

## Appendix 1

### Progress of the (generic) measures of the National Action Programme against discrimination

This appendix explains the progress of the (generic) measures that do not fall under the spearheads of the letter with the the Netherlands government approach to discrimination, but are carried out under the National Action Programme against discrimination. The measures are grouped according to the four pillars of the action programme. For an effective approach, it is necessary to take measures that focus on specific groups, in addition to the generic policy. The measures that focus inter alia on tackling discrimination based on religion, origin and skin colour are included in Appendix 2.

#### A. Prevention and awareness

In addition to a repressive approach, a stronger preventative approach to discrimination and commitment to inclusion is necessary, aimed at raising awareness about (unconscious) discrimination and exclusion.

#### **Objective: The sustainable promotion of an inclusive society**

##### *National public campaign*

##### Cross out discrimination

In order to raise awareness that discrimination is not permitted, in September 2015, the then the Netherlands government started the four-year campaign 'Cross out discrimination.' This campaign consists of a general part (the umbrella campaign) and sub-campaigns on specific topics. Since December 2016, there has been a digital platform ([www.zeteenstreepdoordiscriminatie.nl](http://www.zeteenstreepdoordiscriminatie.nl)) where all campaign statements can be seen. Also, on this platform, resources are offered to municipalities and social organizations to get started with the campaign message themselves. In the autumn of 2017, stakeholders such as the police, the School and Safety Foundation and the PO Council were informed about the availability of these resources and were asked to share good initiatives and actions by placing them on the platform site.

Results from campaign impact studies show that the appreciation for the umbrella campaign is great. 80% of the target group supports the umbrella campaign. The target group considers it important that the government pays attention to discrimination. More people know, after the umbrella campaign, that equal treatment is set down in Article 1 of the Constitution. There is an increase in the number of people who know that discrimination is not permitted by law.

In addition to the umbrella campaign, various sub-campaigns were developed in 2017. These sub-campaigns aim to raise awareness about specific forms of discrimination and to offer organizations action perspectives in order to enable them to cross out discrimination in practice.

- On 16 January 2017, the sub-campaign of the Ministry of Health Welfare and Sport, aimed at the participation of people with disabilities '[Participate with a disability](#)' was launched. Moreover, an exhibition about the rights of people with disabilities, LetmeBe, was also opened in the building of the Ministry of Health Welfare and Sport.

- In February 2017, the sub-campaign [Traineeship discrimination](https://www.zeteenstreepdoordiscriminatie.nl/wie-doen-mee/campagne-onderwijs) of the Ministry of SZW was repeated in which employers, schools and students are made aware of the available tools to tackle traineeship discrimination. As part of the City Deal Approach to Youth Unemployment, a toolbox has been developed to combat traineeship discrimination (<https://www.zeteenstreepdoordiscriminatie.nl/wie-doen-mee/campagne-onderwijs>). On 1 July 2017, in order to support educational institutions in combating traineeship discrimination, the Career Orientation Programme (LOB) and Equal Opportunities were launched in collaboration with MBO Services. In this programme, fifteen MBO schools are supervised in the administration and implementation of LOB activities in general and 'LOB - Equal Opportunities' in particular. The emphasis is on equal opportunities, bridging negative imaging and learning how to network.
- The sub-campaign '[Discrimination, talk about it in the classroom](#)' In April 2017, the Ministry of SZW (in collaboration with the Ministry of Education Culture and Science) started, in primary and secondary education, to make the fact that discrimination is not permitted a topic for discussion. At the campaign site, various tools are offered that are in keeping with the experience of young people between 10 and 16 years of age.
- To prevent pregnancy discrimination, in September 2017 the Ministry of SZW started the sub-campaign '[Pregnant at work, make good arrangements](#)'. With this, the ministry wants to make employers aware of possible pregnancy discrimination and point out the talent that they might not be taking advantage of. At the campaign site, tips are given on how employer and employees can together reach good agreements about pregnancy in the workplace.

