

## Ministry of the Interior and Kingdom Relations

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Re National Antidiscrimination action programme

In the Progress letter on discrimination dated 11 February 2015<sup>1</sup> and in the General Consultation on discrimination in the Lower House on 1 April 2015, continued on 9 September 2015<sup>2</sup>, I pointed out that the Cabinet, even more than is currently the case, wishes to consider the nature, causes and effects of exclusion and discrimination in society, from the viewpoint of the current social context, and on that basis wishes to work on a more effective and coherent approach to preventing and countering discrimination. The current social context, in which ever more signals are emerging of (threatened) tensions between different groups in society, calls for a clear signal from this Cabinet against exclusion and discrimination. Over the past few months, the five affected departments together, and in discussion with the relevant social parties, have therefore undertaken a reassessment of the current approach to discrimination.

Also on behalf of the Minister of Social Affairs and Employment, the Minister of Security and Justice, the Minister of Education, Culture and Science and the Secretary of State for Public Health, Welfare and Sport, please accept as the conclusion to the reassessment process, the National anti-discrimination action programme. This letter will also contain a reaction to the social initiative 'Onderhuids' ('Under the skin') as requested by the Standing Committee for Social Affairs and Employment.

The interdepartmental approach to discrimination is the outcome of the action programme 'Tackling discrimination' initiated in 2010<sup>3</sup>, further tightening up of that action plan in 2011<sup>4</sup> and the annual progress letters on discrimination policy. Since May 2014, the Minister of Social Affairs and Employment has been focusing specifically on tackling discrimination on the labour market, on the basis of the labour market discrimination action plan<sup>5</sup>.

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<sup>1</sup> Parliamentary Papers II 2014/15, 30950, no. 76

<sup>2</sup> Parliamentary Papers II 2014/15, 30950, no. 77 and Parliamentary Papers II 2015/16, 30950, no. 81.

<sup>3</sup> Parliamentary Papers II 2009/10, 32 123 VII, no. 74.

<sup>4</sup> Parliamentary Papers II 2010/11, 30 950, no. 34.

<sup>5</sup> Parliamentary Papers II 2013/2014, 29 544, no. 523 and Parliamentary Papers II 2014/2015, 29 544, no. 649.

The measures referred to in this National antidiscrimination action programme represent a supplement to the (current) departmental policy programmes aimed at specific target groups (people with an impairment, women, lesbian women, homosexual men, bisexuals and trans genders (LGBTs) and Dutch citizens with a bicultural background) as outlined in annex II to this letter. The responsibility and efforts of all affected members of the government for specific elements of the discrimination policy will remain in the foreground. The National antidiscrimination action programme is complementary to Cabinet policy in respect of security, integration, labour market, human rights, emancipation, etc. It is an instrument for achieving greater oversight, synergy and cooperation. With a view to successfully bringing about that oversight, both current measures and new impulses are included in this action programme.

### **1. Discrimination in the Netherlands**

Discrimination is a phenomenon with complex causes, expressed in many different ways. It can occur in numerous different forms: in attitudes or prejudices, expressions and statements, actions that result in exclusion, threats or violence. And it can occur anywhere; for example at work, at school, in (health) care, in shops, in nightlife, during sport, in residential districts or in public spaces, and on the Internet.

The consequences of discrimination are considerable. For those individuals who are hounded out of a residential district; who are not accepted for a job or internship; who are sworn at, threatened or physically abused at school or on the street or who are not permitted to enter a bar or gym. It can leave those people with a sense of not counting or not being allowed to be themselves, in public. This can lead to frustrations or feelings of unsafety. It can also mean that people are unable to fulfil their dreams for their future or feel alienated from Dutch society. For that society itself, discrimination also has considerable consequences. Discrimination and lack of equal opportunities can for example mean that not the best person is given a job and that can lead to drop out from school or work. As a result, people's potential is not optimally utilised and talent is lost.

