

**THE TANDEM PROJECT**  
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**UNITED NATIONS, HUMAN RIGHTS,  
FREEDOM OF RELIGION OR BELIEF**

*The Tandem Project is a UN NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations*

*Separation of Religion or Belief and State*

**Universal Periodic Review reports in six languages**

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## Universal Periodic Review - Netherlands

*Only contributions submitted in one of the United Nations official languages are admissible and  
posted on this webpage*

Date of consideration: Tuesday 15 April 2008 - 9.00 a.m. - 12.00 p.m.

National report <sup>1</sup> : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)

Compilation of UN information <sup>2</sup> : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)

Summary of stakeholders' information <sup>3</sup> : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)



### [Questions submitted in advance](#)

Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)

Decision on the outcome : [E](#) only

Report of the eight session of the Human Rights Council : [A](#) | [C](#) | [E](#) | [E](#) | [R](#) | [S](#)

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**Main Country Page:** <http://www.ohchr.org/EN/countries/ENACARegion/Pages/NLIndex.aspx>  
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**This is the first cycle Netherlands Universal Periodic Review in April 2008 as Preparation for the second cycle Netherlands Universal Periodic Review in May-June 2012. It is NOT a submission to the UN for a Universal Periodic Review**

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[Prep for 2<sup>nd</sup> Cycle 13<sup>th</sup> Session – UPR & Freedom of Religion or Belief](#)

#### **BACKGROUND HUMAN RIGHTS & FREEDOM OF RELIGION OR BELIEF**

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights  
[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)

The 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief [http://www.tandemproject.com/program/81\\_dec.htm](http://www.tandemproject.com/program/81_dec.htm).

A Questionnaire on inclusive and genuine awareness, understanding and use of international human rights law on freedom of religion or belief. <http://www.tandemproject.com/survey/>

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#### **REPORT OF THE WORKING GROUP – RECOMMENDATIONS RELATING DIRECTLY TO FREEDOM OF RELIGION OR BELIEF**

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/133/17/PDF/G0813317.pdf?OpenElement>

In the Conclusions and Recommendations of the Working Group there were three recommendations out of thirty-one that related directly to freedom of religion or belief: # 11, Saudi Arabia, #14, Pakistan, #18, Indonesia.

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#### **REPORTS OF THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF**

<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>

The Special Rapporteur on Freedom of Religion or Belief has not paid a country visit to the Netherlands.

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#### **CONSTITUTION**

[http://en.wikipedia.org/wiki/Constitution\\_of\\_the\\_Netherlands](http://en.wikipedia.org/wiki/Constitution_of_the_Netherlands)

The **Constitution of the Netherlands** is the [fundamental law](#) of the European territory of the [Kingdom of the Netherlands](#). The present [constitution](#) is generally seen as directly derived from the one issued in 1815, constituting a [constitutional monarchy](#). A revision in 1848 instituted a system of [parliamentary democracy](#). In 1983 the Dutch constitution was largely rewritten. The text is very sober, devoid of legal or political doctrine. It includes a [bill of rights](#). Laws and treaties cannot be tested against the constitution and the [Netherlands](#) have no [Constitutional Court](#)

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## CULTURE OF TOLERANCE AND PEACE BASED ON RELIGION OR BELIEF

### ADOPTED BY CONSENSUS WITHOUT A VOTE

#### [United Nations Resolution – a Culture of Tolerance & Peace Based on Religion or Belief](#)

#### **Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief**

Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.

One best hope is Resolution A/HRC/16/18/L.47, *a Culture of Tolerance and Peace*, introduced by Pakistan on behalf of the Organization of the Islamic Conference (OIC) in the UN Human Rights Council and **adopted by consensus** in the UN General Assembly as A/RES/66/147 on 19 December 2011.

*Introduced by Pakistan on behalf of the Organization of the Islamic Conference (OIC) adopted by consensus without a vote. - Resolution A/HRC/16/18/L.38, Geneva, March 24 2011*

*Recognizes that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance, and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions.*

*Calls for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decides to convene a panel discussion on this issue at its seventeenth session within existing resources.*

**Pakistan (on behalf of the OIC)** Mr. Zamir Akram [\[English\]](#) 10 minutes **Saudi Arabia** Mr. Ahmed Suleiman Ibrahim Alaquil [\[English\]](#) [\[Arabic\]](#) 1 minute **Norway** Ms. Beate Stirø [\[English\]](#) 2 minutes **United States of America** Mr. Eileen Chamberlain Donahoe [\[English\]](#) 5 minutes **Hungary (on behalf of the European Union)** Mr. András Dékány [\[English\]](#) 3 minutes

[UN Human Rights Council Panel Statements, Resolution A-HRC-16-18, 2010 General Assembly Third Committee Actions](#)

*Introduced by United Arab Emirates on behalf of the Organization of the Islamic Conference (OIC)  
adopted by consensus without a vote – Resolution A/C.3/66/L.47, New York, 15 November 2011*

[UN Third Committee Press Release - Resolution L.47 Adopted by Consensus](#)

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.3/66/L.47/Rev.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/66/L.47/Rev.1)

The Resolution identified as A/RES/66/147 by the General Assembly welcomes the establishment of the “King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, initiated by King Abdullah of Saudi Arabia on the basis of purposes and principles enshrined in the Universal Declaration of Human Rights, and acknowledging the important role that this Centre is expected to play as a platform for the enhancement of interreligious and intercultural dialogue.”