The key message of the 'Cross out discrimination' campaign has been successfully implemented in recent years. This message will be continued and elaborated on in other awareness campaigns in 2018. The platform site [Zeteenstreepdoordiscriminatie.nl](https://www.zeteenstreepdoordiscriminatie.nl) will remain available to stakeholders, also after 2018. Organizations can still start activities on their own to combat discrimination, using the examples of others and with the help of the toolkit resources. The ministries will continue or start their own activities in order to raise awareness that discrimination is not permitted. There is also participation from various ministries in numerous activities, including Pink Saturday in Gouda and the Canal Parade in Amsterdam. In order to make young people aware of the significance and consequences of discriminatory behaviour in football, the Anne Frank House is implementing the Fair Play project. Fair play is a game developed by the Anne Frank House that is played in workshops by young people, in cooperation with the professional football and sports departments of municipalities.

By taking the aforementioned measures to promote the awareness of discrimination and the continuation of the promotion of awareness under pillar A of the National Action Programme against Discrimination, the the Netherlands government is also contributing to the motion of the parliament member Öztürk.<sup>1</sup>

### *Inclusive society*

In an inclusive society, there is no place for discrimination. The government stands for a society in which everyone can feel at home, participate and receive equal opportunities. To this end, in addition to awareness and information, efforts on other preventive measures are important, such as promoting dialogue and personal contact and sharing knowledge of best practices in, for example, in education and sports.

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<sup>1</sup> Parliamentary Papers II, 2016/17, 30950, no. 123.

## Education

In education -- where attention is paid to themes such as the Second World War and the Holocaust in the core objectives of history education -- we are working on tightening the citizenship assignment for schools and the revision of the curriculum. Education plays an important role in transferring knowledge about the fundamental values of the democratic constitutional state and, thus, the fight against racism and discrimination in any form whatsoever.

Good education offers opportunities to all children, but education cannot do that alone. Creating equal opportunities requires an integral, coherent approach and also takes a long time. An important cause of unequal opportunities is the difference between the home situation and the social environment (neighbourhood, sports, culture) in which children grow up. A year and a half ago, the Ministry of Education, Cultural Affairs and Science [OCW] therefore started building local and regional coalitions for equal opportunities, composed of parties within and outside the field of educational. The focus is on a learning approach, in which experiences between local alliances can be shared and new knowledge accrued ([www.gelijke-kansen.nl](http://www.gelijke-kansen.nl)). The accountable education ministers will deepen and expand this programme in the coming years. At the moment, 28 local Equal Opportunities Alliances (GKAs) have been established. The aim is to increase the number of local alliances to at least 50 municipalities. The Ministry of Education Cultural Affairs and Science is working with local partners to look for social parties and existing effective interventions to increase the opportunities of pupils in education.

The cooperation will also be strengthened at the national level. For example, the ministers of SZW and those of OCW are jointly responsible for the areas of the education-labour market and the poverty policy. Together with the VWS colleagues, the education ministers will explore how the equal opportunities for young people can be increased with the combination of sports, a healthy lifestyle and education.

## Sports

Since 2011, the action plan "onward towards a safer sports climate," (VSK) has worked on a safe and enjoyable organized sports climate. The efforts are specifically concerned with action against serious abuses, as well as investments in preventing those same abuses. The sports associations have more than five million members and 1.2 million volunteers. It is a place where a great deal of diversity comes together. By means of annual monitoring of VSK, the developments in the Dutch sports climate are being closely followed. These organizations are also widely queried concerning experiences of undesirable behaviour. The following figures are relevant with respect to discrimination:

- Athletes experiencing discrimination?

The figures have declined (slightly) from 13 percent in 2012 to 9 percent in 2016.

- Administrators experiencing discrimination?

Not all incidents reach the administrators. In 2017, less than 3 percent indicated that they had ever been confronted with this.

- Response from administrators on discrimination?

Of all forms of undesirable conduct that come to the attention of the Board, administrators are least likely to take action on discrimination; in 72 percent of cases.