Discrimination also has consequences for the sense of cohesion in society. As then member of Parliament Van Dam (Dutch Labour Party - PvdA) identified in his motion dated 2 July 2015<sup>6</sup>, mutual cohesion based on shared values is essential for a resilient democracy. That includes a society which is open to all its citizens, is inclusively organised in all aspects, and offers opportunities. A society of that kind creates the ideal climate for mutual coherence. Exclusion and discrimination, on the other hand, are specifically damaging to mutual coherence, and are in utter contradiction of important shared values and the foundations of the democratic rule of law. For that reason, the Cabinet is using this National action programme to tackle public discrimination hard, and

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<sup>6</sup> Motion submitted during the report of the General Consultation on the memorandum 'anti-democratic groupings), Parliamentary Papers II 2014/15, 29 279, no. 226 and Proceedings of the Lower House 2014/15, 104. The response from the Cabinet to the Van Dam motion will be sent to the Lower House before summer 2016 (Parliamentary Papers II 2015/16, 29279, no. 291).

taking measures to counter more unconscious, subtle forms of discrimination. As a consequence, this anti-discrimination policy of the Cabinet will contribute to meeting the call expressed in the Van Dam motion to strengthen the sense of mutual cohesion in society.

The Cabinet is constantly committed to acquire a clear picture of the nature, causes and scale of discrimination in the Netherlands. This is for example achieved on the basis of the annual reports of the municipal anti-discrimination services (ADVs), the police, the Public Prosecutor's Office (OM) and the National Institute for Human Rights. In addition, studies into perceived discrimination and specific forms and causes of discrimination supply the necessary in-depth information. Examples include the study into discrimination in the recruitment and selection phase<sup>7</sup>, into incidents of Muslim discrimination at schools<sup>8</sup> and the approach to LGBT discrimination in the residential environment<sup>9</sup>. In this same framework, regular discussions are held with organisations and key figures from civil society, that deliver a valuable contribution to collecting information about discrimination.

Studies into perceived discrimination by the Social and Cultural Planning Office (Sociaal en Cultureel Planbureau SCP)<sup>10</sup> reveal that willingness to report is low, leading to a justified conclusion that reported incidents are just the tip of the iceberg. Furthermore, only very serious or eye-catching forms of discrimination actually reach the public eye. However, all signals would suggest that discrimination is a constant and urgent social problem, and that the number of reports of discrimination, in particular racism, are increasing. Enclosed with this letter (annex III) is the annual report on the number of reports received in 2014 in all municipalities by the ADVs. In the 403 reporting municipalities, in 2014, a total of 15,897 reports were registered. This is considerably more than the total number of reports in the previous years. The total number of reports in 2013 amounted to 6,038. As in the two preceding years, the majority of reports relate to racial discrimination (including descent, skin colour). In 2014, the total number of reports on race-related discrimination was considerably higher than in previous years, namely 12,163 in 2014 as opposed to 3,346 in 2013. Reports on discrimination on other grounds trail well behind; age (839), gender (540) and handicap (502). The number of reports of discrimination on grounds of sexual orientation in 2014 (at 412) was lower than in 2013 (509). The growth in the number of reports of racially related discrimination consists primary of reports about discrimination in public and political opinion (9618), partly due to the large number of reports on the statements of Mr Wilders during a campaign meeting in The Hague (March 2014).

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<sup>7</sup> Study by Panteia on behalf of the Ministry of Social Affairs and Employment, 'Discrimination in the recruitment and selection phase – results of 'virtual' practice tests', 1 June 2015.

<sup>8</sup> Study by Panteia on behalf of the Anne Frank Stichting and Forum, 'Muslim discrimination in secondary education – a study among teaching staff', 12 February 2015

<sup>9</sup> Study by Lokaal Centraal on behalf of the Gay – Straight Alliance Natuurlijk Samen, "Tilting like Don Quixote against windmills" – study into violence against citizens for their sexual orientation or gender identity in their immediate residential environment, 10 June 2014

<sup>10</sup> SCP, 'Perceived discrimination in the Netherlands', 24 January 2014.

