

Analytical Report on Education

National Focal Point for THE NETHERLANDS

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1. Executive summary

Concentration and segregation are regarded as undesirable in the Netherlands due to fear of negative consequences for the integration of ethnic minority students. Moreover, the so-called black schools are often associated with education that is qualitatively inferior. The differences in academic performance between schools are so large, however, that they cannot be attributed to concentration alone.

Housing segregation is not the only explanation for segregation in schools. The principles of freedom of establishment and freedom of school choice, as laid down in article 23 of the Constitution, may also contribute to segregation. Free choice of schools on the part of parents can breed 'white flight'. Freedom of establishment may contribute to the disproportionate enrolment of ethnic minority students in public schools because denominational or special pedagogical schools can appeal to their founding principles when admitting students. It is not possible, however, to make a direct connection between article 23 and segregation.

Some positive developments that can be observed in the educational position of ethnic minority students may be attributed to the policy on educational disadvantages being carried out by the Dutch government. More and more ethnic minority children are participating in pre-school, which has a positive effect on their integration into primary school. There has also been an increase in the influx of ethnic minority students in higher professional and university education. Even so, ethnic minority students are in a less favourable educational position than their native Dutch counterparts. Ethnic minority students seem to suffer from learning lags more frequently than native Dutch students do. This applies both to the deficiencies apparent at the beginning of the school career as well as to student performance at the end of the school career. In addition, ethnic minority students are overrepresented in the lower educational programmes and drop out more frequently without holding a diploma or basic qualifications for secondary education.

The extent to which discrimination plays a role in creating such a lag is not entirely clear, but it has become a source of discussion. It is evident from various complaints registries that discrimination does exist. The regional anti-discrimination agencies receive complaints about discrimination within the educational system on a regular basis. Complaints are also submitted to the Equal Treatment Commission (Commissie Gelijke Behandelingen; CGB) regarding unequal treatment in schools. These complaints seem to fall into three distinct categories. First, there are cases in which admission to denominational or special pedagogical schools is refused or in any case proceeds with difficulty. Second, there is the problem of refusing internships to Muslim women on account of the wearing of headscarves. Lastly, it seems that discriminatory treatment in schools is still a source of concern. There is no accurate picture of the relationship between learning lags and discriminatory practices. It is clear, however, that discrimination is detrimental to the educational position.

To overcome learning lags, the Dutch government is implementing a large-scale learning lag policy. In its attempt to combat any discrimination, the government has also taken certain measures to protect students from discrimination within the educational system. One of these is the so-called Quality Act for primary and secondary schools, which establishes a complaints procedure in the event of discrimination. In addition, the primary schools have committed themselves to intercultural education. Yet there is still little insight into how and how much the schools are putting these principles of interculturalisation and anti-discrimination into practice.

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3. Glossary / explanation of definitions

3.1. EXPLANATIONS OF VARIOUS TERMS AND DEFINITIONS

In the Dutch context, the words ‘*allochtoon*’ (foreigners, immigrants, aliens) and ‘ethnic minorities’ are used somewhat interchangeably. This may be due to the fact that the concept of ‘*allochtoon*’ refers to a person’s origins, and the concept of ‘minority’ refers to certain groups. So the definition of ‘minorities’ is not always unambiguous: in various social domains other groups can also be referred to in this way.

The standard definition of the concept ‘*allochtoon*’ is the definition being used by the Central Statistical Agency -Statistics Netherlands- (CBS; Centraal Bureau voor de Statistiek) and the Ministry of Interior Affairs.¹ ‘*Allochtonen*’ are all persons with at least one parent born in a foreign country. The concept ‘*allochtoon*’ is often used to refer to people who may be socially disadvantaged. Not all countries of origin are regarded as criteria for disadvantage, however. This is why in such cases the type of country of origin is taken into account, with Western countries being distinguished from non-Western countries. A Western country is a European, non-Latin American or Australian country, along with Japan and Indonesia.

