

THE NETHERLANDS

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Section I. Religious Demography

The country has an area of 16,485 square miles and a population of 16.6 million. According to a 2006 report by the Scientific Council for Government Policy (WRR), approximately 51.4 percent of the population has some religious affiliation, although many do not actively practice their religious beliefs. Approximately 43.4 percent consider themselves Christian (Roman Catholic and Protestant, including the Dutch Reformed Church, Baptists, Lutherans, Anglicans, and Remonstrants); 5.7 percent Muslim; and 2.3 percent other (Hindu, Jewish, or Buddhist).

In line with a strict separation of state and church, there is no registration of church membership, so all available information is based on occasional studies. The most recent was published in September by the Central Bureau of Statistics (CBS), which referred to progressive secularization in past decades. The CBS study found that by 2008, 42 percent surveyed declared they had no church affiliation, 29 percent declared themselves to be Roman Catholic, 19 percent Protestant, and 10 percent declared other religions. It also found that only 7 percent of the Roman Catholics, 8 percent of the Protestants, and 4 percent of the other religious adherents were actually engaged with their religious community.

In 2009 CBS estimated that there are 850,000 Muslims, constituting 5.2 percent of the population, primarily in the larger cities. Approximately 384,000 are of Turkish background and 349,000 are of Moroccan background, according to the 2009 CBS figures. Other Muslims are from the country's former colony of Suriname, and there are large numbers of asylum seekers from Muslim-dominant countries including Iran, Iraq, Somalia, and Bosnia. Research released in 2008 by the University of Groningen provided an estimate of 200,000 practicing Muslims in the country; the estimate was based on, among other data, an analysis of attendance at mosques.

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. A new study by Jewish Social Work published in September referred to 52,000 Jews. The figure is higher because it also includes those with only a Jewish father.

According to the WRR, there are between 100,000 and 215,000 Hindus, of whom approximately 85 percent originally came from Suriname and 10 percent from India. Hindus include individuals from Uganda, as well as followers of similar movements based on Hindu teachings such as Ramakrishna, Hare Krishna, Sai Baba, and Osho.

The Buddhist community has approximately 17,000 members.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The constitution permits the government to place restrictions on the exercise of religious beliefs only 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."

The law obliges all local governments to maintain antidiscrimination units. (The Netherlands is divided into approximately 400 local administrations, each with a population of at least ten thousand so adequate local services can be provided.) The government encouraged victims to report incidents of discrimination.

The government provides education funding to public and religious schools, other religious educational institutions, and healthcare facilities, irrespective of their religious affiliation. To qualify for funding, institutions must meet strict nonreligious criteria for curriculum, minimum class size, and health care.

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" for these purposes, religious groups generally did not experience problem in meeting the definition.

The government of Turkey exercises influence within the country's ethnic Turkish Muslim community through its religious affairs directorate, the Diyanet, which is permitted to appoint imams for most of the more than 200 Turkish mosques in the country. There is no such arrangement with the Moroccan government, which maintains connections with the approximately 150 Moroccan mosques through a federation of Moroccan friendship societies but has no formal mechanism to exercise direct influence regarding religious practice in the country.

To reduce undesired foreign influence, the government continued to subsidize universities providing training for residents interested in becoming imams to ensure they have a basic understanding of local social norms and values. Selected universities cooperated with the main Muslim organizations on designing training programs. 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.

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

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

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 repeatedly filed against religious or political spokesmen 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. Prevailing jurisprudence takes the view that any restriction on wearing headscarves in such venues should be limited and based on security or other carefully limited grounds. In practice headscarves were permitted almost everywhere, including in schools.

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

On April 9, the Protestant Political Reformed Party (SGP) filed an appeal with the European Court of Human Rights (ECHR) against its 2005 ruling that the government should ensure the SGP grants women the right to run for office and that the government was acting in violation of the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) by tolerating the SGP's position on women and continuing to subsidize the party, and stating the subsidies should stop.

In 2006 the Dutch Supreme Court and the ECHR ruled the government was prohibited from giving subsidies to the SGP, because it did not accept female members on theological grounds. After appealing the 2006 ruling, the SGP permitted women to become members but continued to deny them the right to run for office. Several NGOs filed for an injunction against the government for failing to take action against SGP's continued denial of female candidates. The SGP

responded that to do so would interfere with freedom of religion and association. The SGP claimed the party's female members were not seeking to run for office. In 2007 The Hague Appellate Court ruled the SGP was in violation of CEDAW, and the government was obliged to require the SGP to change its policy. The Supreme Court upheld the ECHR decision but found the government eligible to resume its subsidies to the SGP.

