



Netherlands

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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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 16.4 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 there are 850,000 Muslims, constituting 5.2 percent of the population, primarily in the larger cities. Approximately 373,000 are of Turkish background and 335,000 are of Moroccan background, according to 2008 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 yielded an estimate of 200,000 practicing Muslims in the country; the estimate was based on, among other things, 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 when it concerns expressions that "offend, shock, or disturb" made by politicians or journalists within the context of public debate. For example, on June 30, 2008, the Amsterdam prosecutor's office announced that it would not prosecute politician and Islam critic Geert Wilders despite dozens of complaints about his statements in the press and his "Fitna" movie, which many considered offensive to Muslims. However, since he made them within the context of the public debate on Islam, they are not considered to constitute a criminal offense, according to the prosecutor, nor was Wilders considered guilty of inciting hatred against Muslims.

However, on January 21, 2009, the Amsterdam Appellate Court granted an injunction filed by several organizations and private persons and 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 right is not unlimited. It found incitement to hatred so serious that it is in the general interest to clearly define what constitutes speech inciting religious hatred, particularly in political debate.

On March 10, 2009, the Supreme Court gave a restrictive interpretation to the offense of a public statement that is "intentionally insulting to a group of people because of their religion." Lower courts had convicted a man for displaying a poster with the text "Stop the tumor that is called Islam." They found the poster "unnecessarily offensive" towards Islam and Muslims. The Supreme Court disagreed, however, because criminal law does not penalize offensive statements about a religion, even if the statements offend the religious feelings of supporters of the religion.

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 Good Friday, Easter, Ascension Day, Pentecost, and Christmas as national holidays.

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 mechanism to exercise direct influence in the country. Authorities continued to express concern regarding Turkish and Moroccan interference with religious and political affairs, because such interference appeared to run counter to government efforts to encourage integration of Muslims into society.

To reduce undesired foreign influence, the Government continued to subsidize universities providing training for residents interested in becoming imams, in order to ensure that 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.

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, the Parliament adopted a resolution urging the Government to ban public wearing of burqas. In 2008 the Minister of Internal Affairs announced that 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. On the other hand, on May 11, 2009, the country's highest administrative court ruled that a school may require a female teacher to shake hands with men in greeting, even if this infringes on her religious beliefs. A Dutch school teacher was fired in 2006 after informing fellow teachers that, due to religious reasons, she would no longer shake hands with men. The court determined the school's interest in preparing minority students for the labor market, including the practice of customary social conventions, outweighs the teacher's claims of protection against discrimination on religious grounds.

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, employees may be denied such an exception.

In 2006 a court order prohibited the Government from subsidizing the orthodox Protestant Political Reformed Party (SGP), which did not accept female members on theological grounds. The SGP responded by permitting women to become members, and the authorities reinstated the subsidy following a ruling by the Council of State, the country's highest administrative court. However, the SGP continued to deny women the right to run for office, and several NGOs appealed, arguing that the party must allow women to seek office. 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 U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and that the Government was therefore obliged to require the SGP to change its policy. At the end of the reporting period, both the SGP and the Government had appeals pending with the Supreme Court.

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

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

In 2008 the Government began a four-year, \$38 million (€26 million) outreach campaign to schools and neighborhoods to counter anti-Muslim sentiments, Islamic extremism, and right-wing nationalism. These efforts raised public awareness and triggered debate, but concerns about the policy's effectiveness remained.

The Government regularly told prosecutors and the police to give proper attention to incidents of discrimination. In March 2009 Parliament adopted a law obliging all local governments to create antidiscrimination units. The Government followed up with a campaign to encourage victims to report 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.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or 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.

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. In recent years, the overall number of incidents has tended to decrease, and "serious incidents" were rare. However, 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-January 2009 Israeli intervention in Gaza. During subsequent anti-Israel demonstrations in various Dutch cities, some individuals chanted the slogan "Hamas, Hamas, Jews should be gassed." Police made several arrests and a dozen persons were convicted, including four minors who were then ordered to visit the Anne Frank House in Amsterdam.

The Registration Center for Discrimination on the Internet (MDI) noted that right-wing extremists were largely responsible for anti-Semitic expressions on the Internet. MDI identified several hundred right-wing websites as extremist, including those of Stormfront, Polinico, National Alliance, and Holland Hardcore. The sites targeted not only Jews but also Muslims, blacks, and homosexuals. The Government took legal action against four right-wing websites. For example, on Feb 2, 2009, a judge convicted the former leader of the National Alliance of not removing discriminatory texts offensive to Jews and Muslims from the organization's website.

The Center for Information and Documentation on Israel (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.

Muslims faced societal resentment, attributable to growing 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.

The eighth "Monitor Racism and Extremism" report, published by the University of Leiden and the Anne Frank Foundation in December 2008, reported a decrease in incidents of racism and right-wing extremist violence from 259 in 2006 to 223 in 2007. However, Muslims and Islamic institutions were more often targeted (an increase from 62 to 82 incidents). The report cited the painting of racist slogans, vandalism and attempted arson at mosques, and the beating up of young Muslims by skinheads.

The Public Prosecutor's National Discrimination Expertise Center (LECD) was set up to optimize the criminal processing of discrimination cases. In 2007 (latest available figures), it registered 216 newly reported offenses of discrimination (which approximates the annual average over the past decade). The offenses were discrimination based on race (67 percent) and religion (anti-Semitism, 19 percent; and anti-Islam, 7 percent.) In 2007, 207 offenses were dealt with, leading to 140 indictments and 29 out-of-court settlements. There were 89 convictions.

A number of outspoken right-wing politicians openly argued that Islam was incompatible with the country's traditions and social values. Geert Wilders, leader of the Party of Freedom (PVV), which held nine out of 150 seats in Parliament, 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.

On May 13, 2008, police detained for questioning for 30 hours a cartoonist who used the pseudonym of Gregorius Nekschot (deathblow) in connection with several cartoons that the prosecutor believed violated the law on intentional discrimination and incitement to hatred against persons based on their religious beliefs. Some politicians and commentators criticized this action as an inappropriate attempt to curtail freedom of expression, an accusation which the Justice Minister denied. Legal experts dismissed the chance of successful prosecution as minimal. The prosecutor had not decided whether to prosecute by the end of the reporting period.

CIDI works with the Islamic School Boards Organization and Platform Islamic Organizations Rijnmond on projects promoting a dialogue between Jews and Muslims, and it states that these projects resulted in a significant decrease in serious forms of anti-Semitism. CIDI also works with the Anne Frank Foundation and the Center for Holocaust and Genocide Studies on education projects focused on the Holocaust. The Article 1 National Association against Discrimination set up several projects at elementary, secondary, and vocational training schools to counter racism and discrimination.

The labor federations worked to include stipulations in collective bargaining agreements that permit non-Christian employees to take leave on non-Christian holy days. Such stipulations were included in most labor agreements.

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, it continued to engage in dialogue with all major religious groups.