The Ministry of Education, Culture and Science also employs the above definition of the concept ‘*allochtonen*’. In addition, however, there are supplemental definitions that are part of the policy on disadvantaged peoples and are used in reference to certain groups, such as the CUMI regulations in primary and secondary schools. The term CUMI stands for cultural minorities. In primary schools, CUMI students can be recognised by their assigned weight: the student weight. Ethnic minority students are generally identified by the student weight of 1.9. These are children whose parent or parents have not gone beyond preparatory vocational school; the most deserving parent or guardian has no earnings; and one of the parents belongs to one of the integration policy’s target ethnic minority groups or is from a non-English-speaking country outside Europe, with the exception of Indonesia. Thus not all foreign students are 1.9 students.

The CUMI regulation for primary and secondary schools – and with it the target group policy – therefore includes the following students with a non-Dutch cultural background. Students who:

- belong to the Moluccan population group;
- for whom at least one parent or guardian comes from Greece, Italy, former Yugoslavia, the Cape Verde Islands, Morocco, Portugal, Spain, Tunisia or Turkey;
- for whom at least one parent or guardian comes from Surinam, the Dutch Antilles or Aruba;

¹ In the English versions of the DUMC reports, *allochtoon* is translated as ‘ethnic minority’.

- for whom at least one parent or guardian is legally entitled to stay in the country as a foreigner on the basis of a residence permit², for whom at least one parent or guardian comes from another non-English-speaking country outside Europe, with the exception of Indonesia.

The CBS definition is also used in higher education and at university. Someone is ‘*allochtoon*’ if at least one of the parents was born abroad. Here, too, a distinction is made between Western and non-Western foreigners, in keeping with the above definitions. Information concerning the students’ place of origin is available through the connection between the Informatie Beheer Groep file, in which are registered all students who are studying at government-sponsored institutions of higher education, and the Gemeentelijke Basis Administratie file, with information on the person’s country of origin and that of his parents.

3.2. DEFINITION OF DISCRIMINATION AND NON-DISCRIMINATION IN THE EDUCATIONAL SYSTEM.

Discrimination in the educational system is understood to refer to the way authorities act and/or fail to act with regard to

- registration
- admission
- rules/suspensions
- teacher-student relationships
- student-student relationships

The data on discrimination do not by definition have anything to do with direct racial discrimination. The registries of anti-discrimination agencies and other authorities that handle complaints mostly contain a broader stock of discriminatory incidents based on religion, anti-Semitism, age, disabilities, sex, sexual preference, etc. The report will clearly indicate which definition the data is referring to.

² As is meant in article 28 or 33 of the Aliens Act 2000.

4. Introduction

4.1. OBJECTIVE

The primary task of the DUMC is to gather and analyse data pertaining to racism and discrimination. It then makes a report to the European Monitoring Centre on Racism and Xenophobia. This report, part of RAXEN 4, describes and analyses the literature, research, policy initiatives, incidents and issues having to do with discrimination in education in the years 2000-2002. To this end, use was made of material from previous RAXEN reports, supplemented by more recent material.

Although the scope of RAXEN work is especially concerned with discrimination towards minorities, this report also focuses to some extent on educational disadvantages among minority groups. This will be discussed in more detail in section 4.3.

The position of ethnic minorities in schools has been a matter for urgent attention in the Netherlands. This attention has been expressed not only in terms of specific national government policy, but also in terms of specific activities undertaken by interest groups. These activities are usually aimed at altering the disadvantaged position of ethnic minorities. The research project entitled Racism and the Extreme Right is also concerned with discrimination in schools.

In the study of the educational system conducted for RAXEN 4, the primary focus is on 2000, 2001 and 2002. The study provides a picture of the current situation and of recent developments among ethnic minority students in the Dutch educational system. Although the accent has been placed on gathering information on discrimination, extensive attention is also paid to the position of ethnic minorities in schools in general, since this position differs substantially on a number of points from the position of native Dutch students.

Two important complicating factors within the educational system are the concentration of ethnic minority students and segregation. By concentration we mean that at certain schools there is an overrepresentation of ethnic minority students. This overrepresentation has caused some parents to decide not to place their children at such schools because of the imbalanced composition of the student population. This flight to schools with a more balanced composition has created segregation within the educational system, so that we now speak of 'white' and 'black' schools.

