethnic schools. Organizations like CIDI, NIOD and CJO object to making such a link.

Section IV. U.S. Government Policy

U.S. embassy officials continued to reach out to the Muslim and Jewish communities, holding an iftar (evening meal during Ramadan), hosting dinners in observance of Passover and Rosh Hashanah, and participating in significant cultural events. The embassy also encouraged deeper government engagement in the Istanbul Process for Combating Intolerance and Discrimination Based on Religion or Belief Conference in Washington.