*Inclusive labour market – Diversity in the semi-public sector and the business community*

### Diversity policies in municipalities

The publication 'Checklist for diversity policy for municipalities' came out in the spring of 2017 at [www.KIS.nl](http://www.KIS.nl). The checklist focuses on the question: How diverse is the staff of this municipality and how diverse are the services for the residents of this municipality and how are they set up.

The Member of Parliament, Kuzu (DENK) has asked the Government in a motion to encourage, among other things, the municipalities to sign the Diversity Charter of the Labour Foundation. The Diversity Charter, launched in 2015, supports companies and organisations to realise objectives that they themselves deem desirable and feasible in the field of diversity and inclusion. Signatories of the Charter commit themselves to strengthen the diversity policy in their company or institution, to formulating their interventions clearly and to mapping out the results of their interventions and sharing them with other signatories to the Charter. In January 2018, 9 municipalities signed the Charter. In so doing, they commit themselves to working on more diversity and inclusion in their own organizations. To date, 15 municipalities have now joined the Diversity Charter. Late last year, the previous State Secretary of Social Affairs and Employment, in her collective letter to municipalities, brought the Charter to the attention of municipalities.

### Barometer of cultural diversity

In 2017, two explorations were carried out for a possible barometer on cultural diversity for the business community: one on the legal and practical possibilities for database linking and one on the legal and practical possibilities of voluntary registration. The possibilities for database linking seem the most promising for employers. It is currently being explored whether some employers are willing to test, in practice, the theoretical possibilities by means of a pilot project. The idea of a barometer is that employers can themselves show what percentage of employees they have with a migrant (non-Western) background and can also benchmark this with other employers. Thus, it is also the idea that insight can be given in the possible range of potential employees (with unemployment benefits or welfare assistance and school leavers) with a (non-Western) migrant background in a particular profession.

### *Cooperation with social media companies - tackling online discrimination*

In the Netherlands and other European countries, there is a significant increase in illegal online content, for example with regard to discriminatory manifestations or incitement to hatred and violence. There is an increasing desire by some Member States to have laws and regulations also apply to online activities, such as in the discussion on the extension of the scope of the Audiovisual Media Services Guidelines to providers of video platforms. On several occasions, the European Council and the (JHA) Council have given their opinion on illegal online content and recognized the risks arising from the increasing use of *social media*, such as the rapid spread of fake news and the use of discriminatory language against migrants. The Netherlands stresses, time and again, the importance of a joint European approach and the important role of education and developing critical thinking skills and media savvy.

During the Dutch Presidency of the European Union in 2016, the European Commission, jointly with Facebook, Microsoft, Twitter and Google/YouTube, presented a code of conduct to combat online *hate speech*. The most important best efforts obligation that resulted from the Code of Conduct concerns the disposal and any removal, within 24 hours, of hateful remarks after reports by users. In addition, the Code of Conduct contains agreements on the monitoring of the agreements. On the

occasion of the third meeting of the EU High Level Group on countering racism, xenophobia and other forms of intolerance, held on 31 May and 1 June this year, the European Commission reported on the results of this monitoring. The results show that significant progress has been made with regard to the efficiency and speed of the disposal of messages, improvement in reporting systems, improvement in the training of staff, enhanced cooperation with relevant parties, and improved consistency in treatment, regardless of who the person is. At the same time, areas for improvement were also found, especially concerning the transparency about the criteria for disposal and the feedback to users.

At EU level, the the Netherlands government itself, given the progress made under the Code of Conduct, called for the continuation and expansion of the Code of Conduct, including the monitoring by the European Commission. In addition, the the Netherlands government calls for greater transparency by the relevant social-media companies, with respect to internal procedures, and the numbers of requests for removal of illegal content and the disposal thereof, analogous to the transparency reports that some of these companies publish on requests they receive from governments.