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### **FOCUS GROUPS ON FREEDOM OF RELIGION OR BELIEF**

Focus Groups on Freedom of Religion or Belief will be proposed to exchange international best practice models on ways to implement United Nations General Assembly Resolution A/RES/66/167. Suggestions for Focus Group Discussions:

**How will the Netherlands use UN General Assembly Resolution A/RES/66/167 to maintain cultural identity, principles and values in tandem with international human rights law, principles and values on freedom of religion or belief at a local level?**

**Was legislation passed in 2011 to create a national network of local antidiscrimination units and if so, how can A/RES/66/167 be utilized by these local units?**

**Three hundred people representing Governments, Religions or Beliefs, Human Rights Organizations and Civil Society participated in the Twenty-Fifth Anniversary Commemoration of the 1981 UN Declaration on 25 November 2006 in Prague, Czech Republic. The Netherlands was a prime donor and sponsor of the 25 year commemoration. These excerpts are from plenary speakers including then Netherlands Ambassador-at-large for Human Rights, Mr. Piet de Klerk, and the keynote address by Asma Jahangir, the UN Special Rapporteur on Freedom of Religion or Belief. How might these addresses be used to implement A/RES/66/167? – Attachment.**

In 1984, the United Nations Secretariat sponsored a two week Geneva Seminar on ways to implement the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, *Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief* (1984) ST/HR/SER. A/16 Geneva. In 1986, The Tandem Project hosted the first International Conference, *Tolerance for Diversity of Religion or Belief*, on how to implement the 1981 UN Declaration.

Discussion included ways to promote tolerance for diversity of religion or belief at a local level. A theist introduced the speaker on Atheism and the 1981 UN Declaration, and an atheist introduced the speaker on Theism and the 1981 UN Declaration. 27 *Community Strategies* were presented on how to implement the

1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief at a local level.

1986 International Conference: *Tolerance for Diversity of Religion or Belief*

<http://www.tandemproject.com/tolerance.pdf>

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## **SEPARATION OF RELIGION OR BELIEF AND STATE**

*Separation of Religion or Belief and State* is a term used by The Tandem Project to express core principles of international human rights law on freedom of religion or belief. UN Member States are mandated with or without separation of religion or belief to ensure their constitutional and legal systems provide effective guarantees of freedom of thought, conscience and religion or belief to all without distinction at international, national and local levels.

## **UNIVERSAL PRINCIPLE**

International human rights law on freedom of religion or belief protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, - General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights. The United Nations Universal Declaration of Human Rights does not favor one religion or belief over another. Human Rights Law protects all individuals from discrimination based on religion or belief. It values the equal rights of majority and minority religions or beliefs, indigenous, traditional and new religious movements. It is a universal moral principle.

## **GOAL**

The right of persons to manifest their own values, cultural identity and core principles based on religion or belief, together with human rights law, principles and values on freedom of religion or belief.

Build awareness, understanding and support at international, national and local levels for a UN Convention on Freedom of Religion or Belief as a legally-binding international human rights treaty.

[http://en.wikipedia.org/wiki/Freedom\\_of\\_religion](http://en.wikipedia.org/wiki/Freedom_of_religion)

## **HISTORY**

<http://www.tandemproject.com/program/history.htm>

In 1962, The General Assembly adopted a resolution requesting ECOSOC to ask the Commission to prepare a draft declaration and a draft convention on the elimination of racial discrimination. It also adopted a similarly worded resolution requesting ECOSOC to ask the Commission to prepare a draft declaration and a draft convention on the elimination of all forms of religious intolerance. Both resolutions referred in their respective preambles to the desire to 'put into effect the principle of equality of all men and all peoples without distinction as to race, color or religion. The General Assembly set deadlines for submission of the special instruments on religious intolerance: its eighteenth session (1963) for the draft declaration and its twentieth session (1965) for the draft convention.

In 1968, the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. In 1981, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

[http://www.tandemproject.com/program/81\\_dec.htm](http://www.tandemproject.com/program/81_dec.htm).

In 1998, the Oslo Conference on Freedom of Religion or Belief was the catalyst a for change of title from Special Rapporteur on Religious Intolerance to Special Rapporteur on Freedom of Religion or Belief

#### [1998 UN Conference Report](#)

In 2012, The Tandem Project will launch a new website, *Separation of Religion or Belief and State* to encourage implementation of Resolution A/RES/66/167 *a Culture of Tolerance and Peace Based on Religion or Belief* to commemorate the fifty year anniversary when the General Assembly in 1962 requested ECOSOC to prepare a draft convention on religious intolerance.

**The Tandem Project believes until a core legally-binding human rights treaty, a Convention on Freedom of Religion or Belief, is adopted international human rights law will be incomplete.**

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### FREEDOM OF RELIGION OR BELIEF

#### U.S. State Department 2010 International Religious Freedom Report, Netherlands

<http://www.state.gov/j/drl/rls/irf/2010/148969.htm>

#### Excerpt

“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.”

#### Complete 2010 Report

November 17, 2010

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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.

### **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, Polinco, 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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## REFLECTIONS

### The Tandem Project

*The First Preamble to the Universal Declaration of Human Rights reads: Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

*Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.*

*There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.*

*In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.*

*Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?*

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is a foundation for solving this issue.

*“I am become death, the destroyer of worlds”*

- Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

*The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin*

*to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.*

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**The Tandem Project** a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material and programs on Article 18 of the International Covenant on Civil and Political Rights- Everyone shall have the right to freedom of thought, conscience and religion – and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.