

The Netherlands

Written replies to the list of issues regarding the
International Convention on the Elimination of all Forms of Racial
Discrimination

On

The combined seventeenth and eighteenth periodic report of the
Netherlands (CERD/C/NLD/18)

Answer 1

Many of the problems related to immigration and integration tend to converge in urban neighbourhoods where large numbers of immigrants have settled. In these neighbourhoods the day-to-day friction of a multicultural environment combines with socioeconomic hardship, anti-social behaviour and crime to give rise to widespread discontent among local residents. Unfortunately, these problems have led to mistrust and tensions between various ethnic and religious groups in the Netherlands. The Dutch government takes these problems extremely seriously as it seeks to foster a society where all citizens feel at home and no one has cause to feel disadvantaged or discriminated against.

Answer 2

In the Netherlands, the only group to be defined as a 'national minority' are the Frisians; Roma and Sinti do not fall into this category. There are no plans to reconsider this policy.

Central government has formulated four principles for tackling the problems that certain municipalities are having with some of their Roma residents (House of Representatives, 2008-2009, 31700 XVIII, no. 90). The first is that municipalities with a significant Roma minority are directly responsible for addressing problems involving the local Roma community. The second principle is that existing, non-specific policy affords municipalities adequate instruments for dealing with this issue. The government encourages these 'Roma municipalities' to use this policy as effectively as possible. A third principle is setting boundaries and creating opportunities. Finally, central government believes that the Roma themselves have an important role to play in dealing with problems in their own community.

The Minister for Housing, Communities and Integration will work with these municipalities in establishing a special platform on this issue. Together with the Minister of Education, Culture and Science, he will also be setting aside an additional €600,000 to combat truancy among Roma children.

Answer 3

The proposed Kingdom Act on the Movement of Persons (*Rijkswet personenverkeer*) has not yet been introduced in the House of Representatives. At present, the bill exists only in a draft version, which has been a subject of discussion between the Kingdom's constituent countries for some time.

The purpose of this proposed legislation is to provide guarantees ensuring the free movement and settlement of Dutch nationals in all parts of the Kingdom (the Netherlands, Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba).

The bill sets out the conditions under which Dutch nationals have the right to free entry into and free residence in the various parts of the Kingdom. This encompasses the right to seek employment and to work throughout the Kingdom. Every Dutch national in possession of a valid international travel document will be entitled to enter all the Kingdom's constituent countries. No other conditions will be set. In addition, any Dutch national will have the right to remain in that country for three months, under no further conditions.

If an individual intends to stay for longer, the countries and territories in the Caribbean part of the Kingdom may set certain conditions. Dutch nationals should be gainfully employed and capable of supporting themselves, or seeking employment with a real chance of success. If that is not the case, at the bare minimum, Dutch nationals must have health insurance and not place an unreasonable burden on the country or territory's social security system during the first five years of their stay. In principle, Dutch nationals should be capable of supporting themselves if they intend to relocate to another part of the Kingdom. For reasons of public policy, public order, safety and/or security, the authorities will be empowered to bar Dutch nationals from entering and residing in a certain country. This option will be open to all countries in the Kingdom.

With respect to the 'urban marines', it should first be observed that this position was not specifically created for the Antillean community. There are urban marines for various locations and policy themes. When confronted with an apparently insoluble problem, the urban marines take (occasionally unorthodox) measures (e.g. home visits/intervention teams) on the basis of an incisive analysis. These measures are not the outcome of a bureaucratic process; when taken, action is swift and decisive. The urban marines analyse the situation, draw the correct conclusion and formulate a goal. They bring together the parties responsible in the hope of achieving the desired result through effective and appropriate cooperation. If problems crop up along the way, the urban marines will speak directly to the relevant parties, eliminate the obstacles and help to get the process back on track. After achieving the desired result, they will refer the case to the qualified authorities.

The urban marines do not themselves decide where they will intervene. They do their work either by order of the municipal executive (often the mayor) or at the request of the borough executive or chair. The urban marines are accountable to and supervised by the steering

committee on safety and security, composed of the mayor, the chief of police and the chief public prosecutor, plus the director of the municipality's public safety and security department and the relevant member of the municipal executive.

Answer 4

In December 2003 the National Action Plan against racism was sent to parliament. Subsequently, in July 2007, parliament was informed about the progress that had been made with it in the interim. In November 2009, a general letter on integration was sent to parliament with a chapter on racism incorporating recommendations contained in international treaties and, where relevant, those of the Durban Review Conference of 2009. This letter discusses the three prongs of the current policy: combating racial discrimination with the help of anti-discrimination services, the police and the public prosecution service; boosting the resilience of victims; and the professionalisation of organisations involved in combating discrimination.

Answer 5

Dutch government policy is problem-centred, rather than group-centred. The Netherlands does not tailor policy to individual groups. Consequently, 'recognising' the African community is not an option. The Municipal Anti-Discrimination Services Act, which entered into force on 28 July 2009, obliges municipalities to provide easily accessible facilities for handling complaints about discrimination from members of the public. Like everyone else living in the Netherlands, people of African origin can use these services if they feel they have been subjected to discrimination. They can also contact other bodies that deal with this issue, such as the Equal Treatment Commission or the police. The Dutch government does not make distinctions between groups in this respect.