On 28 September 2017, the European Commission published a "communication on the fight against illegal online content – Towards a greater responsibility for online platforms" (COM (2017) 555). The Communication sets out guidelines and starting points for online platforms to prevent -- in cooperation with national authorities in Member States and other relevant stakeholders -- illegal content online. What is illegal offline is also illegal online. This could include spreading jihadist ideas and inciting radicalization, hate speech, pedopornographic material, violating copyright laws and offering illegal goods, such as weapons and drugs, online. The Communication focuses on facilitating and intensifying the implementation of successful practices to prevent, detect, remove and prevent access to illegal content; it must also ensure greater transparency and protection of fundamental rights online. The Communication places great responsibility on online platforms to combat illegal online content, subject to Articles 14 and 15 of the e-commerce Directive. Online platforms are called upon by this communication to have an effective reporting system operational, preferably by means of a Notice-and-Take-Action (NTA) procedure, in which judgements on admissibility are based on European and national law. Where possible, techniques should also be used to proactively act and prevent (re) placement of illegal content. Cooperation between platforms and law enforcement authorities needs to be optimized, especially in order to be able to act swiftly and effectively in a court order for removal and to share signals of criminal activities with law enforcement authorities. These must, in turn, be adequately equipped to pick up these signals and, if necessary, proceed to prosecution. In addition, the removal of illegal content could be done much faster and more reliably if online platforms support the setting up of a privileged channel for certified agencies that can bring the presence of illegal content under the attention of platforms with authority ('trusted flaggers'). In order to counter 'excess removal,' platforms must motivate the removal of content and set up an objection procedure, whereby it is called upon to submit it to, for example, a dispute resolution committee. Lastly, the Commission announces that it will monitor the application of these guidelines and assumptions until May 2018, in order to decide whether additional, possibly legislative, measures are needed.

The government is in favour of the Communication. On several occasions, the European Council and the JHA Council have expressed their views on illegal online content and recognized the risks arising from the increasing use of social media, such as the risks of radicalization via the internet, the rapid spread of fake news and the use of discriminatory language towards migrants. The Netherlands stresses, hereby, the importance of a joint European approach and the important role of education and developing critical thinking skills and media savvy.

On 1 March 2018, the European Commission issued a "Recommendation for an effective approach to illegal online content." The Recommendation calls on Member States and hosting service providers to take effective, appropriate and proportionate measures to combat illegal online content, in line with the human rights charter and EU legal provisions, in particular in the area of protection of personal data, competition and electronic trade. The Recommendation builds on the Code of Conduct for IT companies to combat illegal content and on the progress made within the framework of the EU Internet Forum.

The Recommendation calls for the establishment of accessible and user-friendly electronic reporting mechanisms and works out how transparency can be offered to users, reporters and content providers about the substantive assessment of the content. It has to be possible to lodge an objection against a decision to remove or block a communication. This means that deleted or blocked content must also be able to be made visible again. The Recommendation calls on Member States to set up, in this context, a system of out-of-court dispute resolution. Where possible, service providers should use techniques to proactively exclude illegal content.

Member States and hosting service providers are called upon to designate contact points and to set up fast procedures for reports from competent authorities. Member States are encouraged to give the cooperation between hosting service providers and law enforcement authorities a legal basis. The collaboration with so-called "*trusted flaggers*" should be promoted, as should information exchange and sharing technical solutions between hosting service providers. Finally, the Recommendation contains some points of attention with regard to countering terrorist content.

For the the Netherlands government, the basic principle is that the online community regulates and monitors itself. In this respect, the the Netherlands government looks favourably on the system in which social media companies themselves test complaints about undesirable content. The removal should not, however, go overboard to undesirable, but not criminal, content. The freedom of expression would then be unnecessarily curtailed. With the threat of fines for inaccurate assessment, the risk of that increases. The government is reluctant to have statements assessed by interest groups or government institutions with a specific interest, but seeks the balance in an independent legal review. In the Netherlands, in addition to reporting directly to a social media platform, reports can now also be made to the Reporting Center for Internet Discrimination (MiND) which has been placed with Stichting NL Confidential. This Reporting Center assesses reports by making an estimate of whether the offending statement on the internet can be regarded as a criminal offense due to conflict with the discrimination laws and related articles in the Dutch Penal Code. If there is an inconsistency, a request for removal of the statement follows. If no response is given to this, then it can be scaled up within the social media companies. If a report does not then receive a follow-up, the report will be sent to the Public Prosecution Service.

