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## Netherlands

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2010**

**November 17, 2010**

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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

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 worked with nongovernmental organizations (NGOs) to combat such abuses.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 16,485 square miles and a population of 16.5 million. According to a 2006 report by the Scientific Council for government Policy (WRR), approximately 51.6 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).

Society has become increasingly secularized. In general church membership continued to decline. According to a 2006 study by the government's Social Cultural Planning Bureau, the number of persons who are church members declined steadily from 76 percent of the population in 1958 to 30 percent in 2006 (16 percent Catholic and 14 percent Protestant). Only 16 percent regularly attend church. Catholics constitute the largest religious group in the country.

The Central Bureau of Statistics (CBS) estimated in 2007 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 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 such as Iran, Iraq, Somalia, and Bosnia. Research

released in May 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 counts approximately 45,000 Jews, but the Stephen Roth Institute and the Council of Europe estimate the number at closer to 30,000. Less than one-quarter of Jews belong to active Jewish organizations.

According to the WRR, there are between 100,000 and 215,000 Hindus, of whom 85 percent originally came from Suriname and approximately 10 percent from India. The Hindu population also includes individuals from Uganda, as well as members 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

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. 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 are 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 government encourages victims to report incidents of discrimination.

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

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

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 have not experienced any problem in meeting the definition.

The government of Turkey exercises influence within the country's 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 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.

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#### Restrictions on Religious Freedom

The government generally respected religious freedom 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 and the courts 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 narrow grounds. In practice headscarves were permitted almost everywhere, including in schools. In 2005-06 parliament adopted a resolution urging the government to ban public wearing of burqas. In 2008 the minister of internal affairs announced the government would not impose a generic ban on the public wearing of face-covering clothing, but it introduced such a ban for teachers, parents, and students in the school setting and for government officials who interact regularly with the public.

In other areas antidiscrimination boards have publicly rebuked employers for failure to allow Muslim women to wear headscarves.

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, 2010, the Supreme Court upheld the Appellate Court's decision and ruled that the government should ensure that the Protestant Political Reformed Party (SGP) grants women the right to run for office. In 2006 a court order prohibited the government from subsidizing the orthodox SGP, because it did not accept female members. The SGP refused on theological grounds. After that ruling the SGP permitted women to become members, but continued to deny women the right to run for office. Several NGOs appealed, but the SGP responded that to do so would interfere with religious freedom and freedom of association, and that the party's female members were not seeking to run for office. In December 2007 the Hague Appellate Court ruled that the SGP was in violation of the UN Convention on the Elimination of all forms of Discrimination Against Women, and therefore the government was obliged to require the SGP to change its policy.

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

#### Forced Religious Conversion

There were no reports of forced religious conversion.

#### Improvements and Positive Developments in Respect for Religious Freedom

The government regularly told prosecutors and the police to give proper attention to incidents of discrimination. The government also took measures to deal more effectively with discrimination and incitement to hatred on the Internet; however, critics charged that law enforcement agencies could do considerably more. Legislation was passed to create a nationwide network of local antidiscrimination units. Local governments are obliged to present a plan of action. The government launched a national campaign to encourage victims to report incidents of discrimination. The government,

police, and NGOs launched Web sites to facilitate the reporting of hate crimes. Selected policemen are given special training on how to deal with complaints and how to recognize discrimination. In each district prosecutors are selected to deal specifically with discrimination cases, and regular consultations take place among the police, prosecutors, and antidiscrimination units to ensure proper handling of discrimination cases.

### 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 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 leads the Party of Freedom, which more than doubled its seats in the June 2010 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 is scheduled to stand trial in October 2010 before the Amsterdam District Court on charges of discrimination and inciting hatred. In 2008 the Amsterdam prosecutor's office announced that it would not 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 the prosecutor consider Wilders guilty of inciting hatred against Muslims.

However, in January 2009 the Amsterdam Appellate Court ordered the Amsterdam prosecutor's office to initiate criminal proceedings. The court found that Wilders's 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 have failed to integrate, and that levels of criminal activity among Muslim youth are 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 January 5, 2010, unidentified persons set fire to the Turkiyem Mosque in Arnhem. The fire brigade found evidence suggesting arson. Police investigated the incident but did not find the culprits.

On November 18, 2009, a fire bomb was thrown at a mosque in the town of Zoetermeer. Police investigated, but did not find those responsible.