Answer 6

In 2007, parliament agreed on a general amnesty for asylum seekers whose first asylum application was filed before 1 April 2001 and who had resided in the Netherlands continuously since that time. In cases where a foreign national temporarily left Dutch territory, the purpose of the journey abroad is taken into account. Hence, a short stay abroad for medical reasons does not automatically imply a failure to meet the condition of continuous residence.

Answer 7

The requirements imposed by the Civic Integration (Preparation Abroad) Act (*Wet inburgering in het buitenland*) apply to those migrants coming to the Netherlands for the

purpose of family formation or unification who are already obliged to obtain an authorisation for temporary stay (*machtiging tot voorlopig verblijf*, MVV) before entering the country. Nationals of EU/EEA countries are exempt from the MVV requirement, as are nationals of six countries outside Europe (i.e. the United States, Canada, Japan, New Zealand, Australia and South Korea). Given that the civic integration abroad requirements relate to the MVV procedure, it follows that they cannot be imposed on nationals of countries that are exempt from the MVV.

The Dutch government monitors the implementation and results of the Civic Integration (Preparation Abroad) Act in a variety of ways. Every six months a review (*Monitor Inburgeringsexamen*) is conducted of the civic integration examination. The number of tests taken, pass rates and admissions to the Netherlands for family reunification or formation are specified by country of origin, level of education, sex and age. In 2009 the evaluation of the Civic Integration (Preparation Abroad) Act was completed. The results show that candidates are better prepared upon entering the Netherlands. Researchers did not find any evidence of a strong or unacceptable selection bias, nor did they conclude that the exam forms an impossible obstacle to enter the Netherlands. The pass rate for all groups (differentiated by level of education, country of origin, sex and age) is higher than 80%. On average, 91% passes the exam on their first attempt.

Answer 8

In order to promote the participation of ethnic minorities, the Dutch government pursues an active integration policy. It is also committed to combating anti-social behaviour among the young, stopping segregation and eliminating discrimination.

The Netherlands has a long tradition of opposing physical segregation. Anti-segregation instruments are mainly designed to prevent socioeconomic segregation, which often coincides with ethnic segregation. Endeavours are made to ensure mixed housing stock, with a view to producing mixed neighbourhoods. Putting people from different backgrounds in the same areas fosters social interaction and mutual understanding. One of the government's main partners is the housing association sector, which manages a substantial number of subsidised rental dwellings for people with a low income. There is subsidised rental housing in almost every neighbourhood, and in new developments this segment accounts for at least 30% of all homes. Housing associations also contribute to general 'liveability' and urban renewal.

This spring, the government will be launching a fresh offensive to combat segregation, focusing on the housing situation (e.g. urban renewal) and improving the position of the disadvantaged.

Another important instrument in this regard is our integrated Strong Communities Action Plan. The Netherlands has around 100 disadvantaged neighbourhoods, where local residents have difficulty improving their situation themselves. The Ministry of Housing, Spatial Planning and the Environment (VROM) is working with local residents on multiple fronts to make these neighbourhoods better places to live.

Special attention is being devoted to the 40 most problematic neighbourhoods, particularly in the areas of housing, employment, education, integration and safety/security. Funds have also been set aside for other neighbourhoods (the '40+ neighbourhoods') to resolve existing problems and improve quality of life.

Local residents play an important role in their neighbourhood, and their positive influence can have a beneficial effect on its atmosphere and appearance. VROM wants to encourage local residents to become involved in their neighbourhoods. To that end, in 2008, the Minister for Housing, Communities and Integration earmarked €20 million to support initiatives by local residents. Between 2009 and the end of 2011, an additional €75 million will be released. This money, which will go to the municipalities where these problem neighbourhoods are located, will make it possible for local residents to put their own ideas into action.

Education is another important factor in combating segregation. A number of pilot programmes will be run over the next several years to determine which measures work best to ensure a more ethnically balanced school population. These programmes will use various instruments to combat segregation, such as using target communication techniques to influence parents' choices. In addition, municipalities will support and promote initiatives by local parents to achieve more mixed schools.

Other measures targeting the labour market:

- The action programme on labour market participation (*Iedereen Doet Mee*, IDM) was launched in September 2007 as part of the government's drive toward social cohesion. It describes how the government, in collaboration with trade unions and

employers' associations, intends to achieve participation objectives, some of which apply to ethnic minorities.