Our country has a phenomenon-oriented approach to illegal activities that can occur (also) online. Within the tackling of terrorism, pedopornography, discrimination, illegal arms trafficking and copyright violations, much attention is also paid to the online component. The online aspects also feature in the policy on the provision of audiovisual media services and the promotion of economic traffic.

The European developments in dealing with illegal online content require a review of the approach to illegal content online, including the approach to online hate speech. In anticipation, it has been decided to terminate the activities of MiND as of 1 January 2020. In addition to answering the fundamental question whether a separate hotline for online hate speech has added value, the

reconsideration will also consider the wishes of the European Commission to set up a system of out-of-court dispute resolution and to report on the number of notifications.

## **B. Enhanced cooperation and infrastructure**

In order to strengthen the joint approach to discrimination, all parties involved within and outside the government will be more actively involved in strengthening the system, including more mutual cooperation and broadening the (chain) approach to discrimination.

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

#### *Promoting expertise and safeguarding it in the criminal justice chain*

Diversity and discrimination are reflected in the basic training for police officers and are discussed in the context of the core tasks of the police. The general aim is to develop the ability to deal with various norms and values of persons and to approach them objectively, without value judgements. Even after the training course, it is important to pay attention to strengthening the sensitivity for discrimination (learning by doing). This involves a role for the Networks for Diverse Craftsmanship that are active in the units. These are operational networks that consist of policemen with diverse backgrounds or orientations. Their objective is to share knowledge within the organization, to be a point of contact for colleagues and to maintain contacts with their respective communities. In the police training on the working method for individual assessment of the vulnerability of victims, attention will be paid to discrimination issues. The procedure follows from the EU guidelines on minimum standards for victims. This training course will start this year.

In 2017, the National Expertise Centre for Discrimination (LECD) of the Public Prosecution Service again offered a learning module in which the criminal law approach to discrimination and commune offenses with a discriminatory motive is the central focus. This module is accessible to prosecutors other OM employees and the judiciary. In order to underline the importance of diversity within the Public Prosecution Service, a working conference on this theme was also organized in 2016. 2017 wederom een leermodule aangeboden waarbij de strafrechtelijke aanpak van discriminatie en van commune delicten met een discriminatoir motief centraal staat. Deze module is toegankelijk voor officieren van justitie, overige OM-medewerkers en de rechterlijke macht. Om het belang van diversiteit binnen het OM te onderstrepen is in 2016 tevens een werkconferentie over dit thema georganiseerd.

#### *Improvement of registration and reporting on discrimination*

Under the umbrella of het programma 'De Kracht van het Verschil' - gericht op diversiteit & inclusion, more connection and better workmanship for everyone voor everyone - is ingezet op de optimalisering van de rapportage van discriminatiecijfers. Under the umbrella of the programme, 'The Power of the Difference' - focused on diversity & inclusion, more connection and better craftsmanship for everyone - the optimization of the reporting of discrimination figures was used. This has led to an improvement in data collection and analysis of discrimination cases. The national report with discrimination figures for 2017 from the police, OM and ADVs will be sent to your House with this letter.

To implement the commitment made by my predecessor<sup>2</sup> I intend to amend the Registration Form Regulation on anti-discrimination provisions in 2018 in such a way that it becomes possible for ADVs to separately register and report cases of discrimination against persons who do not have a religion or have left their religion.

To facilitate the reporting of discrimination, on 21 March 2018 the app Report Discrimination NOW was introduced. With this app on a mobile phone, a victim or witness of discrimination can send a message quickly and easily to a ADV in the neighbourhood. Specialised employees by the ADV can then give advice about possible next steps or mediate and offer support in the procedures. The app is useful not only for private citizens, but also for professionals who regularly face discrimination and racism. Thus, the police is making the app available for the service phones of all police staff. The app, Report Discrimination NOW, was developed by the anti-discrimination agency RADAR, with the financial support of the three major cities, Amsterdam, the Hague and Rotterdam. With the app, notifications can be made throughout the Netherlands.

