

Racism and Extreme Right Monitor: Sixth report

Conclusion

In this sixth report of the *Monitor on Racism and Right-Wing Extremism* project we have shed a light on the following subjects:

- Racist violence and violence incited by the extreme right in 2003
- Right-wing extremist groups
- Investigation and prosecution
- Discrimination of Roma and Sinti ('Gypsies')
- Patterns of anti-Semitism

The conclusions of these separate investigations are reported in the relevant chapters. They will not be repeated at length in this chapter, but briefly summarised.

From the investigation into *racist violence and violence incited by the extreme right* it emerges that after a steady decline in 2001 and 2002 the numbers of violent incidents remained at almost the same level in 2003. Alongside this levelling off in the total number of incidents there was a marked increase in 'confrontations', and the increasing involvement in them of far right groups, including so-called 'Lonsdale youths' (young people who are seen to identify their extreme right-wing views by wearing the Lonsdale clothing brand). Furthermore, we have established that the readiness of the police to register racist and right-wing extremist violence has fallen further. The clear-up rate has been extremely low for years, and that turns out to have been the case again in 2003. At just under 11%, this percentage is roughly half of the national average.

Right-wing extremist groups have grown in significance in various ways during the last monitoring period. Firstly, new extremist right-wing parties have been established: *Nieuw Rechts* ('New Right') and the *Nationale Alliantie* ('National Alliance'). As far as can be seen at this time, *Nieuw Rechts* stands a chance of gaining representation in democratically elected bodies. The second newcomer, the *Nationale Alliantie*, is the more radical and openly anti-Semitic of the two parties. Secondly, the strongly growing problem of 'Lonsdale youths' is also striking. Thirdly, the problem of extremist right-wing web forums has grown further. In our opinion the problem of the 'Lonsdale youths' is the most serious of these three developments within the far right in the Netherlands, concerning as it does an inter-ethnic polarisation which relatively often turns into violence.

The research into *investigation and prosecution* shows that the number of offences of discrimination reported to the public prosecutor fell by 16%. What is more remarkable, however, is the decrease in settlements of discrimination cases by almost 40%, while for all forms of criminal offences in 2003 there was actually a rise of 12%. The number of dismissals – 17% – also stands in contrast

to the national figure of 11%. In more than half of the cases, summonses turn out not to have led to court proceedings. The figures for convictions are disturbing. The number of cases brought before the courts have more than halved, and the percentage of acquittals has never before been so high: 27%. Here too there are marked deviations from the national pattern. In the chain of criminal justice the police – as also stated in previous reports – are the weakest link.

The investigation into the *discrimination of Roma and Sinti ('Gypsies')* indicates that the victims of discrimination are barely prepared to share their experiences of it with the outside world. Incidents of discrimination were not reported to Anti-Discrimination Bureaus or the police. Mutual suspicion between Roma and Sinti and the wider Dutch society plays an important role in this. It is worth recommending that the Ministry of Justice, the umbrella organisations of the Roma and Sinti and the National Association of Anti-Discrimination Bureaus consider the question of how the problem of under-reporting of discrimination against Roma and Sinti can best be tackled. All in all, the manner in which the government discharges its responsibilities towards the Roma and Sinti as a marginalised population group leaves much to be desired.

From the chapter on *patterns of anti-Semitism* it emerges that the various analyses of complaints and incidents indicate a reduction in anti-Semitic incidents in 2003. The number of acts of anti-Semitic violence also fell in 2003. These reductions are noteworthy because in recent years these same analyses indicated a rise in anti-Semitism. Increased activity by right-wing extremists, as mentioned earlier, partly expresses itself in anti-Semitism, namely on the web forums of, among others, the *Nationale Alliantie*. Furthermore, it is striking that in recent years a lot of attention has been paid to rising anti-Semitism. It has been given a great deal of publicity, and a number of activities have been undertaken to face up to this problem. In other words: anti-Semitism does not only invoke a great deal of opposition but also a great deal of active resistance. It is a compelling thought that attention and active resistance may have had an influence on the reduction of anti-Semitic incidents.

So much for a brief overview of the most important findings. The question is what – in more general terms – has changed or remained the same during the last monitoring period. We are of the opinion that several remarks and conclusions must be added to the results described above.

In previous monitoring reports we have not infrequently referred to the problem of *under-reporting*. Elements of the problems facing society – discrimination, racism, right-wing extremism – are not brought into the picture. This is a bad state of affairs. Not only is there an inadequate picture of the abuses themselves, but also of the damage which they cause and their consequences for inter-ethnic relations and for the integration of minority ethnic groups within Dutch society. The results of the current monitoring report prompt us to place

this issue in the spotlight once again.

There are persistent shortcomings among the police and the judiciary regarding the registration of offences with a discriminatory background. Starting in 2005, the Public Prosecution Service intends to bring about changes in this respect. A standardised system of registration among police forces, however, still seems to belong in the future. Furthermore, research into racist and right-wing extremist violence has shown that the willingness of the police to cooperate on this issue continues to decline. This represents an acute threat to the continued existence of monitoring research into racist and right-wing extremist violence. It is likely that the collection of detailed statistics for the year 2004 will no longer be possible. Because of this, reporting on racist violence to the European Monitoring Centre for Racism and Xenophobia (EUMC) will also come to an end.