- Since 2004 the Ministry of Social Affairs and Employment (SZW) has subsidised the National Diversity Management Network (Div), which implements several working programmes concerned with increasing diversity among small and medium-sized businesses and a number of institutions and agencies in the public sector.
- SZW is also subsidising two projects by the FORUM Institute for Multicultural Development: K!X (which seeks to improve the image of young people from minority backgrounds) and a public information campaign in the care sector.
- In the first quarter of 2010, SZW will commission a study of diversity policy in collective labour agreements. Researchers will examine these agreements to see if they take account of differences between employees. The results of this study will be shared with representatives of trade unions and employers' associations.
- In the spring of 2009 an action plan was drawn up to tackle unemployment among the young, in an effort to alleviate the effects of the economic crisis on this group. The plan aims to ensure that large groups of young people are not stuck at home for extended periods of time. The action plan outlines five specific steps:
 - keeping young people in school for longer: €16 million
 - voluntary agreements with 30 regions: €153 million
 - a drive to match supply and demand on the labour market: €10 million
 - traineeships: €25 millions
 - opportunities for vulnerable young people: €40 million.

The position of young people from an ethnic minority background is especially vulnerable in times of crisis. In comparison to their non-minority peers, many of them are less educated and more apt to have jobs with flexible contracts. They are also more likely to drop out of school without qualifications. The high employment rate among this group is receiving special attention from the Dutch authorities. At the express request of the government, the above-mentioned agreements with the 30 regions contain specific activities for vulnerable young people from a minority background. The National Ethnic Minorities Consultative Committee is also actively involved in implementing the action plan on unemployment among the young at regional level.

Answer 9

On 28 January 2003, the Kingdom of the Netherlands signed the Additional Protocol to the Convention on Cybercrime of the Council of Europe concerning the criminalisation of acts of

a racist and xenophobic nature committed through computer systems. The bill for approval of the Protocol was introduced in the House of Representatives on 16 March 2009.

Because of the great importance the Netherlands attaches to preventing and combating discrimination on the internet, we have a national Internet Discrimination Hotline (*Meldpunt Discriminatie Internet*, MDI), funded jointly by the Minister of Justice and the Minister for Housing, Communities and Integration. The two ministers recently reaffirmed their commitment to the service by pledging full funding for 2010. The MDI's most important duty is responding to reports of online discrimination and subsequently overseeing the removal of unlawful utterances. If it is unable to do the latter, it will lodge a criminal complaint with the law enforcement authorities. In principle, the MDI does not seek out unlawful, discriminatory utterances on the internet. Rather, it receives reports of such utterances and then asks the sites' operators to remove the offending statements, images, etc. In 2008 and 2009, there were numerous information campaigns and training sessions for administrators and moderators of interactive websites on how to recognise and combat discrimination, with an emphasis on the administrators' own responsibility. In one case, the intervention of the MDI prompted the largest national daily paper in the Netherlands to hire four moderators to police postings on their interactive site and, if necessary, actively remove discriminatory content, without the involvement of the MDI.

The figures for 2007 and 2008 are as follows. (The figures for 2009 will not be available until March 2010.)

In 2008 the hotline received more reports of discrimination than in the year before: 1,226 (in response to 1,501 unique utterances), a significant increase over the 1,046 received in 2007. There was, however, a slight drop in the number of utterances cited (1,581 in 2007). The number of utterances deemed to be criminal by the MDI fell from 1,078 to 899.

In keeping with the trend observed over the past several years, most reports concerned anti-Semitic or anti-Muslim utterances. In 2007 and 2008 websites were increasingly willing to take down unlawful postings. The vast majority of reports of discriminatory utterances on the internet referred to social networking or video sites (e.g. YouTube or Hyves (a Dutch answer to Facebook)). All these sites have been willing to cooperate with the hotline, and in almost every case, the MDI succeeded in securing the removal of the discriminatory material (In 2008, for example, over 91% was removed). If a site refuses to delete a discriminatory utterance, the MDI can lodge a criminal complaint. The practice of tackling discrimination on the internet by means of the criminal law has become more effective. In 2008 seven cases

were brought to court following criminal complaints by the MDI. A user of an extreme rightwing forum was acquitted because a district court held that the internet was not public, though the very same month a Court of Appeal ruled in another case, involving a blogger who relied on the same argument, that the internet was indeed public. In August 2008 the administrator of a rightwing nationalist news site was convicted for allowing discriminatory utterances to be left in the 'comments' section of his site. A month later a YouTube user was convicted of posting anti-Semitic images and videos.

Answer 10

The LECD referred to in the section in question is actually the Diversity and Police Expertise Centre (*Landelijk Expertisecentrum Diversiteit*), not the similarly named National Discrimination Expertise Centre (*Landelijk Expertisecentrum Discriminatie*). The hate crime project aims to provide an easy option for reporting discrimination, either online or in person. Since July 2009 it has been possible to use the internet to report any hate crime committed in the Netherlands (or to make an appointment to report the incident in person). If the hate crime is homophobic in nature, a police official affiliated with the regional network for gay police officers will be contacted. These networks often function as intermediaries between fellow officers and homosexual members of the public (e.g. when a crime is being reported). They can also lend their expertise to criminal investigations and public order disturbances (e.g. at places frequented by homosexuals). Moreover, they function as a point of contact for questions that may arise within the police organisation. This pilot programme will run until the end of 2011. After that, it may be introduced nationally, depending on the results. An interim evaluation shows that the website is relatively well known among the gay community within the relevant police regions (Amsterdam-Amstelland and Gelderland-Zuid), but the number of reported crimes was very low. Before the end of the year, the LECD intends to improve its active communication with potential users by updating and expanding the site. One way they will do this is by publicising the option of reporting a crime without revealing one's home address and adding hyperlinks to relevant interest groups. The online reporting form will also be evaluated.

