

Declaration of **Muslims for Progressive Values (MPV)**
UPR Pre-Session on the Kingdom of the Netherlands, Geneva, April 2017
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MPV, a global grassroots faith-based human rights organisation advocating for Freedom of and from Religion and Belief; Women's Rights and Gender Equality and LGBTQI Rights; and Freedom of Expression, is currently participating in the UPR pre-Sessions of Tunisia and the Netherlands and has also submitted UPR reports for Sudan, Somalia, and Pakistan.

A. Statement

In line with MPV's advocacy campaigns this statement addresses the following interconnected human right issues:

1. Freedom of Religion and Belief, including:

1.1. Discrimination on the basis of religion or belief on the labour market and education, islamophobia, including a gendered perspective; and

1.2. The compound and intersecting forms of discrimination and marginalisation that women, LGBTQI-Demographics and progressive Muslims face.

2. Freedom of Expression, including:

2.1. Incitement to hatred in the public sphere; and

2.2. Incitement to hatred by Muslim religious officials and individuals.

B. National consultations for the drafting of the national report of the Kingdom of the Netherlands

Two consultative meetings were held in 2016; one in June in cooperation with the Dutch section of the International Committee of Jurists and the Netherlands Institute for Human Rights, and a larger consultation with carefully selected NGOs in September. MPV had not been informed about the consultations and thus was not present.

C. Follow-up review 2012

➤ Several states raised concerns relating to discrimination on the basis of religions and beliefs, emphasizing measures to specifically combat Islamophobia and Muslim Discrimination at the second Universal Periodic Review of the kingdom of the Netherlands in 2012. The State accepted those recommendations made by Egypt, Iran, Malaysia, Thailand, Bangladesh, and has reported on their implementation in its midterm review and National report.

➤ Egypt, Pakistan, Algeria, Malaysia, and Bangladesh made recommendations on Freedom of Expression. The State has accepted the recommendation by Bangladesh promote the rights of freedom of opinion and expression while paying due attention to commiserating responsibility and respect for others.

D. New developments since the first review

➤ The State set up Internet Discrimination Reporting Centre MiND, that registers discriminatory incidents and their grounds in 2013, launched the campaign *Cross out Discrimination*¹ in 2015, drawn up the National Action Programme Against Discrimination in 2016, and announced to release the report *Trigger Factors of Muslim Discrimination*.²

¹ 'Zet een Streep door discriminatie'. See www.zeteenstreepdoordiscriminatie.nl.

² Despite particular causes and consequences of xenophobia and Islamophobia, the UPR second cycle 2014 Interim Report states: "The Netherlands does not develop policies targeting specific types of discrimination. General measures are in place to prevent discrimination on any and every ground".

1. Issues with Freedom of Religion and Belief

➤ Polarisation of popular public opinions have exacerbated racist, Islamophobic, anti-Semitic, homophobic and xenophobic attitudes that severely limit enjoyment of the freedom of religion and belief. Civil, political, economic, social, and cultural discrimination and persecution based on religion and ostensible religious attire have increased.

1.1. Discrimination on the basis of religion or belief

➤ 71 percent of Muslim youth reported experiencing some form of discrimination and or bullying.³ 35% of the Dutch population view Muslims and Islam as negative.⁴ 10-15% of teachers have found stereotypical materials on Islam and Muslims in their educational materials.⁵

➤ Dutch companies are 60% less inclined to invite someone with an Arabic sounding name for job opportunities than someone with a Dutch name.⁶ 1 in 10 of Muslim youth have expressed having difficulties finding an internship due to discrimination based on their perceived religion or ethnicity.⁷

➤ Reported cases of Muslim Discrimination, including online Islamophobia, have doubled since 2014.⁸ MDRA⁹ has expressed concerns on the increase in severity and occurrences of Islamophobic incidents¹⁰. Constant and systematic discrimination, threats and cyber bullying (one of the leading serious health issues amongst adolescents¹¹ - are an inescapable part of the lived reality of many Muslims.

➤ **Gendered perspective:** Women donning a headscarf are 71% less likely to receive a positive response to an employment interview, and are likely to become a victim of Islamophobia and physical violence 91% of individual victims of Islamophobia are women with a headscarf, whereas 82% of perpetrators are male.

Questions to the State:

1. What actions did the State take to curtail both the root causes and the consequences of xenophobic, anti-Semitic, and Islamophobic attitudes and broad discrimination perpetrated by State and non-state actors?
2. How have the efforts made by the State been measured in terms of impact and effectiveness?