Incidents of discrimination against Roma and Sinti were seldom reported to Anti-Discrimination Bureaus or the police. The government should take the initiative to consult with those concerned in order to find a way to remove this bottleneck. Apart from this, there are also gaps in knowledge regarding issues related to 'Lonsdale youths'. It is relevant to place this theme in sharper focus as one of the cornerstones of policy to address this problem. A related gap in knowledge concerns the increased significance of the extremist right-wing more generally. It should be a matter of priority to gain more insight into the development of extremist right-wing attitudes in society through specifically targeted research.

Alongside under-reporting, we would like to comment on the *regularisation and sanctioning of discrimination and racism*. It can be deduced from the research that we carried out for the sixth report that criminal investigations are inadequate. In cases of racist and right-wing extremist violence, for example, the clear-up rate has been low for years. To our surprise, the government has argued, on the basis of flawed reasoning, that this percentage is in fact higher. Instead of attempting to boost the low clear-up *percentage*, the government would in our opinion do better to promote improvements in *the investigations themselves*. Problems concerning investigation and issues of registration make it clear that there are signs of significant tension between the ideal and the reality: the ideal propagated by the government is that combating discrimination has a high priority, but the fact is that in practice this is often not the case. The primary bottleneck continues to be the police. That is of course leaving aside the examples of good practice among them, because it also occurs that cases are tackled vigorously and in close cooperation with their partners in the criminal justice system.

One of the areas that must be mentioned in this regard is the Internet. There, where numerous racist utterances are made on a growing number of web forums, the absence of a judicial response is the most marked. Alongside attempts to improve this situation, complementary strategies should also be sought to combat racism and right-wing extremism on the Internet, such as

'cyber patrols'.

The third theme that we would like to highlight is the *balance between freedoms of expression and hate speech*. This balance is embedded in a wider issue, that of conflicting fundamental rights. As the guardian of the constitution, the government is faced with a dilemma. On one hand, there is the perception of problems connected with discrimination, racism and the threat of right-wing extremism. This prompts the taking of a variety of measures. On the other hand, it is the task of governments to protect fundamental political rights, such as freedom of expression, the right of assembly and demonstration and the right of association. The one can be at odds with the other. Governments then have a duty to constantly consider which has the more weight: combating discrimination, racism and right-wing extremism or the protection of fundamental (political) rights.

Freedoms of expression, and also hate speech, are codified in laws – and in international treaties – but that does not mean that their mutual relationship is unalterably fixed. A few years ago, at the time of our previous (fifth) report, there was much discussion of the balance between freedoms of expression and hate speech. The underlying causes of this were the terrorist attacks in the USA on 11 September 2001, the political rise of Pim Fortuyn and the murder of Fortuyn on 6 May 2002. It is almost an understatement: terrorism has had an influence on the manner in which Islam is discussed. It is acceptable to say 'more', and that is also what has occurred.

Fortuyn propagated a broadening of freedoms of expression, which he saw as having been too strictly limited for the sake of combating discrimination. The boundary, in Fortuyn's opinion, should be laid at the point where there is incitement to physical violence. This opinion did not accord with the current reality in the Netherlands – where racist abuse is an offence – but more with the American outlook on the limitations of freedoms of expression. Fortuyn's views, which can be freely interpreted as 'you should be able to stand up for your opinion and say what you think', have been widely spread, at least as a prevailing standard.

The question is whether there has actually been a shift in the balance between freedoms of expression and hate speech. We put this question to ourselves at the time of the previous – fifth – report. The answer was not easy to give. After all, the number of complaints of discrimination and also the number of discrimination offences reported to the Public Prosecutor had risen. There was little noticeable change in organised right-wing extremism, even though there were disputes over the freedom to demonstrate and there was a steadily rising stream of racist utterances on right-wing extremist web forums.

However, if we now look back at the underlying monitoring period, then we can conclude that various factors can be identified which do indicate a shift in the

balance between freedoms of expression and expressive offences. In the first place, there was a continuation of a development that was already noticeable earlier: increased freedom of demonstration for the extremist right. Preventative bans, which for years had been more the rule than the exception, faded into the background. Concerning the extremist right-wing parties, *Nieuw Rechts* and the *Nationale Alliantie* are notable for their Islamophobic utterances on web forums. These two new parties clearly enjoy greater freedom of expression than the two older parties, who are much more aware of the delicate balance between freedoms of expression and hate speech. On the Internet – as has been remarked many times before – racist utterances have become an everyday occurrence. These utterances include many which are punishable by law, yet which are left undisturbed by the police and the judiciary. The judicial approach to discrimination appears to have altered during the latest monitoring period. The number of discrimination cases reported to the office of the public prosecutor fell, clear-up rates fell sharply and the number of cases brought to trial more than halved, while the number of acquittals rose strongly.

All in all, it seems that the balance between freedoms of expression and hate speech has indeed shifted: freedoms of expression have been given more room than in the past.