The government and schools of the Netherlands invest a great deal in overcoming learning lags. School boards are awarded funding on the basis of the socio-economic and ethnic background of the school's students. This means that schools with a high percentage of ethnic minority students, or children with a weak socio-economic position, are given extra funding in an effort to overcome these disadvantages.

4.2. DESCRIPTION OF METHODOLOGY: DATA COLLECTION

In collecting and analysing data on the position of minorities in schools, and pinpointing the possible discrimination that may play an attendant role, a large number of sources were tapped.

First, an extensive study was carried out of the most relevant recent literature in this area from the years 2000, 2001 and 2002. If no literature was available from these years, a search was conducted for the most recent data. This involved consulting not only government publications but also relevant studies carried out at various Dutch universities. The reports of the Social and Cultural Planning Office were also extremely important because of their breadth and thoroughness.

One of the studies we refer to is the SCP concentration study³ as well as the more recent study of advances being made by ethnic minorities at school.⁴ Both studies make use of statistics concerning the housing position and educational position of ethnic minorities, supplemented by leading national and international theories and literature.

In addition, the Education Advisory Council publishes reports on current topics in education. In 2002 the publications 'Vaste grond onder de voeten'⁵ and 'Wat 't zwaarst weegt'⁶ both appeared, which provided us with information on the subjects of concentration and segregation (6.2) and the policy on educational disadvantage (6.3).

Second, two types of data sources were consulted for statistical information. One source consisted of a number of databases that are usually consulted for research purposes. An example of this is the data available from the Central Statistical Agency -Statistics Netherlands- (Centraal Bureau voor de Statistiek; CBS). This agency collects statistical data on the Dutch population, including demographic and economic data. The statistics collected by the CBS are frequently used in research, but they can also be consulted directly via the website or helpdesk. The CBS is therefore the source for a number of our tables on the educational position of ethnic minorities as reflected in section 6.4.

Another source consisted of policy registries. We relied on these policy registries to a significant degree for information on data related to minorities in the educational system. These registries are set up under the aegis of the Ministry of Education. In the Dutch educational system students are assigned student weights, which make it possible to get a clear picture of learning lags within the educational system. The registries also provide insight into extra activities being planned to effectively overcome learning lags. Finally, the so-called student weight provides information on the student's ethnic origins.

³ P.M.T. Tesser and C.S. Van Praag (1995) Rapportage minderheden 1995; concentratie en segregatie [Minorities Report 1995: Concentration and Segregation], Rijswijk: SCP.

⁴ P. Tesser and J. Iedema. (2002) Rapportage Minderheden 2001: vorderingen op school [Minority Report 2001: Progress in schools], The Hague: SCP.

⁵ Onderwijsraad (2002). Vaste grond onder voeten: een verkenning inzake artikel 23 Grondwet [Sound Ground: An exploration of Article 23 of the Constitution], The Hague: Onderwijsraad.

⁶ Onderwijsraad. (2002) Wat 't zwaarst weegt ... ; een nieuwe aanpak voor het onderwijsachterstandenbeleid [What weighs the most: a new approach for the policy on educational disadvantage], The Hague: Onderwijsraad.

Information on the disadvantaged position of minorities in the educational system is obtained from databases as well as from policy registries⁷.

Data on discrimination in the educational system are scanty, however. Information has been derived from organisations involved in dealing with complaints of discrimination: the anti-discrimination agencies. These agencies maintain registries with separate notations indicating whether the complaint took place within the educational system. In addition, the statements of the Equal Treatment Commission have been studied as well. Complaints concerning the educational system can also be lodged with this Commission. Although few in number, such complaints do come in. Both organisations present their annual statistics in annual reports, which were used for this report.⁸ Finally, use was also made of the inventory and analysis of complaints of discrimination in this area that were part of the Racism and the Extreme Right monitoring project.⁹

4.3. RELATIONSHIP BETWEEN LEARNING LAGS AND DISCRIMINATION

It is clear that there is a difference between the way ethnic minorities and native Dutch students perform at school. Explanations for this difference are generally sought in the socio-economic position from which the student comes.¹⁰

The question as to the role that discrimination plays in this performance, however, is rarely asked, if at all. There have been signals that ethnic minority students are being confronted by discriminatory practices. In 1998, for instance, the Schools Inspectorate observed that ethnic minority students in secondary vocational schools experience significantly more difficulty in securing an internship than their native Dutch classmates.¹¹ In addition to possible inadequate mastery of the language, the existence of bias at the companies and organisations offering internships also plays a role. Ethnic minority students experience discrimination elsewhere in the educational system as well.