Answer 11

Broadly speaking, the Benefit Entitlement (Residence Status) Act (*Koppelingswet*) links aliens' residence status to their entitlement to state benefits, in so far as an undocumented alien cannot lay claim to such provision. This principle is, however, subject to certain exceptions, since certain benefits and facilities are not linked to a person's residence status: essential health care, legal assistance and access to education for minors (persons under the age of 18).

Essential health care

In the Netherlands, everyone is entitled to medically necessary treatment. There is no law in the Netherlands that prohibits the provision of medically necessary treatment to anyone. On the contrary, every healthcare provider has a professional responsibility to provide medically necessary treatment.

For people with health insurance, some or all of the costs of such treatment are borne by the insurance company. Illegal immigrants and failed asylum seekers do not have a right to health care under the social insurance schemes. Generally, aliens who do not have a residence permit are expected to pay their own bills or take out private insurance. An exception to this is essential medical care, including care relating to pregnancy and childbirth and preventive care to minimise threats to public health. In these instances, even if people cannot pay the costs themselves, medically necessary treatment must be provided. This also applies to undocumented women who fall victim to violence. Healthcare providers who are unable to collect payment for medically necessary treatment given to aliens with no legal right of residence can apply for reimbursement. The entitlement to reimbursement is laid down in the Act amending the Health Insurance Act (providing for reimbursement of care providers who lose income as a result of medically necessary treatment given to certain groups of aliens) and the Exceptional Medical Expenses Act (providing for the insurance of certain groups of minor aliens). This Act was adopted on 30 October 2008 and came into force on 1 January 2009.

Extensive information about the reimbursement option under the Act of 30 October 2008 is given by the Healthcare Insurance Board (*College voor zorgverzekeringen*), which implements the measure, to care providers (such as GPs, hospitals, pharmacists), the coordinating organisations for care providers and organisations representing undocumented immigrants and failed asylum seekers.

Legal assistance

Under article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, undocumented aliens are entitled to legal assistance on an equal footing with others. Undocumented women therefore do have access to legal assistance.

Shelter and protection in case of gender-based violence

Since 2008, victims of gender-based violence have also had access to shelter, financial support and health insurance, on the condition that they apply for residence on gender-

based, humanitarian grounds as victims of domestic or honour-related violence. This policy also applies to victims of human trafficking who do not cooperate with the authorities. While the application is being processed, shelter, financial support and medical insurance (as well as free legal assistance) are provided.

Answer 12

The National Diversity Management Network (Div) encourages and supports small and medium-sized businesses in drawing up and maintaining a diversity policy. The network's main focus is on providing advice on ethnic diversity. Founded by SZW in 2004, Div serves as a centre of excellence primarily for individual small and medium-sized businesses, along with sector- and industry-wide organisations. Besides providing advice, Div disseminates a set of best practices to businesses every year and awards the Div Prize to a company that has pursued an active diversity policy. Given that Div's role is chiefly advisory in nature, the effects of the network's efforts on businesses' diversity management are difficult to measure.

Answer 13

The high turnover rate for officers from ethnic minorities is a priority issue for the police. It has been the subject of retrospective studies, which have concluded that the main reason behind these resignations is insufficient career development opportunities. Discrimination and cultural differences, personal circumstances and working conditions are the three other reasons given.

To monitor turnover effectively in the future, a questionnaire is being designed that can be given to all departing personnel. This will make it possible to maintain an overview of the motives behind the resignation of all departing police officers, including those from ethnic minorities.

Other measures have been taken or are being planned in the various other areas. Some of these are described below. The Ministry of the Interior and Kingdom Relations and the police have established a number of specific partnerships for the 2008-2011 period to promote diversity in the police force. These partnerships have developed a wide array of measures and training programmes, which have been made available to the individual police forces.

One of the most important of these is investing in the multicultural skills of all personnel. This entails learning to interact with different cultures and lifestyles in the police force and in society at large. As of 2010, this subject has been integrated into the training programme for

all police personnel. The individual police forces are being given the ideas (best practices) and resources to help them impart these multicultural skills to their staff.

A number of measures are also being taken with respect to career development policy. For example, a programme has been launched to encourage the accelerated promotion of talented employees, especially candidates who would bring about a more diverse workforce. A number of police forces have set up a 'buddy system' to provide coaching to colleagues from an ethnic minority background from the moment they enter the force as trainees. The individual police forces will also be given guidelines and a budget to offer employees from an ethnic minority background a course to help them with their career prospects.

