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# **OSCE High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding Plenary Session 4**

*Bucharest, Romania, 7-8 June 2007*

## *Intervention on behalf of*

- **Netherlands Helsinki Committee**
- **Art.1, Netherlands National Association against Discrimination**
- **Centre Information and Documentation on Israel (CIDI)**

*With consultation of Amnesty International Dutch Section*

## **Strengthening the capacity to monitor, prevent and combat discrimination and intolerance**

This intervention is made on behalf of Dutch non-governmental organizations working in the field of anti-discrimination and the promotion of tolerance in the Netherlands and other countries in the OSCE region.

We recognize the efforts made by OSCE and ODIHR in promoting tolerance and non-discrimination in its member states. We welcome the fact that the OSCE is organizing conferences such as this one. We support the aims of this conference: building a Europe where there is no place for discrimination and developing the standards and tools to achieve this end. Furthermore, we appreciate the fact that the OSCE involves civil society in this process.

## Background

Discrimination has a deep impact on people's lives and undermines social cohesion. Defamation, incitement to hatred and exclusion can lead to social unrest, inter-ethnic tensions and even violence. To realise non-discrimination and equality in practice, it is essential that national governments establish a comprehensive set of policies and legal measures to combat and prevent discrimination.

The Netherlands is party to all relevant international human rights instruments, such as the Universal Declaration of Human Rights, the European Convention on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Both current and previous governments acknowledge the importance of fighting against discrimination and unequal treatment and the promotion of equality.

Recently, several important developments took place with regard to anti-racism and anti-discrimination in the Netherlands. Integration by means of employment and education is as a way to prevent radicalisation of minorities. Various measures by governmental institutions and non-governmental organisations are for instance targeted at mosques and Islamic organisations in the hope of early intervention when young people are in danger of turning away from society. Increasing awareness that the high rate of unemployment among non-Western immigrants is partly due to discrimination on the labour market has led to several measures and policies to improve the employment rate of ethnic minorities.

At the same time the public discourse about ethnic and religious minorities has significantly hardened over the last years. An increased negative perception of people with a Muslim migrant background hampers their full and equal participation in society, leading *e.g.* to difficulties to get traineeships or jobs. Furthermore, we assume that this negative public perception has led to an increase of incidents of racial violence. The incidences of mobbing and racism on the work floor are persistent, as is shown by the percentage of complaints submitted to anti-discrimination agencies (ADAs).

As part of the report of the former National Bureau against Racial Discrimination *Monitor Rassendiscriminatie 2005 (Monitor on Racial Discrimination)*, published in 2006, a survey was carried out on people's experiences of discrimination. Almost 1,700 respondents took part in this survey, consisting of a representative sample of native Dutch and people from the four largest groups of immigrants: people of Turkish, Moroccan, Antillean and Surinamese origin. According to the survey, more than half of the people of Moroccan origin and slightly less than half of those of Turkish origin personally encountered racial discrimination in the past year on one or several occasions. This means that people of Turkish and Moroccan background are confronted with the problem on a regular basis, not only with incidents in which persons from their immediate surroundings are the victim of discrimination. Native Dutch respondents also indicated to have experienced discrimination on ethnic grounds. Although the percentage is much lower compared to the other four ethnic minority groups, in absolute numbers this highlights a serious problem, which should not be overlooked.

In general, this research shows that discrimination in the Netherlands is persistent and widespread. This conclusion underlines the importance of measures to prevent and to combat discrimination. The Dutch government refers in policy documents to the important role and responsibilities that other actors in society and in particular local governments have in the fight against discrimination.

However, a recent survey, carried out by the Dutch Section of Amnesty International among municipalities, shows that more than 90% of the municipalities has no general policy to combat discrimination. Less than 20% of the municipalities developed a policy on non-discrimination in a specific public domain, for example with regard to entrance to bars and discotheques. As regards to discrimination on the work floor, 70% of the municipalities does not have a policy in place to fight this form of discrimination. However, as an employer *for example* municipalities have the obligation to develop and implement such policies. Most municipalities (68%) indicate that discrimination is not an actual problem in their community. The survey shows that at the same time, about half of them (58%) acknowledge to lack sufficient information about the occurrence of discrimination in their territory. These figures show a disappointing performance of the local municipalities to fight all forms of discrimination. This is problematic, because the primary focus of the national government lies at the local level, the level where society is most directly confronted with racism and discrimination.