In the letter dated 16 November 2015, The Minister of Security and Justice submitted to you the police and Public Prosecutor's Office figures on discrimination in 2014<sup>11</sup>. In 2014, the police identified a total of 5,721 discriminatory incidents. More incidents are registered per 1,000 residents in the large cities, than in more rural areas. The reports relate above all to discrimination on grounds of race (2,987) and sexual orientation (1,403), followed by antisemitism (358) and religion (279, mainly antimuslim discrimination). The grounds for discrimination gender, handicap and personal beliefs occur 68, 54 and 4 times, respectively. The most common manifestations among all grounds for discrimination are insult/abuse (37%), followed by vandalism/graffiti (19%), threatening behaviour (7%) and assault (4%). Because of the new, national registration method introduced by the police, it is not possible to make a comparison with figures from previous years, except in the case of antimuslim discrimination, in which a rise has been observed as compared to 2013.

A considerable rise in the number of reports to the reporting point for Internet discrimination (MiND) was observed in 2015. Over the past year, MiND received 652 reports of discriminatory online statements, more than twice the number in the previous year. The majority of reports related to discrimination on the ground of race (44%) and religion (22%). More than half of all these statements were made via social media (64%).<sup>12</sup>

## **2. Reassessment of antidiscrimination policy**

In 2015, the antidiscrimination action programme dating from 2010 was reassessed.<sup>13</sup> The process of reassessment included a series of consultations with interest groups, key figures and chain partners, an internal evaluation of policy instruments, a study by the Research and Documentation Centre (WODC) into criminal prosecution of discrimination (annex IV) and a knowledge chamber on behavioural science-related causes of discrimination.

Also included in the process are the outcomes of a series of social initiatives including the social agreement 'Onderhuids' ('Under the skin') and the results of the Face-2-Face project. The Face-2-Face project, aimed at promoting the willingness among minority groups to report incidents, was undertaken by various migrant organisations, in collaboration with ADVs and the National Institute for Human Rights. In the framework of this project, information was provided for example about the various ways in which discrimination can be reported.

The 'Onderhuids' (Under the skin) campaign was launched in 2014, with the aim of promoting discussion of racism in the Netherlands. Part of this programme is the social charter on racism, with 28 specific recommendations,

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<sup>11</sup> Parliamentary Papers II 2014/2015, 30 950/29 628, no. 82.

<sup>12</sup> <https://www.mindnederland.nl/actueel/jaarcijfers2015/>.

<sup>13</sup> Parliamentary Papers II 2009/10, 32 123 VII, no. 74. This policy was tightened up in 2011, Parliamentary Papers II 2010/11, 30 950 no. 34, and in the annual progress letters on the tackling of discrimination. The most recent progress letter dates from 11 February 2015, Parliamentary Papers II 2014/15, 30950, no. 76.

signed by more than 200 organisations. The Standing Parliamentary Committee on Social Affairs and Employment has requested a specific response to this social initiative. The most prominent point is that the Cabinet welcomes this initiative, against the background outlined above, as a valuable contribution to awareness, dialogue and joint social initiatives. In elaborating the Cabinet policy in the National antidiscrimination action programme, the 28 recommendations from 'Onderhuids' were taken into account. This fact is further reflected in this letter and in annexes I and II.

During the consultations and the internal evaluation in the framework of the reassessment, it emerged that there is clear consensus among all affected parties in respect of the necessity for investing more and more intensively in a preventive approach to tackling discrimination. It is important that attention be paid to prevention and awareness in education, among neighbourhood associations, welfare organisations, among key figures and among professionals. The ADVs could be called upon more often, to bring this about. An active focus on diversity at work could also make an important contribution to the prevention of discrimination. The government must play an exemplary role in that connection.