The turnover rates among civil servants also have the government's attention. In 2007 the government set itself the goal of enlarging the proportion of ethnic minorities in the public sector by 50% within four years. Research on the subject has shown that the main reasons that ethnic minority employees leave the civil service are negative expectations, a lack of openness to diversity and the role of management. According to this research, the departure of ethnic minority employees from central government can be limited by doing more to highlight the social aspects of the job, such as interpersonal relationships and the organisational climate. The researchers go on to recommend 'targeted interventions', i.e. teambuilding exercises, courses and the supervision of managers. These recommendations have been followed in a number of ways, including incorporating the theme of diversity into measures aimed at entry-level employees, qualifications and training courses for middle management, and HR-related advice. Bicultural employees are also being given the option of receiving coaching. In addition, research is being done to determine what courses of action are best for maintaining cultural diversity and how to expand on them.

Answer 14

In 2006 a three-year agreement was concluded between the Ministry of Social Affairs and Employment and the Netherlands Institute for Social Research (SCP) to oversee the 2007 and 2009 discrimination monitors and the 2008 studies of hiring practices. The first discrimination monitor, which was conducted in 2007, led to the organisation of a conference on 15 November 2007. The research report on the hiring studies, 'Liever Mark dan Mohammed' (Better Mark than Mohammed), was completed in January 2010. The results of this report will have to be considered in conjunction with the 2009 discrimination monitor. The final report is expected to be released in April 2010. The most important findings of the study are as follows:

- On average, 44% of non-minority job applicants can expect to be called back for an interview, while applicants with a non-Western background with similar CVs have a 37% chance of a call-back.
- For lower and midlevel jobs the chances for applicants with a non-Western background are 8 and 9 per cent lower, respectively. In positions requiring a university or higher professional education degree, the two groups have approximately the same chance.
- For jobs involving contact with the public, the difference is 9%, compared to 5% for other kinds of jobs.
- The difference between non-minority men and men with a non-Western background is 9%; the corresponding figure for women is 5%.
- Differences between minorities and non-minorities are most pronounced in the catering and retail sectors (11 and 10 per cent, respectively).

Answer 15

The Urban Areas (Special Measures) Act (also called the Rotterdam Act) was introduced in 2006. Laws in the Netherlands must abide by the Dutch constitution, which prohibits discrimination on the basis of national origin, religion or gender.

The Rotterdam Act is a response to municipalities' need to improve the quality of life in certain 'problem neighbourhoods' by authorising temporary, last-resort measures. These can be taken only in a limited number of neighbourhoods with the approval of VROM, when other measures have proved insufficient. In essence, the Act permits municipal authorities to exclude potential tenants who are not gainfully employed from these neighbourhoods. (This does not include students and pensioners.) The goal of this is to stimulate the influx of economically independent people.

To invoke the Rotterdam Act, municipalities have to meet certain criteria, including necessity, appropriateness, subsidiarity and proportionality. Potential tenants who cannot move into a neighbourhood as a consequence of the Rotterdam Act must have enough options for renting a dwelling in another neighbourhood in the city.

The Rotterdam Act provides local government with instruments to curb ongoing urban decay. These neighbourhoods suffer from a steady exodus of qualified individuals who are able to find jobs and ascend the socioeconomic ladder. Such people do not invest in the

neighbourhood, nor do they contribute to social cohesion. The Rotterdam Act makes it possible to stimulate the influx of people who *will* invest in the neighbourhood.

The Dutch government does not think that this Act creates scope for any kind of discrimination. First of all, these measures are enshrined in law and the selection takes place on the basis of income, not race or religion. Second, thorough safeguards are in place for the measures. Last, the procedures may only be used temporarily, and their effects must be evaluated. The Act is a conscientious attempt to balance the rights of potential tenants and local authorities' desire to curb urban decay.

At present, January 2010, the scope of the Act is limited to Rotterdam, though some other municipalities are considering using it as well. This year, the Act will be reviewed, and one of the questions to be examined will be the possibility of unintended racial discrimination.

Answer 16

a) vocational education, practical training places

It is a prerequisite that secondary vocational education (MBO) students can undergo practical training in a safe learning environment. Companies that offer work placements are assessed by the Centres of Expertise on Vocational Education, Training and the Labour Market, which also check for incidents involving illegal, unequal treatment. Appropriate measures are taken in the event of demonstrable illegal, unequal treatment of an MBO student. Either the student concerned is given a placement with another company or the placement supervisor is removed from his or her position.

b) teacher training

Pursuant to the Primary Education Act, Secondary Education Act and the Expertise Centres Act, all schools are required to admit trainee teachers so that they may gain the work experience needed as part of their course requirements. Compliance is monitored by the Education Inspectorate. All trainee teachers, regardless of origin, are thus assured of a training place.

In 2008, the Minister of Education, Culture and Science and five institutions of higher professional education in the west of the Netherlands signed an agreement aimed at improving the success rate of students of non-Western origin in higher professional education in the four largest cities.

The budget to achieve this goal, including the cost of monitoring, evaluation and advice, is estimated at €4 million in 2008, €8 million in 2009, €12 million in 2010, and €17 million per year from 2011 to 2013 (base year 2008; amounts to be adjusted for inflation).

