



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fourth session
23 February-12 March 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the Elimination
of Racial Discrimination**

THE NETHERLANDS: EUROPEAN PART OF THE KINGDOM

1. The Committee considered the fifteenth and sixteenth periodic reports of the Netherlands, submitted as one document (CERD/C/452/Add.3), at its 1634th and 1635th meetings (CERD/C/SR.1634 and 1635). At its 1641st meeting (CERD/C/SR.1641), held on 12 March 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation. The Committee was encouraged by the attendance of a very large delegation and expresses its appreciation for the thorough responses provided to the questions asked.

B. Positive aspects

3. The Committee welcomes the fact that the extensive and detailed report of the State party is in conformity with the reporting guidelines and that it addresses the concerns and recommendations formulated by the Committee after the consideration of the previous report.

4. The Committee notes with satisfaction the recent adoption of the National Action Plan against Racism, dealing with the issues of the living environment, awareness-raising and equal treatment in the labour market, in accordance with the Durban Declaration and Programme of Action.
5. The Committee welcomes the progress made towards the full implementation of article 4 of the Convention through the adoption of further amendments to the Criminal Code increasing the maximum penalties for structural forms of systematic racial discrimination.
6. The Committee welcomes the adoption of the bill of 10 February 2004 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation.
7. The Committee commends the fact that foreigners who have been legally resident in the Netherlands for five years are entitled to vote and to stand for local election.
8. The Committee also notes with satisfaction the establishment in 2001 of the Committee on the Employment of Women from Ethnic Minority Groups aimed at promoting participation of ethnic minority women in society and in the labour market.
9. The Committee notes with appreciation that the State party has ratified the amendments to article 8, paragraph 6, of the Convention.

C. Concerns and recommendations

10. The Committee is concerned about the occurrence in the State party of racist and xenophobic incidents, particularly of an anti-Semitic and “Islamophobic” nature, and of manifestations of discriminatory attitudes towards ethnic minorities.

The Committee encourages the State party to continue monitoring all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee further recommends that the State party continue to promote general awareness of diversity and multiculturalism at all levels of education, paying particular attention to respect for the cultural rights of minorities, and pursue the effective implementation of measures to facilitate the integration of minority groups in Dutch society.

11. While the Committee notes with satisfaction the State party’s efforts aimed at combating racist propaganda and the spread of racist and xenophobic material on the Internet, including the forthcoming ratification of the Council of Europe Convention on Cybercrime and its Additional Protocol, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, it is concerned at the sharp increase in the number of complaints received by the Dutch Complaints Bureau for Discrimination on the Internet (MDI).

The Committee encourages the State party to continue its efforts to combat this contemporary manifestation of racial discrimination and wishes to be informed of measures taken in this regard.

12. The Committee regrets that no reference is made in the report to article 3 of the Convention in relation to racial segregation and continues to express concern at the situation of de facto school segregation in some parts of the country.

In the light of its general recommendation XIX on the prevention, prohibition and eradication of racial segregation and apartheid, the Committee recalls that racial segregation can also arise without any initiative or direct involvement by the public authorities and encourages the State party to continue monitoring all trends which may give rise to racial or ethnic segregation and take measures to minimize the resulting negative consequences. Furthermore, the Committee invites the State party to provide in its next periodic report information on any action taken to address this issue.

13. The Committee notes that the Employment of Minorities Act (*Wet Samen*) ceased to be in force on 31 December 2003 and expresses concern about possible negative consequences that may ensue, given that the *Wet Samen* was the only legislative instrument containing regulations on the participation of ethnic minorities in the labour market and requiring employers to register the number of members of ethnic minorities employed by them.

The Committee recommends that the State party take adequate policy measures to ensure proper representation of ethnic minority groups in the labour market.

14. The Committee takes note of the Aliens Act 2000, which came into force on 1 April 2001, and welcomes the possibility that asylum-seekers can be granted a residence permit even after their claim has been rejected on judicial appeal, provided they are able to demonstrate objectively that they cannot return to their country. However, it is of the opinion that the criteria for any decisions by the authorities in this regard should be as clearly defined as possible, taking into account all aspects of the individual case. The Committee is also concerned about the possible risks which the Government's plan to return a very large number of failed asylum-seekers may entail, particularly with regard to respect for their human rights and the unity of their families.

The Committee requests the State party to ensure that its asylum procedures are in full conformity with international standards and, when proceeding with the return of asylum-seekers to their countries, to respect the principle of non-refoulement when there are substantial grounds for believing that there is a risk to their lives or physical integrity, as well as the principles of family unity and appropriate treatment of minors.

15. While the Committee notes with satisfaction the information that the number of police officers belonging to ethnic minorities has increased in recent years, it remains concerned about the high percentage of resignations among these groups.

The Committee encourages the State party to continue promoting the effective implementation of measures aimed at ensuring that the ethnic composition of the police appropriately reflects the ethnic composition of Dutch society and invites the State party to include in its next report statistical information in this respect.

16. The Committee invites the State party to envisage acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. The Committee encourages the State party to continue consulting with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

18. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

19. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report, due on 9 January 2007, and that it address all points raised in the present concluding observations.