It was also concluded in the consultations and the internal evaluation that the approach to discrimination could be made more effective if we were to invest in cooperation between all the parties involved in tackling discrimination, both within and outside government. This could include improving coherence between working methods, strengthening the role of ADVs and consultation structures, and ensuring permanent attention within the chain partners for knowledge and handling of discrimination(-related complaints). It also emerged from the reassessment that there is a general sense of necessity for the effective and visible tackling of unambiguous statements of discrimination. This does not necessarily always mean primarily turning to prosecution: criminal prosecution should be deployed as the 'optimum remedy' in tackling discrimination, in other words that this instrument should be turned to when and in a manner in which it offers added value, for example for victims. However, because discrimination is often not unambiguous but is rather found in subtle forms of exclusion, criminal investigation and prosecution is not always the most ideal approach. Better cooperation between municipalities, ADVs, police and Public Prosecutor's Office can offer greater clarity to chain partners and to victims on the question when criminal prosecution should be applied and when another approach could prove more effective. It is therefore also meaningful to invest more in the chain approach: in other words tackling specific forms of discrimination from multiple angles of approach and tasks, for example with both preventive and repressive policy, by different chain partners. Within the chain, each party takes its own responsibility and continues to be involved in the follow-up.

Another prominent conclusion was that municipalities can play a greater role. Discrimination takes place in the residential environment, at work, at school, during sport; all in all, at the local level. For that reason, the tackling of discrimination must take place at that same level, preferably with a policy aimed at broad inclusion and countering all forms of discrimination. Certain municipalities operate an active antidiscrimination policy, but this is not the case for all municipalities. The Cabinet should offer municipalities more facilities for taking a more active role in antidiscrimination measures. The importance of seeking cooperation and ties with social initiatives and key figures at local level is also recognised.

In that connection, the Cabinet should focus on a balanced combination of generic and specific policy. After all, similar mechanisms are at the source of many different forms of discrimination. It was concluded that it is meaningful to consider whether an approach that works for a particular group could be deployed more broadly – in other words for more groups – with a view to developing a more coherent and effective approach to discrimination. At the same time, there was also a clear call for specific policy, because the various different groups clearly face different prejudices, problems and background factors, specific to those groups. Specific attention is (and has often been) necessary in order to actually tackle these forms of discrimination. An exclusively generic approach engenders the risk that the specific attention for particular problems would once again slip into the background. As a result, there will always be a need for also taking specific policy measures; general policy will be complementary to that specific policy. International supervisory bodies such as the Committee on the Elimination of Racial Discrimination (CERD), the body that monitors implementation of the Convention on the Elimination of all forms of racial discrimination, and the European Committee against Racism and Intolerance (ECRI) have for example called for specific attention for racism.

It was finally observed that the attention for specific groups focused within the action programme dating from 2010 could be applied in a more balanced manner: practically no attention was contained in this action programme for discrimination of Muslims, women, disabled persons and anti-black racism. This called for a catch-up programme, as reflected in Annex II.

On the basis of the above, it was concluded that the new action programme must focus specifically on links and coherence between all causes, policy fields and approaches, but that specific grounds for discrimination must also be considered in a balanced manner. For that reason – in a manner similar to that outlined in the National Human Rights Action Plan<sup>14</sup> - this action plan provides an insight into new, current and already announced policy measures and initiatives for tackling discrimination on specific grounds and in specific fields, aims to establish links by broadening the measures to cover as many grounds as possible, and encourages cooperation at national and local level between all chain partners and between government, social organisations and industry.

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<sup>14</sup> Parliamentary Papers II 2013/14, 33826, no. 1.

### **3. The approach of the National antidiscrimination action plan**

The reassessment has led the Cabinet to identify four policy principles for this National antidiscrimination action programme, that will set the course for the further implementation of Cabinet Policy. Annex I provides an explanation of the specific measures with which the Cabinet intends to implement these policy principles.

#### **A. Focus the approach more on prevention and awareness**

In addition to a repressive approach, a more powerful preventive approach to discrimination with a focus on inclusion will be needed, aimed at broadening awareness of (subconscious) discrimination and exclusion.

#### **Objective: Permanently promoting an inclusive society**

An important element of the approach to discrimination lies in raising awareness of the problem of negative images, exclusion and discrimination in our society, and the fact that everyone has prejudices and negative images that colour our behaviour and (unconsciously) place others at a disadvantage. Implicit negative associations and ideas on particular groups are often difficult to redirect, even if someone is focused on not discriminating. In order to promote an inclusive society, it is therefore essential not only to ban certain forms of behaviour, but also to aim at removing prejudices and reducing the (unintended) effects of those prejudices and negative images, through awareness programmes, meetings and dialogue.