Answer 17

The government was not aware that the Ombudsman had received a high number of complaints concerning alleged discrimination by customs officials at Schiphol airport. Upon inquiry, we found that no more than 10 complaints had been received between 1997 and 2006. In 2006, the Ombudsman decided independently to investigate how the 100% customs check are carried out at Schiphol Airport and how people detained as suspects following such a check are treated. The study found that Customs need to be more aware of the emotional impact of 100% security checks on the people who undergo them. To this end, the Ombudsman made a number of recommendations which have since been adopted by Customs. The Ombudsman found no evidence of racial discrimination in the execution of 100% security checks.

Answer 18

Teachers must satisfy standards of competence laid down in the Education Professions Act. These standards were developed by the teaching profession, which also plays a key role in managing the process through the Association for the Professional Quality of Teachers (*Stichting Beroepskwaliteit Leraren*). They are listed in accordance with the seven competences which define the essence of a competent teacher and are the basis of teacher training.

These competences are related to subject-knowledge, didactical en pedagogical actions.

They are further related to interpersonal en organizational competences. For example:

- A teacher who has interpersonal competences gives proof of good leadership. He/she creates a friendly and cooperative atmosphere and stimulates and achieves open communication.
- A teacher who is pedagogically competent creates a safe learning environment, for a whole class or group, but also for individual pupils, so that the children can develop into autonomous and responsible persons.
- A teacher who is competent with respect to subject knowledge and teaching methods creates a powerful i.e. an optimal as possible learning environment in his/her group and lessons, where children can acquire the cultural baggage needed in society.

- A teacher must be competent for collaboration with his/her working environment and must contribute to a good collaboration with people and institutions in the school's working environment, whenever this is to the children's advantage.

The teachers that fulfil to these competences are capable to teach in a multicultural setting. Continuing professional development is also mandatory for qualified teachers. Schools must give teaching staff the opportunity to follow training courses and they receive government funding to this end.

For more information (in Dutch), please go to:

<http://www.lerarenweb.nl/lerarenweb-bekwaamheid.html?sbl&artikelen&158>

<http://www.bekwaamheidsdossier.nl/cms/bijlagen/Inleiding20mei.doc>

Answer 19

*Please note that we cannot always provide information in the form desired by the CERD Committee, due to the availability of data in general and to the fact that data on specific subjects, such as health, are not always gathered in the same way every year. The figures below are based on the 2009 report on integration published by the Social and Cultural Planning Office.

Population composition

Table 1. Population by ethnic origin, 2009a (absolute numbers and percentages)

	No. of people x 1000	Percentage of total population (%)
Total non- Western	1809.3	11.0
of which		
Turkish	378.3	2.3
Moroccan	341.5	2.1
Surinamese	338.7	2.1
Antillean	134.8	0.8
Iranian	30.6	0.2
Iraqi	49.2	0.3
Somali	21.8	0.1
Afghan	37.7	0.2

Chinese	50.4	0.3
Other non-Western	426.3	2.6
Total Western	1478.4	9.0
Ethnically Dutch	13198.1	80.1
Total	16485.8	100

Source: CBS (Population statistics)

Socioeconomic status of the population, disaggregated by ethnicity

Main non-western population groups

The main four non-western population groups in the Netherlands (Turkish, Moroccan, Surinamese and Antillean origin) together comprise nearly 1.2 million people. Currently, the Netherlands has nearly 339,000 inhabitants of Surinamese origin. They score highest among the non-Western groups on many indicators. As many Surinamese women as ethnically Dutch women have jobs, and Surinamese women are more likely to be economically independent. People of Surinamese origin generally have no language difficulties, and the high proportion of mixed race couples helps give rise to the – not entirely correct – impression of this being a well integrated group. However, there are many areas in which they lag behind the ethnically Dutch, and this is reflected in higher rates of unemployment and dependence on benefits, and educational disadvantage. In this regard, people of Surinamese origin have more in common with other non-Western groups than with the ethnically Dutch.

The Antillean population (some 135,000 people) can be divided into longstanding residents of the Netherlands, whose children are doing very well on the various indicators, and the more recent migrants (mainly from Curaçao) whose position is much more problematic. The latter group is characterised by high unemployment, a high dependence on benefits, many teenage and single mothers, and a disproportionately high crime rate. In 2007 12.9% of Antillean males aged 12 and older were suspected of committing an offence, compared to 2.1% of the ethnically Dutch population. Women of Antillean origin are also more likely than other women to commit an offence. What is more, while criminal behaviour declines sharply between the ages of 20 and 25 in other groups, it tends to persist among Antilleans. Pupils of Antillean origin also perform poorly at primary school, and have made little progress in this area over the years.

Owing to the changed composition of the Antillean population, as a result of migration, the group now gives an overwhelming impression of disadvantage. Nevertheless, positive

developments can be reported. Pupils of Antillean origin in senior general secondary education (HAVO) and pre-university education (VWO) have a high success rate and Antillean students (mainly second-generation) are more likely to attend higher education than other groups.