## **Capacity in local communities to monitor, prevent and combat discrimination and intolerance**

The contribution of civil society to the development of the capacity in local communities to monitor, prevent and combat discrimination and intolerance and monitoring process is becoming increasingly important.

Improvement of registration and monitoring of discrimination and racism will only be possible when enough financial means are available to maintain and extend an infrastructure throughout the country of professional local and regional ADAs. These agencies should be easily accessible for people to find adequate help when they are discriminated against. These agencies should also busy themselves with the prevention of discrimination, for instance through education at schools.

In 2007, in order to professionalize this infrastructure and with the help of the Dutch government, the national bureau against racial discrimination and the national federation of local and regional anti-discrimination agencies merged together and set up the new National Association against Discrimination, Article 1 (Art.1). Its name “Art.1” refers to the first article in the Dutch Constitution which stipulates that all people in the Netherlands are treated equally and prohibits discrimination. The Dutch government has taken the initiative to widen the access to anti-discrimination services, by facilitating a nationwide network of Anti-Discrimination Agencies (ADAs). It has also facilitated the monitoring of discrimination and racism by Art.1.

Taken into account the value of the Dutch infrastructure to monitor discrimination to deal with complaints and to prevent and fight discrimination, we call upon the governments of the OSCE region to provide the means to set up and/or develop similar infrastructures to fight discrimination in their own countries.

## **Registration and prosecution**

In the Netherlands a variety of studies have shown that relatively few discrimination complaints are submitted to the police, the Anti Discrimination Agencies or the Equal Treatment Commission<sup>1</sup>. The reason for this might be that people believe that submitting a complaint will actually not lead to a fair and satisfactory solution. Another factor is that the public in general is unfamiliar with these complaints procedures. A third reason is that people fear that their complaint will have adverse effect on their own situation.

Data from the ADAs indicate that the total number of complaints filed in 2000-2005 fluctuates between 3,500 and 4,500 per year. These figures relate to the various grounds protected by the Equal Treatment Act, covering issues such as employment, street/neighbourhood (local communities), access to goods and services, education and housing. For years 'race' has been the largest category: approximately 60 per cent of all complaints and reports lodged with the ADAs concern race or ethnic origin. In recent years, the number of complaints related to religion has risen, most of them in relation to discrimination of Muslims.

Against this background we call upon the governments of the OSCE participating states to participate actively and if necessary take the lead in the development of a adequate legal and organizational infrastructure at the national and local level to prevent and fight discrimination and intolerance. To achieve this end we hereby recommend OSCE participating states to:

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<sup>1</sup> The Dutch Equal Treatment Commission is an independent organisation that was established in 1994 to promote and monitor compliance with the equal treatment legislation. The Commission also gives advice and information about the standards that apply. Everyone in the Netherlands can ask the Commission for an opinion or advice about a specific situation concerning unequal treatment, free of charge. (source: [www.cgb.nl/index-en.php](http://www.cgb.nl/index-en.php))

## ***Recommendations***

### **1.**

- Establish a comprehensive set of policies and legal measures to combat and prevent discrimination and promote tolerance and social cohesion;
- Develop legislation and judicial instruments against discrimination, racism and intolerance;
- Prosecute hate crime, including incitement to racial violence and hatred;
- Establish a nation-wide network of anti-discrimination agencies where people can file complaints and receive help when they are discriminated against;
- Provide protection against victimization (possible negative consequences for the victims);
- Take adequate measures to increase awareness amongst citizens (victims) of the importance to lodge discrimination complaints;
- Ascertain that authorities responsible for law enforcement, such as police and public prosecutors, handle discrimination cases adequately;
- Develop and/or improve the registration and monitoring mechanisms of discrimination and the evaluation of anti-discrimination projects;
- Provide adequate funding for the activities mentioned above.

### **2.**

- Take adequate measures and develop adequate policies together with the trade unions and the employers to increase the employment of ethnic and religious minorities.

### **3.**

- Stimulate together with civil society, for instance in education, the promotion of respect and understanding between various groups in society, the remembrance of the Holocaust and the promotion of dialogue between different cultures and religions;
- Increase public awareness about the mechanism of intolerance and discrimination *e.g.* through national public campaigns against discrimination and through the implementation of awareness-raising activities in education.