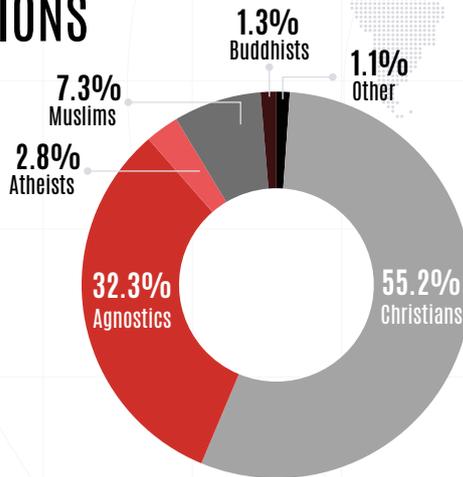




NETHERLANDS

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution of the Kingdom of the Netherlands¹ protects freedom of religion. Article 6 provides: “Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law,” but the government may restrict the exercise of this right “for the protection of health, in the interest of traffic and to combat or prevent disorders.”

All citizens are to be treated equally, and discrimination on the grounds of religion or belief is prohibited by the constitution (Article 1). Discrimination complaints may be made to a national government helpline as well as the Netherlands Institute for Human Rights. Complaints about online discrimination can be made to the internet discrimination hotline (MiND Nederland).² The Public Prosecution Service registers all discrimination cases and operates the database of criminal cases for discrimination-related crimes.³

Freedom of expression is guaranteed in Article 7 of the

Constitution, but there are limits on this right. The Dutch Criminal Code makes it a crime to make or disseminate public intentional insults on the basis of religion, as well as to engage in verbal, written, or illustrated incitement to religious hatred.⁴

There is no legal requirement for religious groups to register with the government, but to receive tax-exempt status religious groups must be “of a philosophical or religious nature,” contribute to the general welfare of society and be non-profit and nonviolent.⁵ The government requires all clerics, including imams and pastors, who require long-stay visas in the Netherlands to begin the “civic integration process,” including learning Dutch, before arrival in the Netherlands.⁶ Some Muslim communities have “raised concerns about the selectivity of [this requirement] for foreign imams, [but] not always required for other religious communities.”⁷

Schools financed by public funds must pay “due regard” to the freedom to provide education according to religious or other belief” and the government provides funding to religious schools and institutions.⁸ As of 2019, the government supported nearly 6,800 primary and 1,450 secondary special religious schools.⁹ Special religious schools

may require that teachers and student have a particular religion or belief, but discrimination on other grounds is illegal.¹⁰ Although under the law anyone is free to start a new school based on their religion or belief, it was nearly impossible to receive government funding.¹¹ However, in May 2020, the Senate approved a law making it easier for new schools to apply for funding as of 1st June 2021.¹²

All schools must teach “sexuality and sexual diversity” so children “learn to respect sexual differences and preferences.”¹³ How schools achieve these objectives may depend on the school’s identity and religious schools may choose what methods to use.¹⁴

The Dutch animal welfare party continued to support a ban on all slaughter of animals without stunning, but the Council of State issued an advisory opinion in May 2019 in which it said such legislation would constitute an excessive restriction on freedom of religion for observant Muslims and Jews.¹⁵ Reacting to the European Court of Human Rights’ decision to uphold a ban on ritual slaughter in Belgium in December 2020, the Chief Rabbi of the Netherlands said that if such a law passed there, “Orthodox Jews will leave.”¹⁶

A ban on face-covering clothing, including burqas and niqabs, in public places such as government buildings, schools, hospitals, and on public transport came into force on 1st August 2019.¹⁷ Only a few hundred women are estimated to wear such clothing and authorities in Dutch cities said they did not intend to make enforcement a priority.¹⁸ As of October 2020, four warnings had been issued and no fines had been imposed.¹⁹

In June 2020, the final report was issued by a Parliamentary committee into the influence of “anti-democratic” countries and the funding of mosques in the Netherlands. The committee concluded that (often invisible) financiers from countries such as Kuwait, Qatar and Saudi Arabia exerted “their political-religious influence” by “training, paying and sending imams to the Netherlands” and that Diyanet, the Turkish organisation which employs all Turkish imams maintained a “political grip.”²⁰ In November 2020, the government announced a plan, The Social Organizations Transparency Act, to more “intensely” investigate donations, freeze money flows where necessary, and enhance efforts to make “target groups in the Netherlands more resilient to” the influence of foreign donors from “unfree”

countries.²¹

Catholic leaders criticized the April 2020 Supreme Court ruling that doctors may legally carry out euthanasia on people with severe dementia, provided that an advance directive is in place.²² In October 2020, Cardinal Willem Eijk of Utrecht denounced regulations to allow the euthanasia of children, noting that when the regulations come into force, “people’s lives can be, under conditions, ended by doctors from conception and at any age without being punishable.”²³

In December 2020, the government announced the creation of a new national coordinator position against anti-Semitism, due to the increase in anti-Semitic incidents in the country. Plans for a national coordinator for discrimination and racism position were announced earlier.²⁴

INCIDENTS AND DEVELOPMENTS

The official police hate crime figures reported to the OSCE for incidents in 2018 and 2019 included hate speech incidents. In 2019, crimes committed with a “bias against members of other religions or beliefs” were not further disaggregated. Anti-Semitic crimes were reported separately. In 2018, crimes committed with anti-Semitic or anti-Muslim bias were disaggregated from those with a “bias against members of other religions or beliefs.”

