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**Islamic
Human Rights
Commission**



Islamic Human Rights Commission

Netherlands: Submission to the UN Universal Periodic Review
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The Islamic Human Rights Commission is an NGO in special consultative
status with the United Nations Economic and social Council.

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Executive Summary

In this submission, the Islamic Human Rights Commission provides information under sections B, C and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review. Under section B, the Islamic Human rights Commission gives background information about the human rights abuses of the Muslim minority living in the Netherlands. Under section C the Islamic Human Rights Commission raises concern in relation to the right to freedom of religion and Discrimination of Muslim women and the co-operation of Netherland with the UN's human rights mechanism. Islamic Human Rights Commission raises concern in relation to Freedom of Religion and Discrimination of Muslim women. In section D, Islamic Human Rights Commission makes a number of recommendations for the government to address.

B. Background

There are indications of direct and indirect discrimination against the Muslim citizens of Netherlands mainly by the government. Direct discrimination is intention-based, whereas indirect discrimination includes rules, procedures, and reward systems that result in disparate impact on different groups. Products of visual culture, such as 'The Passion of the Christ' or the Mohammed, pbuh cartoons in Jylland-Posten have often incited religious tension in the western world causing an international turbulence. A particularly relevant case occurred in 2008 when Dutch extreme-right MP Geert Wilders announced that he would make a short movie to show the world the dangers of Islam as he defined them. A fierce public debate, death threats, diplomatic questions and international riots followed, even before the film was made and released.

C. Promotion and protection of human rights on the ground

Freedom of thought conscience and Religion

Discriminatory application of the law

The Dutch extreme-right MP Geert Wilders produced a 16-minute movie targeting the religion Islam. The video called 'Fitna' contains a compilation of quotes from the Quran and news items about crime and terrorism, along with images of suicide bombings and evident incitement to hatred. Due to the contents of the film, Mr. Wilders could not find a broadcaster willing to air his movie, neither did it appear easy to find an Internet provider willing to put the film online. However, on March 27 2008 the film was finally made public on 'Liveleak.com', it was accessed 3 million times within three hours. A day later 'Liveleak.com' felt it had to remove the video from its site because of serious complaints on the discriminatory content of the film. Such systematic incitement to hatred and discrimination against the Muslims and other migrants committed by a government figure, MP Geert Wilders, has left the Muslim minority in Netherlands feeling humiliated, discriminated against and threatened. Netherlands is a party to the international human rights treaties and should protect the wrongfully targeted minority against such superficial discrimination. The UN committee should ensure that these treaties are upheld.

Mr Geert Wilders, has infuriated his fellow citizens with his opinions, his words have been described as inflammatory and an evident incitement to hatred against Islam. Examples of shocking statements include, in which he referred to the Muslim headscarves as "head rags,

ought to be taxed for polluting the Dutch landscape". In one such statement, in an opinion piece for the 'De Volkskrant newspaper', he wrote: "I've had enough of Islam in the Netherlands; let not one more Muslim immigrate", 'I've had enough of the Quran in the Netherlands: Forbid that fascist book'. In 2009 Mr. Wilders continued in his demonisation of Islam, stating "I have a problem with the Islamic ideology, the Islamic culture, because I feel that the more Islam that we get in our societies the less freedom we get." Such statements are evidently discriminate and it is unreasonable that Mr. Wilders was acquitted on Thursday 23rd June 2011 of hate speech charges by an Amsterdam court, which found that his inflammatory comments about Muslims were protected by rules governing discourse in a free society. This outcome proves that the government of Netherlands are in breach of the Universal Declaration of Human Rights, Article 26 which states, 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

There are numerous examples where both political figures and public figures, including media professionals have made discriminatory and even hateful speech acts against Muslims and have not been prosecuted. This culture of impunity creates a second class status for Muslims as individuals and communities in the Netherlands.

Ban on Ritual Sacrifice

The proposed ban in Netherlands on ritual sacrifice has passed the lower house of parliament and is awaiting a vote by the senate on 13 December. This ban will prevent Muslims as well as Jews from practicing their religion in buying sheep or lamb which has been ritually slaughtered in the country according to their beliefs. Furthermore, it would put thousands of people out of work, and make it more expensive to obtain halal and kosher meat. This ban is a violation of the International Covenant on Civil and Political Rights where it states under Article 18, 'everyone has the right to manifest his religion or belief in teaching, practice, worship and observance'.

Elimination of Discrimination against Women

Despite the fact that fewer than 100 Dutch women are thought to wear the face-veil Islamic dress, the Netherlands have a proposed legislation where Muslim women caught wearing the face-veil in public, on the streets, public transport and in educational institutions or hospitals will be fined €330. This prohibition of the face-veil is unjustified and discriminatory, marginalising Muslim women and preventing them from being educated, contributing to society and integrating. The ban will impact a number of basic human rights including: the Right to Education, Right to Employment, Freedom from Discrimination and Freedom of Thought, Conscience and Religion. In regards to religious dress, the European Court of Human Rights (ECtHR) has consistently stated that this right is at the core of a democratic society, claiming that '[i]t is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life..'

D. Recommendations

The Islamic Human Rights Commission recommends:

1. The Muslims citizens of Netherlands are given the freedom to practice Islam according to their religious belief, without government interference.
2. Any individual inciting hatred towards a targeted group or religion should be taken through the legal due process and given a fair and just verdict.