There were no reports of abuses, including religious prisoners or detainees, in the country.

Section III. Status of Societal Actions Affecting Enjoyment of 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 reporting period, although the experiences of the two communities differed. The government repeatedly condemned any form of anti-Semitism or anti-Islam activity, and it worked with NGOs to combat such abuses.

A number of outspoken right-wing politicians openly argued that Islam was incompatible with the country's traditions and social values. Geert Wilders led the Party of Freedom, which more than doubled its seats in the June election, holding 24 out of 150 seats in parliament. Wilders advocated an anti-immigrant and anti-Islam platform. Wilders was the most prominent of several politicians seen as encouraging public opinion against Muslims by claiming that Islam preaches violence and hatred.

Wilders stood trial in October before the Amsterdam District Court on charges of discrimination and inciting hatred. Due to a number of incidents that raised doubt regarding the impartiality of the judges, the trial was declared a mistrial, and the case was scheduled to be retried in 2011. During the trial the prosecutor requested acquittal in line with his initial decision in 2008 not to prosecute Wilders despite dozens of complaints about his statements in the press and his *Fitna* movie, which many considered offensive to Muslims. Since Wilders made those statements within the context of the public debate on Islam, the prosecutor did not consider them to constitute a criminal offense, nor did he consider Wilders guilty of inciting hatred against Muslims.

In January 2009 the Amsterdam Appeals Court had ordered the Amsterdam prosecutor's office to initiate criminal proceedings. The court found that Wilders' anti-Islam statements yielded "a reasonable suspicion of guilt," thus requiring

review by a criminal judge. The court recognized the paramount importance of the right to freedom of opinion but noted that that right is not unlimited. It found incitement to hatred so serious that it is in the general interest to define clearly what constitutes speech inciting religious hatred, particularly in political debate.

Muslims faced societal resentment, attributable to perceptions that Islam is incompatible with Western values, that Muslim immigrants failed to integrate, and that levels of criminal activity among Muslim youth were higher than the national average. Major incidents of violence against Muslims were rare; however, minor incidents including intimidation, brawls, vandalism, and graffiti with abusive language were common.

On September 28, a mosque in Groningen was the object of attempted arson. "Don't make us angry" was sprayed on a wall.

On October 11, gunshots were fired at a mosque in Dordrecht.

In reply to parliamentary questions on a range of incidents at mosques, the minister of security and justice stated on October 26 that such incidents are always investigated. He noted that the National Police Service finds it hard to establish motives, because in almost all cases there are no clues to the identity of perpetrators. He maintained that motivations could include xenophobia, wantonness, intoxication, or even conflicts over parking problems or building projects. He stated he found no evidence the various incidents were linked or coordinated and noted that the number of incidents had not increased. The national police figures showed that there were 32 incidents in 2008, 16 in 2009, and five in the first six months of 2010. The figures for incidents at synagogues were four, 14, and three, respectively. The incidents involved violence, vandalism, or spraying of slogans. The minister noted that local authorities invariably assess the security situation and take supplemental security measures if necessary.

The minister stressed the importance for victims to file a complaint, which could be done through regular channels or through a Web site. He gave assurances that firm action is taken against anti-Islamic violence, the same as against any other form of violence. Tracking down perpetrators and possible prosecution for anti-Islamic violence is the responsibility of regional police forces and the Prosecutor's Office.

On August 19, the Arnhem Appeals Court fined the Arabic European League (AEL) for placing a cartoon on its Web site that expressed the idea that Jews

deliberately invented or exaggerated the Holocaust. The AEL had stated that it published the cartoon in reaction to earlier Danish cartoons depicting the Prophet Mohammed in a negative way and with the stated intention of demonstrating double standards in the media and public debate. The appeals court decision overruled an April 22 Utrecht District Court acquittal of the AEL because the district court believed that the AEL's stated objective had taken away its punishable offensive character. However, the appeals court disagreed, asserting that the context was not sufficiently clear. The court's ruling stated that, despite the AEL disclaimer, the cartoon was "unnecessarily offensive." It agreed with the ECHR that freedom of expression must be protected, even if it shocks or offends, but noted that the ECHR makes an exception for denial or trivialization of the Holocaust. The court concluded that "the Jewish community must be able to deal with critical statements to a certain degree, even if they could be perceived as offensive, but it is entitled to be spared serious offenses based on the Holocaust."