On June 6, 2010, Chief Rabbi Binyomin Jacobs was speaking at a memorial ceremony at the former concentration camp in Vught when passing bikers shouted "Heil Hitler." Police opened an investigation but had not located the bikers as of the end of the reporting period.

On June 2, 2010, unknown persons desecrated a 280-year-old synagogue in Amersfoort by spraying red paint on the front door. Police opened an investigation but, as of the end of the reporting period, they had not found those responsible. A similar desecration occurred a few days later at a synagogue in Utrecht.

On May 15, 2010, a dead sheep with the text "no mosque" painted on it was hung at the construction site of a mosque in Roosendaal.

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

On August 18, 2009, the Amsterdam prosecutor's office dismissed complaints over the dissemination of a series of controversial cartoons, including those of a Danish artist depicting the prophet Mohammed, finding that they were not offensive to Muslims as a group, nor did they incite hatred, discrimination, or violence against Muslims. However, the prosecutor's office did initiate criminal proceedings against the Arabic European League (AEL) for a cartoon put on the AEL Web site in reaction to the Danish cartoons, which it regarded as punishable because it offended Jews as a group on grounds of their race or religion. The cartoon expressed the idea that Jews deliberately invented or exaggerated the Holocaust. On April 22, 2010, however, the Utrecht District Court acquitted the AEL because it found that the context within which the cartoon was published had taken away its punishable offensive character, since AEL had published the cartoon to demonstrate double standards in the media and public debate. The court stated, "Freedom of expression does not always have to yield to the right of others to be protected against discrimination." The prosecutor's office has filed an appeal against the court's decision.

Certain groups opposed to Israeli policies in the Occupied Territories, such as the Arab European League and the Stop the Occupation Movement, frequently used anti-Semitic language and images to express political views. Explicitly anti-Semitic sentiments also prevailed among certain segments of the Muslim community and among fringe nationalist and neo-Nazi groups.

The Center for Information and Documentation on Israel (CIDI) documented a significant rise in the number of reported incidents in 2009 and the first six months of 2010. "Serious incidents," however, remained rare. CIDI acknowledged that the frequency of incidents appeared to be correlated with the political situation in the Middle East. For example, incidents sharply increased during the December 2008 to January 2009 Israeli incursion into Gaza. 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.

The Registration Center for Discrimination on the Internet (MDI) also received more reports during the Israeli intervention in Gaza. During all of 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 previously were responsible for most of the anti-Semitic expressions on the Internet, MDI found that such expressions were increasingly present on mainstream interactive Web sites. MDI identified several hundred right-wing Web sites as extremist, including those of Stormfront, Polinico, National Alliance, and Holland Hardcore. The sites targeted not only Jews but also Muslims, blacks, and gays and lesbians. MDI reported two anti-Semitic expressions on [www.radioislam.org](http://www.radioislam.org) to the prosecutor's office. However, the police have been unable to determine who runs the Web site. In November 2009 the Amsterdam Appellate Court convicted a member of the Polinco.net forum of making racist and discriminatory statements.

The Simon Wiesenthal Center reported that anti-Semitic incidents increased by 64 percent in 2009.

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, seven percent). Officials prosecuted 291 offenses, leading to 173 indictments, 114 convictions, and 48 out-of-court settlements.

Anti-Semitic incidents increased in 2010 and, following expanded media coverage of these incidents, a member of parliament in June suggested using undercover police posing as Orthodox Jews to expose and arrest the perpetrators. While the justice minister did not rule out this option altogether, he stressed that any investigative method must be proportional to the actual situation and expressed a preference for the increased use of closed-circuit television.

CIDI engages in various programs to counter prejudice at schools against Jews and others. In doing so, it cooperates with Muslim and gay organizations. Together with Jewish and Islamic organizations, the COC Netherlands gay rights organization, and the RADAR Anti-Discrimination Action Council, CIDI set up the Intercultural Alliance Foundation (ICA). ICA'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. CIDI also organized a visit for 25 teachers to Yad Vashem in Jerusalem for a seminar on teaching about World War II and the Holocaust.

Article 1, the national association against discrimination, set up several projects at elementary, secondary, and vocational training schools to counter racism and discrimination.

#### 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. Those activities included the embassy sponsoring a high-level conference on diversity and integration, the ambassador hosting dinners for Ramadan and Rosh Hashanah, as well as exchange and speaker programs.

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