Another important key lies in the realisation that the diversity of Dutch society in fact represents considerable strength and value. Against that background, the idea can grow that we not only bear joint responsibility for an inclusive society in which everyone actually receives equal opportunities, but that we as a society and as individuals can profit from that fact. Schools, employers, institutions, professionals and the media can play an important role in this process. In this connection, the numerous social initiatives and individual citizens who speak of the pain of exclusion and discrimination, and raise attention for these issues so that social dialogue is initiated, are of particular value.

Access to the labour market is of vital importance for realising an inclusive society. The Cabinet will therefore make every effort to ensure that the labour market is a better reflection of the Dutch population, and will play an exemplary role itself. Diversity within business can make an important contribution to countering discrimination and promoting equal opportunities on the labour market. It also delivers added value in respect of innovation and tapping into new markets, productivity and service provision. The importance of focusing attention on diversity is also reflected by a recent study into collective labour agreements on diversity.<sup>15</sup> In approximately 80% of all

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<sup>15</sup> The results of the study appear on: <http://cao.minszw.nl/index.cfm>.

collective labour agreements investigated, agreements are included about diversity. By implementing this study, a request was fulfilled from Mr Van Weyenberg (D66)<sup>16</sup>, as undertaken in the progress report on the labour market antidiscrimination action plan dated September 2015.<sup>17</sup>

Against this background, by means of a national publicity campaign, the Cabinet aims to increase awareness of discrimination. A greater focus will be placed on (awareness of) diversity within (semi)public bodies and industry. Naturally, all efforts undertaken within education to teach citizenship skills to pupils, and to offer them a safe school environment will remain just as important in preventing discrimination. Citizenship education is an essential element of the recommendation from the Platform#2032 that will be submitted to your House at the end of January, accompanied by a policy reaction. In that same connection, there will also be attention for discrimination in finding internships and work in tackling youth unemployment. Relatively new is the attention at social media companies for countering discrimination in the social media.

## **B. Focus efforts on strengthening cooperation and infrastructure**

To strengthen the joint antidiscrimination efforts, all stakeholders inside and outside government will focus more actively on strengthening the system, improving mutual cooperation and broadening the (chain) approach to discrimination.

### **Objective: Improved cooperation, stronger infrastructure**

In the system of organisations jointly tackling discrimination, the ADVs and municipalities occupy a central role. The Municipal Antidiscrimination Provisions Act (Wga) specifies that municipalities must provide independent organisations that are professionally equipped to register reports of discrimination and to offer assistance in instituting legal actions where necessary, and in complaint mediation. Based on their expertise, together with the person submitting the report, they can assess which follow-up steps are available. The reports of discrimination will also result in a local, regional and national picture of the problem of discrimination, that will form the basis for further coordinated action from the various layers of government, and from the chain partners including police and Public Prosecutor's Office.

In the ideal situation, prevention, information provision, mediation by ADVs, the antidiscrimination measures by municipalities and where possible criminal prosecution will complement one another, in order to bring about an all-encompassing programme of antidiscrimination. Information aimed at increasing the willingness to submit reports will for example only have a permanent effect if incidents are identified, tackled and dealt with in time, and if good after care is provided.

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<sup>16</sup> Parliamentary Papers II 2014/15, 29 544, no. 548

<sup>17</sup> Parliamentary Papers II 2014/15, 29, 544, no. 649.



A solid role for the ADVs is essential in any such system, as are smoothly functioning collaborative ventures and consultation structures, and regular support from and involvement by society. For that reason, as already announced, the Cabinet will be investigating how the local and regional position of ADVs can be secured and strengthened, including consideration for the role of ADVs in regional discrimination consultation (RDO) and an examination of what ADVs (could) mean for prevention and improved awareness at local level. The Cabinet will also be structurally embedding consultation with civil society. A sound approach to discrimination demands that the various stakeholders continue to invest in knowledge of discrimination and useful guidelines for tackling it. With its vision and policy document *'De Kracht van het Vershil'* (*The Power of the Difference*) the police has set clear goals in relation to its own diversity and professionalising antidiscrimination measures, while throughout the entire criminal justice chain, attention will be paid to promoting expertise in the field of (recognising) discrimination, strengthening the chain approach and cooperation with other stakeholders. Finally, the Cabinet will continue to invest in further optimising the method of reporting by ADVs and the police.