⁷ Like the LVADB. (2001) *Kerncijfers 2000* [Annual report 2000] The Hague: LVADB, Inspectie van het Onderwijs (1999), *Onderwijsverslag 1998* [Education Report 1998, Vocational Training and Adult Education] and *Bulletin of Acts and Decrees 2001*, 445. (2001) Decision of 18 September 2001, permanent declaration of the municipal policy on disadvantaged people (Besluit Landelijk beleidskader gemeentelijk onderwijsachterstandenbeleid 2002-2006 [Decree on National policy framework concerning policy on educational disadvantage 2002-2006]). Volume 2001.

⁸ LVADB. (2001) *Kerncijfers 2000* [Annual report 2000] The Hague: LVADB.

LVADB. (2002) *Kerncijfers 2001* [Annual report 2001] The Hague: LVADB.

LVADB. (2003) *Kerncijfers 2002* [Annual Report 2002] Amsterdam: LVADB.

T. Loenen (ed). (2001) *Gelijke behandeling: Oordelen en commentaar 2000*. [Equal Treatment: Judgements and comments 2000] Utrecht: CGB.

D.J.B. De Wolff (ed). (2002) *Gelijke behandeling: Oordelen en commentaar 2001*. [Equal Treatment: Judgements and comments 2001] Utrecht: CGB.

⁹ J. Donselaar and P.R. Rodrigues. (2002) *Monitor racisme en extreem rechts; vijfde rapportage*. [Monitor on racism and the extreme right; fifth edition]. Amsterdam/Leiden: Anne Frank Stichting /Universiteit Leiden.

J. Donselaar and P.R. Rodrigues. (2001) *Monitor racisme en extreem rechts; vierde rapportage*. [Monitor on racism and the extreme right; fourth edition]. Amsterdam/Leiden: Anne Frank Stichting /Universiteit Leiden.

¹⁰ P. Tesser and J. Iedema. (2002) *Rapportage Minderheden 2001: vorderingen op school* [Minorities Report 2001: Progress in schools. The Hague: SCP: 2001. p.187.

¹¹ Inspectie van het Onderwijs (1999), *Onderwijsverslag 1998* [Education Report 1998, Vocational Training and Adult Education], p. 127

In 2001 one particular primary school received publicity when an anti-discrimination agency submitted a complaint to the Equal Treatment Commission that the school had a waiting list for the placement of ethnic minority students. The Commission declared that the school was in conflict with the Equal Treatment Act¹² (more about this in section 6.8).

Based on the figures from the National Federation of Anti-Discrimination Agencies and Agencies, it seems that such cases are not incidental. Complaints about educational practices constitute 5% of the annual anti-discrimination agency caseload. Expressed in absolute figures for 2000, 2001 and 2002 this is 155, 210 and 208 cases respectively.¹³

¹² CGB 2001-99

¹³ LVADB. (2001) Kerncijfers 2000 [Annual Report 2000] The Hague:LVADB p.17

5. Relevant legislation and policy for ethnic minorities

5.1. EDUCATIONAL LEGISLATION CONCERNING OVERCOMING DISCRIMINATION AND INTERCULTURAL EDUCATION.

In August 1998 the Quality Act¹⁴ went into effect. This act provides for the introduction of the school plan, the school handbook and the complaints procedure for primary and secondary schools. The complaints procedure is of importance in this context because it gives parents and personnel the individual right to complain about particular conduct and decisions (or failure of take decisions) on the part of qualified authorities or personnel. Complaints can also be made about the behaviour of other parents or students. The school board is legally obligated to lay down a complaints procedure before 1 August 1998. In the model complaints procedure that was developed for primary and secondary schools, complaints having to do with sexual intimidation and discrimination are explained in further detail.