On September 21, the Amsterdam Prosecutor's Office decided not to prosecute the cartoonist Gregorius Nekschot ("Deathblow" in Dutch) for some of his cartoons, although, in the prosecutor's stated view, the cartoons violated the law on intentional discrimination and incitement to hatred. In announcing his decision, the prosecutor noted that the cartoonist had removed the cartoons from his Web site and that the complaint dated from five years earlier. The cartoonist, as well as the Netherlands Association of Journalists, expressed regret that a judge had no opportunity to rule on the alleged breach of freedom of expression.

Anti-Semitic incidents, including verbal threats, cursing, and desecration of monuments and cemeteries, continued to occur. The Center for Information and Documentation on Israel (CIDI) reported a significant rise in the number of reported incidents in 2009 and 2010. According to CIDI, "serious incidents" remained rare; there were fewer incidents at synagogues, but there was a significant rise in incidents of verbal abuse by e-mail and the Internet. The frequency of incidents appeared to be correlated with the political situation in the Middle East. For example, incidents sharply increased in June following the Israeli action against the Gaza flotilla. They included spraying red paint on the front doors of synagogues in the towns of Amersfoort and Utrecht and an incident on June 6 during which passers-by shouted "Heil Hitler" when Chief Rabbi Binyomin Jacobs was speaking at a memorial ceremony at the former concentration camp in Vught. CIDI pushed for more action against anti-Semitic Internet sites, describing the Internet as one of the main tools for dissemination of anti-Semitic and racist ideologies, as well as for tougher action against Holocaust denial, better registration of anti-Semitic incidents, and more attention to Holocaust education.

Explicitly anti-Semitic sentiments prevailed among certain segments of the Muslim community, pro-Palestinian groups, and fringe nationalist and neo-Nazi groups.

In its most recent report, the Registration Center for Discrimination on the Internet (MDI) in 2009 reported a sharp increase in anti-Semitic statements. During 2009 it received 399 reports of anti-Semitism, of which it considered 258 punishable, including 41 denials of the Holocaust. Whereas the Web sites of right-wing extremists traditionally accounted for most of the anti-Semitic expressions on the Internet, the MDI found that such expressions were increasingly present on mainstream interactive Web sites.

Anti-Semitism was the subject of 129 of the 5,907 complaints received by a network of antidiscrimination bureaus across the country in 2009.

Some high school teachers found it difficult to discuss the Holocaust in class due to opposition from students, in particular Muslim students.

The Public Prosecutor's National Discrimination Expertise Center was set up to optimize the criminal processing of discrimination cases. In 2008 (latest available figures), it registered 232 newly reported offenses of discrimination (which approximates the annual average over the past decade). The offenses were discrimination based on race (69 percent) and religion (anti-Semitism, 17 percent; and anti-Islam, 7 percent). Officials prosecuted 291 offenses, leading to 173 indictments, 114 convictions, and 48 out-of-court settlements.

In September the government presented a revised action plan summing up measures and new initiatives to combat discrimination in general and anti-Semitism in particular. The plan supplemented the 2007-11 Action Program Against Polarization and Radicalization. The plan underlined the importance of a local approach through cooperation between local authorities and Jewish and non-Jewish organizations, reporting and filing of complaints, improved tracking down and prosecution of offenders, as well as education and information on discrimination. For example, the government sponsored special training courses for teachers, peer education projects, and education programs that focused in particular on anti-Semitism and Holocaust denial. It also sponsored the Jewish Moroccan Network, which aims to reduce tensions between Jews and ethnic Moroccans. Moreover, the cabinet maintained frequent contact with various minority organizations to help counter problems of discrimination.

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In early December it was widely reported that former EU commissioner and Dutch politician Frits Bolkenstein advised Dutch Jews, particularly those that stand out due to their dress, to leave because of anti-Semitism, especially among Dutch Moroccans. He said that his intentions were to urge the Dutch "not to look away" and that he never called on Jews to leave the Netherlands.

A rabbi's home was under constant police protection after a rise in anti-Semitic crimes. Local police dispatched security personnel and placed surveillance cameras outside the home of the Chief Rabbi and Chabad Shliach Rabbi Benyomin.

CIDI engaged in various programs to counter prejudice at schools against Jews and others. In doing so, it cooperated with Muslim and gay organizations. Together with Jewish and Islamic organizations, the Center for Culture and Leisure, a Dutch gay rights organization; and the Rotterdam Anti-Discrimination Action Council, CIDI set up the Intercultural Alliance Foundation. The foundation's primary goal is to promote at schools the World of Difference diversity programs of the Anti-Defamation League, including the Classroom of Difference program that trains teachers how to handle discrimination and the Peer Training Program that trains young trainers to engage students in debate on their own tolerance towards others.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. In addition, embassy officials continued to reach out to the Muslim and Jewish communities in particular.