### **C. More attention for local antidiscrimination policy**

Discrimination can best be tackled where it takes place: at local level. Municipalities will be encouraged to take local antidiscrimination measures, and to strengthen those measures wherever possible, in respect of all grounds for discrimination.

#### **Objective: effective local antidiscrimination measures**

Discrimination takes place on the Internet and in public opinion, as revealed by discrimination figures. It also occurs in the residential environment, on the street, at work, at school, in sports clubs and while shopping or enjoying leisure time; in other words: at local level. Local policy is an important element of antidiscrimination measures.

However, one conclusion of the reassessment is that not all municipalities operate an active antidiscrimination policy aimed for example at preventing homophobic, racist and anti-semitic violence. As yet, they do not all fulfil their central role in tackling discriminatory violence, and on some occasions fail to tackle other forms of exclusion. At the same time, there are many municipalities that are pioneering in promoting inclusive employment, promoting and combining effective interventions in tackling discrimination against homosexuals or Muslims and discrimination in the hospitality industry. By making knowledge and best practices more broadly available, the Cabinet hopes to promote that more municipalities employ activities that actively tackle discrimination. They can make use of cooperation between the chain partners within the municipality. The Cabinet also wishes to encourage municipalities to not only structure antidiscrimination measures from the point of view of public order objectives, but also as a way of promoting the welfare of citizens and emancipation and diversity within their own municipality.

The Cabinet will be promoting the broad implementation of measures. As outlined in the reassessment, policy aimed at tackling discrimination is often focused only on specific target groups: there are policy measures and initiatives that are aimed at encouraging discussion of sexual diversity at schools, and there are measures aimed at discrimination against Muslims, which call for attention for antisemitism or for the position of the elderly or the disabled on the labour market. There are few measures aimed at multiple grounds for discrimination, while it is entirely conceivable that an approach that works for one group could also work for others. As observed during the reassessment, not every approach will be suitable for expansion to all grounds for discrimination, because there are substantial discrepancies between the different discriminated groups. Many of the (psychological) mechanisms that are caused by prejudices and negative stereotypes are however the same, no matter how different those individual stereotypes may be. More needs to be done to promote the synergy between policy for a specific target group and more broadly applicable policy measures. In this way, both forms of policy can be improved. In the event of future measures, therefore, consideration will be given whether those measures can be deployed on a broader basis, for multiple groups. For example, lessons from the Alliantie Natuurlijk Samen (Naturally Together Alliance) on discrimination against LGBTs and safety in the residential environment can be more broadly deployed in respect of discrimination against other groups.

Against this background, the Cabinet will be working to encourage municipalities to intensify local antidiscrimination efforts. Wherever possible, an assessment will be made of whether national or local policies that have proven successful can be deployed in respect of multiple grounds for discrimination. The municipal approach to hospitality discrimination will be evaluated, and the local approach to discrimination will form a recurring subject of discussion in the periodic consultation between Central government and the four large municipalities (G4).

#### **D. Support for knowledge and research**

The tackling of discrimination will be backed up by interdisciplinary knowledge on the causes of discrimination and the effectiveness of interventions.

#### **Objective: exchange and combination of knowledge and experiences in respect of all grounds for discrimination.**

An approach aimed at all grounds for discrimination also means that in organising research, consideration will be given to possible interfaces with other grounds for or forms of discrimination. Wherever possible, studies will be applied more broadly, or results will wherever possible be distributed more broadly. In addition, all relevant policy fields will combine and exchange knowledge and practical experience of effective antidiscrimination measures.

#### **4. Progress report**

It is important to point out that the responsible members of government will (continue to) report on progress, within their own policy areas. In a year's time, I will also be sending you a report on the progress of this action programme.

The Minister for the Interior and Kingdom Relations,

Dr R.H.A. Plasterk