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Session 3

Responding to anti-Semitic and hate motivated crimes: the role of Governments, institutions, legislation, law enforcement and civil society

Statement by Mr. Piet de Klerk, Human Rights Ambassador, the Netherlands

We have travelled from Berlin and Brussels to Cordoba: truly a European journey – three cities that each in its own way is a reflection of a turbulent past. Today we live in turbulent times as well. Discrimination increases often with turbulence. Discrimination is often a reflection of events far away.

Events far away means in the case of anti-Semitism: events in the Middle East. In the statistics we often see a correlation. But it is the essence of an anti-discrimination policy, and certainly Netherlands policy, that events far away never justify blaming or expressing aggression against one's neighbour.

The situation has been complicated by the widening perception gap in a multicultural society: not only do older persons, who lived through World War II, often have different perceptions than the younger generation; people that have come to the Netherlands from the Middle East often have different perceptions than persons born in the Netherlands.

It is part of our Government policy to see that different perceptions do not lead to discrimination and violence based on such discrimination. That requires a multifaceted policy approach and co-operation between governments and civil society.

The first step is ensuring adequate legislation for making discrimination a punishable offence and to prosecute those offences. In the Netherlands such legislation is in place: discrimination on the basis of race, religion, belief, sex, sexual orientation, insults in public and inciting hate are such offences. A few years ago, in 1998, a National Expertise Centre against Discrimination¹ was set up within the Public Prosecutor's Office to co-ordinate the anti-discrimination policies of the Public Prosecutor and to stimulate prosecution. At the national level the National Expertise Centre against Discrimination has a role in advising and co-

¹ Landelijk Expertise Centrum Discriminatie (LECD).

ordinating legal prosecution in this area. Probably as a result of this increased attention, the number of cases filed by the Public Prosecutor has increased to 214 in 2004. Besides prosecuting, the Expertise Centre is involved in monitoring. Shortly, the registration system will be expanded so that cases that are “general offences with discriminatory or racist motives” (criminal offences such as arson of Islamic schools) will now also be registered in this particular discrimination database.

Other bodies, both governmental and non governmental, play a role in registering and monitoring discrimination as well. In the Netherlands, civil society organisations (such as the Complaints Bureau for Discrimination on the Internet¹ and the Anne Frank Foundation) play an important role in registering discrimination and conducting research. The Complaints Bureau and the Public Prosecutor’s Office work closely together, which has led to an increase in prosecutions and convictions. The Netherlands government encourages the NGO’s involved in combating discrimination to increase co-operation and to exchange experiences and best practices.

In the Netherlands, the reported number of discriminatory texts on the internet has increased from 1242 in 2003 to 1812 last year. Of those texts, 531 are anti-Semitic, which is an increase in comparison with the year before (477). I should add that also the number of discriminatory texts against Moroccans, Turks and Muslims has increased since 2003. The first step in dealing with such discriminatory texts is a request to the owner of the site or the provider to remove the text. In 2003 the percentages of cases in which such requests were heeded was 95%, in 2004 even 97%. Some of the cases brought forward by the Complaints Bureau for Discrimination on the Internet have led to convictions.

While we are convinced that we now have a solid registration system, this doesn’t diminish the value of enhanced international co-operation, which could lead to improved comparability of data and exchanging best practises. In that respect we appreciate the work of the EUMC and ODIHR, hopefully in close cooperation. We are looking forward to continuing our financial support of ODIHR.

Last but not least: prevention is an important part of any anti-discrimination policy. That requires measures which break down prejudices, which stimulate dialogue and co-operation. Next to government efforts in this area, civil society can play an important part in that regard, and fortunately, it does so actively and effectively in the Netherlands.

¹ Meldpunt Discriminatie Internet (MDI), an independent bureau but subsidised by the government.