Recommendations to combat discrimination on the basis of religion or belief:

1. To sponsor and endorse non-governmental and civil society campaigns that actively combat discrimination and whose aim is to create and foster a culture of acceptance, tolerance and affirmation in the State, including racial, ethnic, and religious minority sensitization campaigns for local law enforcement agencies and officials.
2. To incorporate educational materials and campaigns in national curricula of schools that promote tolerance and acceptance, and removing stereotypical materials on the history, religion, culture, and practices of minorities.
3. To implement an official follow-up mechanism for UPR recommendations the State has received that evaluates all governmental and civil society efforts to combat discrimination.

³ Van der Valk, Ineke. Monitor Muslim Discrimination. Universiteit van Amsterdam, IMES report series, 2015. Print.

⁴ See for more information: <http://www.pewglobal.org/2016/07/11/negative-views-of-minorities-refugees-common-in-eu/>

⁵ Furthermore, teachers have expressed difficulties dealing with 'sensitive subjects' such as homosexuality when there are Muslim students in their classrooms. Dedicated support organisations such as School en Veiligheid (School and Safety) have expressed in private consultations in having no solution to remove their difficulties.

⁶ 10 Blommaert, Elisabeth. Are Joris and Renske More Employable than Rashid and Samira?: A Study on the Prevalence and Sources of Ethnic Discrimination in Recruitment in the Netherlands Using Experimental and Survey Data. Thesis. Utrecht: Universiteit Van Utrecht, 2013. Print

⁷ See: <http://nos.nl/artikel/2094155-stagiaire-met-hoofddoek-niet-gewenst.html>

⁸ The police reported a total of 439 Islamophobic incidents in 2015. MiND has reported a total of 190 Islamophobic incidents. See for more information: <http://art1nhn.nl/publicatie-politieadvies-landelijke-discriminatiecijfers-2015/>

⁹ Meldpunt Discriminatie Regio Amsterdam, Discrimination Reporting Point Amsterdam. www.MDRA.nl

¹⁰ In 55% of reported Islamophobic incidents bystanders were present. Yet, in 85% of those incidents, bystanders did not interfere. See www.meldpuntislamofobie.nl for more information on discrimination against Muslims, including an interactive map of reported cases.

¹¹ <https://nobullying.com/mental-health-statistics/>

1.2. Compound and intersecting forms of discrimination for minorities in religious communities

➤ The State invokes religious relativism in defense of religious leaders who instrumentalize religious narratives to justify discrimination and incitement to hatred against minorities as women and LGBTQI demographics, who as a result experience discrimination and marginalisation in society at large and within their own communities.

1.2.a. Women

➤ Gender based violence (GBV) in Muslim communities based on misogynistic and patriarchal interpretations of Qur'anic scripture can exacerbate as a result of religious relativism and inapt methods of law officials.¹²

➤ State courts are unable to dissolve religious marriages while imams rarely address religious divorce requests to women without the husband's permission. As a result, some Muslim women, including young and adolescent girls, are subject to marital inequalities and marital captivity. Sometimes they are forced into marriage via illegal religious ceremonies, and denied the right to housing and other benefits by the State if they are divorced by their husband.

➤ Ultimately this reduces their possibilities for new relationships and marriages, possibilities of free and safe travel, and child custodial rights in MMCs of origin.

1.2.b. LGBTQI-Demographics

➤ Mental, social and physical health issues are excessively present among Muslim SGN individuals because of the compound and intersecting forms of discrimination and marginalization faced both Dutch and Muslim society.¹³

➤ IND and COA's utilize insensitive application-vetting approaches and do not offer safe spaces dedicated to SGN=refugees resulting in physical, mental and other forms of abuse, which particularly affects those from MMCs, and law enforcement agencies are reported to dissuade LGBTQI individuals from filing cases of discrimination.¹⁴

1.2.c. Progressive and Secular Muslims

➤ The State does not protect or support progressive Muslims, who thus not only face the outright discrimination based on their religion, but also from within Muslim communities; Progressive and secular Muslims are systematically being pressured and threatened into silence, and the AIVD reported on systematic pressure on moderate Muslims by extremists, who have used violence on a number of occasions.¹⁵

➤ State representatives consciously decide not to support progressive initiatives that counter extremism and radicalisation, consciously amplifying the impact and presence of (foreign) extremist movements.¹⁶

Questions to the State:

1. What concrete policy and legislative measures has the State assumed to proactively curtail specific forms of discrimination and abuse of Muslim women and LGBTQI-individuals, including the detrimental effect of the insensitive application-vetting approaches and unsafe situations they face in COA's?

2. What concrete policy and legislative measures has the State assumed to proactively support and protect Muslim minorities that advocate for progressive interpretations of Islam and congruence between Islamic and Western values?