Between 1996 and 2008, the second generation of Antilleans in particular have found their way into higher professions. Proportionally, there are more second-generation Antilleans in higher professions than ethnically Dutch.

The Netherlands has large Turkish (378,000) and Moroccan (342,000) communities. Youths of Moroccan origin are generally considered to be less integrated than their Turkish counterparts, because they are more likely to have a criminal record or display anti-social behaviour. The question is whether this view is correct. Children of Moroccan origin are making more progress at school than their Turkish counterparts. Children of Turkish origin encounter serious difficulties at various stages of their school careers, due perhaps to the close-knit nature of the Turkish community that acts as a barrier to learning Dutch.

At the end of primary school, pupils of Turkish origin have a greater language disadvantage than their Moroccan counterparts, whose language scores have improved strongly in recent years. Poorer primary education results also mean a lower proportion of Turkish pupils in senior general secondary education (HAVO) and pre-university education (VWO), and their numbers are growing more slowly than other ethnic groups. Children of Turkish origin are also more likely to repeat a year and fail their exams.

On the job market, people of Turkish origin compare favourably with other non-Western groups. In the second quarter of 2009, 10% were unemployed. This is a slightly lower percentage than among other major non-Western groups. Over a period of ten years, the proportion of people of Turkish origin in work has increased considerably, and as a result the unemployment rate and the number receiving social assistance benefit have both fallen. Overall, however, the number of people of Turkish origin receiving some form of benefit, especially incapacity benefit, is high. The economic recession has slowed down the group's progress on the job market, but it has affected all population groups in equal measure. One of the distinguishing features of the Turkish community is the high percentage of entrepreneurs it has produced over the last ten years.

The Moroccan community has a dubious image, due in part to its overrepresentation in crime statistics. After people of Antillean origin, Moroccans are most likely to be suspected of

committing an offence. The crime rate among boys of Moroccan origin aged 12-17 is 15.9% – higher than in any other non-Western group. Crime rates are higher for the second generation than for the first generation (12-24 age group). In contrast with Antilleans however, crime rates among Moroccans decline sharply from the age of 20.

Unemployment among people of Moroccan origin is higher than among other non-Western groups, although the differences are not as great as they were ten years ago. They are also more likely to receive social assistance benefit. The proportion of second-generation Moroccans in higher professions and academic positions has grown spectacularly over the last ten years.

New ethnic groups

This diverse group comprises some 190,000 people. The largest sub-groups are the Iraqi and Chinese communities, which each have about 50,000 members.

Some 30% of people of Iraqi origin receive social assistance benefit, compared to 23% of Afghans. These rates fall between those of the Somali and Iranian groups. However, it is important to note that the Iraqi community includes a large proportion of newcomers: 20% have been in the Netherlands less than four years, and nearly 40% have lived here for five to nine years. The Afghan community has a somewhat lower percentage of newcomers and a somewhat higher percentage who have lived here for five to nine years. The Afghan group has a high proportion of entrepreneurs.

Generally, the position of first-generation Iraqi and Afghan migrants is poor. The second generation, however, appears to be doing better, judging by their school performance: 35% of Iraqi pupils and 42% of Afghan pupils in the third year of secondary education are doing HAVO or VWO, compared to 34% of Surinamese pupils, 22% of Turkish pupils and 48% of ethnically Dutch pupils.

The Iranian community is highly educated and modern and is faring better than the groups discussed above, partly because most Iranians have been in the Netherlands for longer than Iraqi, Afghan and Somali migrants. Iranian migrants come from an elite. Their children excel at school: the percentage of children of Iranian origin in HAVO/VWO is even higher than among the ethnically Dutch. The group's modern lifestyle is also apparent from the low birth rates among Iranian women and the fact that they have their first child at a later age. Even ethnically Dutch women have more children and are younger when they first become mothers. A large proportion of Iranian migrants have dual nationality or hold a Dutch

passport. This sets them apart from other refugee groups, and from people of Turkish and Moroccan origin, who have generally lived here much longer than the Iranians. All this does not, however, imply that the Iranian community has been completely and successfully integrated. Some 18% of Iranians between the age of 15 and 65 receive social assistance benefit, compared to 1.6% of ethnically Dutch in this age group. This rate is high, even though the percentage has fallen over the last ten years in line with longer residence in the Netherlands and economic growth. The Iranian community has also produced a large number of entrepreneurs.

The position of people from Somali origin gives the greatest cause for concern. This group has by far the highest rate of benefit dependence, with more than a third in the 15 to 65 age group receiving social assistance benefit. Unlike in other migrant groups, this dependence has not declined in the last ten years. This is due in part to the fact that some 30% of the first generation have been in the Netherlands for less than four years and to the poor level of education of Somali migrants generally. A large number of Somalis have migrated from the Netherlands to the United Kingdom in recent years and there are indications that they were better educated than those who stayed behind.