#### *Improved cooperation in investigation and prosecution*

In 2017, a cooperation agreement was concluded between politie, OM en ADV's to give a boost to the approach to discrimination. This cooperation will result in a better picture being obtained of discrimination cases in the Netherlands. On the basis of this image, more targeted measures to address discrimination will be instigated. The police does nationwide screening of police systems for possible discrimination cases. Per 1 March 2018, all units have received tweewekelijks een overzicht van discriminatiezaken voor een snelle en goede opvolging van deze zaken.

### **C. Local approach to discrimination**

Discrimination can best be combated where it takes place: at the local level. Municipalities are encouraged to address or enhance the local approach to discrimination, if possible on legal grounds.

#### **Objective: effective local approach to discrimination**

With respect to the local approach to discrimination, the the Netherlands government has made its report in the cover letter to this progress report.

### **D. Knowledge and investigation**

The approach to discrimination will be supported by interdisciplinary knowledge about the causes of discrimination and the effectiveness of interventions.

#### **Objective: exchange on legal grounds and pooling of knowledge and experiences.**

#### *Recording and reporting of discrimination disclosures*

The efforts to integrate the reports of various organizations on notifications about discrimination, and thereby to make them more transparent, will continue unabated in this the Netherlands

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<sup>2</sup> Parliamentary Papers II 2015/16 30 950 no. 103.



government. In this context, the discrimination figures from the police, the ADV's, the Netherlands Institute for Human Rights and the internet discrimination hotline (MiND) about the incidents and notifications that they registered in 2017 have now, once again, been collected into one joint, nationwide report.<sup>3</sup>

To obtain insight into the local and regional situation, similar reports have been released at that level by nine of the ten police units. Those regional reports provide detailed information, where possible, specified per municipality.<sup>4</sup> Although all of these reports contain not only tables with numbers but also an explanation, they can, in themselves, only provide limited insight into the occurrences of discrimination and the backgrounds thereof. Along with the ADVs, the police, the Public Prosecution Office, the Netherlands Institute for Human Rights, MiND and various social organisations, in 2018 there was, therefore, a study done on how the reported numbers and other available information can be utilized in more depth.

### *Research on Experiencing discrimination*

In 2013, the SCP [Netherlands Institute for Social Research] did a study on "experiencing discrimination." This in-depth research offered insight into the extent to which individuals have to deal with events, which they experience as discriminatory and the negative consequences of these events on how people act. In this study, the perspective of people on their experiences and what they *themselves feel and call discriminatory* is the central focus. This is about what people experience as discrimination and not factually determined discrimination. The research showed what the impact might be on someone's personal life, when people are feeling rejected on the basis of their ethnicity, sexual orientation or disability, age or gender. In order to map out the main developments with respect to discrimination since 2013, a repeat of the study will be carried out. Publication of the report will take place by the end of 2019.

### *Research on effective interventions*

In 2016 and 2017, the Knowledge Platform Integration and Society (KIS) carried out research on a number of interventions to decrease discrimination on the basis of ethnicity, religion, or skin colour. These included interventions, such as the deployment of training courses focused on awareness of one's own prejudices and the use of dialogue sessions. In 2017, the insights of these investigations from KIS were shared with municipalities and intervention developers. These insights are also brought to the attention of municipalities through the Guide to anti-discrimination policy for municipalities.

### *CBS-monitor "Equal Pay for Equal Work?"*

The Central Bureau of Statistics (CBS), carries out, as commissioned by the Ministry of Social Affairs and Employment, research into the gender pay gap in the Government and in the business community. The study, 'Equal Pay for Equal Work?' was carried out by CBS three times, namely in 2010, 2012 and 2014. In late 2018, the next edition of the study will be published, in which the wage gap between women and men in 2016 and the development compared to previous years is the central focus.

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<sup>3</sup> "Discrimination figures in 2017" included as an attachment to this letter.

<sup>4</sup> The regional reports are also published on the website [www.discriminatie.nl](http://www.discriminatie.nl) .