Related to Jews

Official police figures for 2019 included 257 incidents motivated by anti-Semitism and 275 such incidents in 2018.²⁵ In its 2019 report, Centre Information and Documentation Israel (CIDI) recorded the “highest number of anti-Semitic incidents ever observed in a calendar year” since it began recording in 1982: 182 cases in six categories, excluding online hate speech. The category with the greatest increase was “real-life” cases involving physical or verbal assaults or threats – 61 cases – twice as many as the previous year.²⁶ “Far-right anti-Semitism” accounted for one incident and 18 were committed by Boycott, Divestment and Sanctions movement activists.²⁷

Incidents in 2018 included a physical assault on a Jewish boy by security guards at a party in June and a visibly Jewish man being insulted and spat at in the face on a

major Jewish holiday in September. There were numerous vandalism incidents reported.²⁸

Incidents in 2019 included in December a boy shouting at a Jewish family outside a synagogue in Rotterdam “Jew, I’ll shoot you dead,” as his parents watched.²⁹

Related to Muslims

Official police figures for 2018 (the most recent disaggregated data) reported 137 hate crimes, hate speech, or incidents motivated by bias against Muslims and civil society organisations reported 23 incidents.³⁰ For 2019, civil society groups reported 47 incidents to the OSCE.³¹

Incidents in 2018 included physical attacks on women wearing headscarves, threats against Muslim families, and windows broken or vandalism at mosques.³² For example, in 2018 a teenage girl was hospitalised for a physical assault after refusing to remove her headscarf. The wall of a mosque was smeared with tomato sauce in September 2018.³³

An example of physical violence included the Turkish Forum Netherlands’ report that a teenage Muslim boy and his mother were attacked at home by perpetrators shouting the name of a politician with anti-Muslim and anti-migrant views in March 2019. The group also reported threats, including in January 2019 the Muslim community had been threatened “when the remains of several dead sheep were left alongside an anti-Muslim text.”³⁴

In March 2020, the trial of the gunman who shot passengers on a tram in Utrecht while shouting “Allahu akbar” began. According to prosecutors, the man confessed to the shooting and left a hand-written note in a getaway car reading: “I’m doing this for my religion. You kill Muslims and you want to take our religion away from us, but you won’t succeed. Allah is great.”³⁵ He was convicted and sentenced to life imprisonment.³⁶

In October 2020 the online petition to make it punishable to proffer insults to the prophet Mohammed was signed by more than 120.000 persons. This ‘blasphemy law’ was a positioning toward the French government’s new law of the Republic against separatist Islam, based on the concept that the shocking decapitations that followed in France (one professor and 3 Catholic faithful) “have nothing to

do with Islam”. The request to have a legal protection for Islam was heavily criticized, led to more polarization in the debate about freedom of religion.³⁷

Related to Christians

Official figures relating to crimes or incidents with an anti-Christian motivation were disaggregated in the hate crime reporting to the OSCE in 2018 or 2019.

In September 2018, Archbishop Eijk of Utrecht said the Catholic Church was “rapidly disappearing” from the Netherlands due to a “rapid decline in church attendance” and the “aging Catholic population.” He predicted that over ten years, the Utrecht dioceses would shrink from 280 churches to probably 10 or 15.³⁸

In November 2018, the prosecutor’s office in the Hague announced that the man charged with three counts of attempted murder for stabbings in May 2018 was specifically searching for “Christian and Jewish kuffars” (Arabic for non-believers). He was recorded telling his mother that kuffars were akin to “animals or retarded people.”³⁹ A court found him not responsibly by reason of insanity and ordered an indefinite hospitalization. Appellate proceedings initiated by the Public Prosecution Service began in September 2020.⁴⁰

In January 2019, the Dutch translation of the “Nashville Statement,” with approximately 250 signatories, including prominent Protestant pastors and community leaders, was published in the Reformatorisch Dagblad newspaper.⁴¹ The Statement, initiated by the Southern Baptist Convention in the United States in 2017 to address a “Western culture [that] has become increasingly post-Christian.” It “affirms” a “biblical view” of marriage and sexual morality.⁴² It was met with intense criticism in the press and in public, despite a published postscript to acknowledge that churches had been deficient in providing pastoral care to those with a homosexual orientation.⁴³ A formal police complaint was filed against the newspaper and one of the politicians who signed it, claiming that the text discriminated against the LGBT community in violation of Article 1 of the Dutch Constitution. In March 2020, the prosecution service announced that it would not bring criminal charges because to do so would “interfere with their freedom of religion.”⁴⁴

In June 2020, a statue of Our Lady of Częstochowa was defaced with the letters “BLM” in Breda.⁴⁵ In November 2020, the Protestant Markuskerk was severely damaged by fireworks with the “force of a hand grenade.”⁴⁶

Concerning religious standpoints and public education, there is recent discussion about protestant (reformed) schools that require a written statement from parents saying that they distance themselves from homosexuality. The (Christian) minister of Education at first claimed that the schools had this right, but later - due to political pressure - acknowledged that there is “a tension” between different fundamental rights, such as freedom of education and the prohibition of discrimination, saying that the anti-gay-declaration is a step too far.⁴⁷

Related to Covid-19

The Dutch government did not impose restrictions on public worship, except regulating the number of people permitted inside at one time, during their coronavirus pan-

demically-related lockdowns in 2020/21.⁴⁸ This, however, was ignored by several communities and provoked a larger public debate on freedom of religion.⁴⁹

PROSPECTS FOR RELIGIOUS FREEDOM

It appears that there were no significant new or increased governmental restrictions on religious freedom during the period under review. Rising anti-Semitism is a concern, however it appears that the government has taken measures to try to tackle the issue. The societal response to the controversial “Nashville Statement” may result in a “chilling effect” on some Christians who hold orthodox positions, but the decision not to prosecute was positive. If certain anti-migrant political parties continue to gain popularity, however, there may be an increased risk of legislative proposals leading to increased restrictions on religious freedom for minority religions, particularly for Muslims.

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