Recommendations to combat the compound and intersecting forms of discrimination that minorities in

¹² See: *Dossier Vrouwenopvang* by Femmes for Freedom, Zee, Machteld. *Choosing Sharia? Multiculturalism, Islamic Fundamentalism and British Sharia Councils* (PhD thesis, Faculteit der Rechtsgeleerdheid, Universiteit Leiden) 1 Dec. 2015 See also: uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2016:8,.

¹³ Indicated by Dutch Queer Muslim Empowerment Organisations as maruf (www.maruf.nl) or Prisma (<http://prismagroep.webklik.nl/page/diensten>)

¹⁴ See: for example: *Vluchteling mishandeld en bedreigd in AZC's, nu eindelijk veilig in Assen: "COA verbood mij aangifte te doen"*. Asscher Courant,. 28 January 2016, *LHBT-asielzoekers vaak slecht behandeld*, COC Nederland. 2 May 2013. and Westra, Pimm. *Waarom een Syrische homoseksueel in Nederland onveilig is*. HP/De Tijd, 2 February 2016.

¹⁵ See: AIVD jaarrapport 2015, or www.telegraaf.nl/binnenland/23368697/Jongerenimam_bedreigd_.html or

¹⁶ As indicated in private correspondence with several officials of the Ministry of Education, Culture and Science, the Ministry of the Interior and Kingdomrelations, and the Ministry of Social Affairs and Employment.

religious communities face:

1. To sponsor and endorse non-governmental and civil society advocacy campaigns that combat discrimination and misogyny against women in local communities, especially progressive faith-based organizations that promote gender equality and women's empowerment and to ensure full access to public spaces for Muslim and disabled women;
2. To sponsor and endorse educational programs and sensitization trainings for IND, COA, and front line workers on the unique cultural nuances SGN refugees and asylum experience, and on the compound forms of discrimination they face to establish effective mechanisms of protection for SGN refugees and asylum seekers in refugee centers.
3. sponsoring and endorsing trainings for local and federal judiciary and law enforcement agencies on gender inequalities in Muslim communities, including domestic violence exacerbated by misogynistic interpretations of Islam, and improving access to justice for Muslim women in (religious) divorce proceedings.

2. Freedom of expression

The State is unwilling to uniformly apply the State's Criminal Code in all cases of public and blatant incitement to hatred. State actors and personnel in organizations responsible for handling cases of discrimination often do not issue statements regarding religiously or culturally justified discrimination.

2.1 Incitement to hatred in the public sphere

➤ The Public Prosecution Office demanded an unconditional fine of 5,000 euros against a prominent right wing politician for "insulting a specific group based on race, and inciting discrimination and hatred".¹⁷ However, his Party's 2017 campaign again clearly targeted, Muslims, racial and ethnic minorities, and immigrants, throwing more fuel on the rising Islamophobia and xenophobia, and has yet to be held accountable.

2.2 Incitement to hatred by Muslim religious officials and individuals

➤ Few religious officials that propagate hatred and violence have been held accountable for their hate-speech and or ostensive affiliation with extremist groups, allowing them to consistently incite hatred, violence, and discrimination against apostates from Islam, atheists, Jewish demographics, and sexual and gender minorities. Only 15 identified "hate-imams" have been successfully barred from entering the State in 2015¹⁸. No State wide prohibition is in place to ban the use of the official Da'esh flag in public; despite the hateful and discriminatory basis of Da'esh's ideology which the State is obligated to combat under its Criminal Code.

➤ When certain religious individuals called for discrimination and physical violence against homosexual individuals, State-appointed discrimination bodies have not applied the Criminal Code and pursued them, but only stated that 'this should be seen inside the context of the religion'.¹⁹

Questions to the State

1. What measures are being taken by the State to enforce a uniform application of the State's Criminal Code in all cases of public and ostensive discrimination, as propagated by individuals, politicians, and religious officials?
2. How has the State ensured to implement the accepted recommendation to promote the rights of freedom of opinion and expression while paying due attention to commiserating responsibility and respect for others?

Recommendations to combat incitement to hatred in the public sphere:

1. To uniformly enforce of the penal code in cases of incitement to hatred and discrimination on the basis of race, nationality, ethnicity, or religion and further pursuant to articles 137c and 137d, and to hold accountable all individuals who incite hatred and discrimination on the basis of religion, gender, ethnicity and SOGIE.
2. To Sponsor and endorse faith-based civil society organisations that actively counter extremism and radicalisation by advocating for inclusion and tolerance for SGN-individuals, women, and other minorities.

¹⁷ See: <https://www.trouw.nl/home/om-eist-boete-van-5000-euro-tegen-wilders~a563ceb0/>

¹⁸ <https://beveiligingnieuws.nl/nieuws/terrorisme/23-haat-imams-geweerd-uit-nederland>

¹⁹ See: <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2016Z22930&did=2016D46998>