The lack of education among people of Somali origin is reflected in the children's school results. As a group, Somali children perform worse at school than any other migrant group and are most likely to drop out. They are also more likely to live in a single-parent household than other children in the Netherlands. The group's difficult position is underscored by the fact that in 2008, the percentage of Somali youths referred to the HALT Bureau for minor offences exceeded that of youths of Antillean and Moroccan origin. It is important, however, to keep in mind that the Somali community in the Netherlands is fairly small (some 22,000 people).

The Chinese community stands out from other groups because of their self-reliance. The proportion of entrepreneurs is high and dependence on benefits exceptionally low. Young people of Chinese origin excel at school and thus have good prospects in the Netherlands. The percentage of Chinese pupils doing HAVO and VWO is considerably higher than among their ethnically Dutch peers. Only a very small percentage of Chinese youths are referred to the HALT Bureau.

Income

On average, people of non-Western origin have lower incomes than the ethnically Dutch as they are more likely to be unemployed or unable to work through sickness or disability. They

are also more likely to receive social assistance benefit which provides only a minimum income.

Table 2. Recipients of social assistance benefit by gender and ethnic origin, 2009 (in percentages)

	Men	Women
Total non-western	8	12
of whom		
Turkish	6	11
Moroccan	10	15
Surinamese	5	9
Antillean	7	12
Iraqi	27	35
Iranian	16	20
Somali	27	46
Afghan	19	29
Chinese	5	7
Ethnically Dutch	1	2

Source: Statistics Netherlands

Education

Although non-Western groups are doing better at school, they are still at a disadvantage compared to the ethnically Dutch. Up-to-date data are provided in the tables below.

Table 3. Percentage of first years in 2001 graduating within 7 years, by ethnic origin

	Higher professional education	University
Turkish	53	55
Moroccan	56	56
Surinamese	54	54
Antillean	46	56
Other non-Western	59	68
Ethnically Dutch	70	76

Source: Statistics Netherlands

Table 4. Higher education intake in 2008/2009, by ethnic origin (in percentages)

	Higher professional education after VWO/HAVO	University after VWO
Turkish	44	65
Moroccan	43	58
Surinamese	42	65
Antillean	54	74
Other non-Western	60	74
Ethnically Dutch	61	77

Source: Statistics Netherlands

Health

Generally, children of non-Western origin grow up in less favourable conditions than ethnically Dutch children and are more likely to experience problems in various areas. Immigrant children are less satisfied about their health than their ethnically Dutch peers. They are more likely to suffer from obesity, perhaps due to lower participation in sports, and other dietary patterns and eating habits. Psychosomatic complaints (headache, stomach ache, sleep problems) are also more prevalent among children of non-Western origin and may be indicators of mental and psychosocial problems. Migrant children are also more likely to externalise problem behaviour (unacceptable behaviour, conflicts with other children) than ethnically Dutch children. At school, immigrant children generally experience greater pressure than their ethnically Dutch peers.

There are more teenage mothers among migrant groups, especially among Antilleans and Surinamese, although numbers have declined sharply in recent years. Research has shown that children growing up in single-parent households and children of teenage mothers are at greater risk of developing physical and mental health problems.

Answer 20

Currently, there are no courses for public prosecutors or members of the national office of the Public Prosecution Service aimed specifically at application of the Convention. The Public Prosecution Service does run a National Discrimination Expertise Centre (LECD)

whose objective is to optimise the enforcement of anti-discrimination laws. To this end, it advises the members of the Public Prosecution Service and also publishes a newsletter.

With regard to teachers, please see the answer to question 18.

The Netherlands-Flanders Accreditation Organisation (NVAO) assesses whether existing teacher training courses meet the standards of competence. The Education Inspectorate checks that schools employ competent teachers. Schools themselves decide what courses to offer their teaching staff, based on a needs analysis.

Answer 21

In secondary education, newcomers are placed in bridging classes where they get extra language instruction. Primary schools receive extra funding for staff and materials, for special syllabuses and initial support for newcomers. Bridging classes in primary education are funded through municipalities and are intended for all children, regardless of ethnic origin, whose language skills are holding them back, to help them catch up. Under compensatory policy which aims to reduce educational and language disadvantage, primary schools receive extra funding for children with poorly educated parents. Additional funding is also available for schools in catchment areas with high poverty and unemployment rates. Schools can decide for themselves how they spend the extra funds, for instance on tailored language acquisition programmes. The extra funding is included in the block grant that schools receive from central government.

Children from a non-Dutch background can be taught their own language and culture outside regular school hours. This is not financed by the Ministry of Education, Culture and Science.

Answer 22

In order to enhance children's knowledge of the Frisian language and culture, Frisian is a compulsory subject at primary and secondary schools in the province of Friesland. Schools may teach other subjects in Frisian as well. Under the Adult and Vocational Education Act, which operates on the principle that educational institutions develop curricula to meet the needs of the regional business community, regional and agricultural training centres in Friesland may include Frisian in their curricula.

The provincial authorities are responsible for drawing up and implementing policy on Frisian language and culture, for which they receive central government funding. They provide information, ensure that Frisian language training courses are available, and encourage

school boards and teachers to take them. The provincial authorities may offer financial incentives to promote Frisian at schools.