In 1984, the Dutch government had already committed itself to intercultural education. In the Primary Education Act there is an official stipulation that primary education in the Netherlands must rest on an intercultural foundation.

Considering the scope of the AWGB (the Algemene Wet Gelijke Behandeling, or the Equal Treatment Act), there is no supplementary legislation for education, but there are various policy frameworks within the educational system that are either exclusively reserved for certain target groups or of which certain groups of students were the main beneficiaries.

Overcoming learning lags

It is a known fact many schools that have a large number of ethnic minority students are strongly committed to language acquisition.¹⁵ Mastering the Dutch language is of fundamental importance for the social opportunities of each individual. For this reason, language policy should focus on good language development and language skills. There is a particular preference for the Dutch as a Second Language method (Nederlands als Tweede Taal; NT2) at schools of high ethnic minority concentration. At such schools it is not unusual to spend more than sixty percent of the instruction period on Dutch, arithmetic and mathematics.¹⁶

The Dutch policy on educational disadvantage is a so-called generic policy. This means that the policy is aimed at offering every student an equal range of classes without any specially adapted teaching programme for certain student groups. Learning lags are determined by means of the student weight system. A school will receive more money for

¹⁴ Officially this is the Amendment Act for primary and secondary education.

¹⁵ B. Hogeboom (2002) Taal als speerpunt in de Techniek Magneetschool [Language as the spearhead in the Technical Magnet School] in: *Toon* 2002, 5, pp. 6-7.

¹⁶ Onderwijsraad. (2002) *Wat 't zwaarst weegt: een nieuwe aanpak voor het onderwijsachterstandenbeleid*. The Hague: Onderwijsraad.

each child with a learning lag. Schools receive extra funding based on the total student weight, and this funding is usually applied to reducing class size. A school with many target group students generally has fewer students per teacher. This enables teachers to give the children the extra attention they need.

There is no available data concerning class size at white or black schools. But if we pursue the above line of reasoning, we can assume that class size at black schools is smaller than at white schools.

At the end of 2001, the policy framework was laid down for the municipal policy on educational disadvantage (Gemeentelijk Onderwijsachterstandenbeleid, or GOA policy) for the period 2002-2006. The GOA policy was launched in 1998 and has been extended once since then. It defines five points of activity that mainly focus on: reaching target group children for pre-school and supplementary education, supporting the school career, tackling the problem of school dropouts, mastering the Dutch language and working with the policy on educational opportunities.¹⁷ In 2002, the policy on educational opportunities involved the participation of 68 municipalities and 297 schools, 260 of which were in primary education and 37 in secondary education.¹⁸

In 2002, the Ministry of Education, Culture and Science passed the Specific Payment Regulation in response to signals from schools with an influx of ethnic minority students coming from nearby asylum seeker centres. Towns can submit requests for Specific Payments for asylum seeker students if a minimum of ten asylum seeker students are being taught in the schools. As a result, these schools are also able to offer good educational standards to students new to the Dutch school system who are usually not familiar with Dutch teaching methods and/or with the Dutch language.¹⁹

In addition, a discussion developed in response to students going to Dutch schools who were living in the Netherlands illegally. The focus here was on two themes: the accessibility of education for illegal children in relation to aliens policy on the one hand, and financing school enrolment on the other. As far as the first theme is concerned, the Ministry²⁰ is of the opinion that each school-age child has a right to education regardless of status. As far as the financing of illegal students is concerned, the same rules apply as those for legal students. On the basis of information concerning the student's parents' educational background and place of origin, the child can be assigned a weight. The supplementary CUMI payment is based on a combination of duration of stay and country of origin. Experience has taught, however, that parents living in the Netherlands illegally are reluctant to provide information about their country of origin. In such cases the school is unable to 'weigh' the student, and supplementary funding is not forthcoming.

¹⁷ Bulletin of Acts and Decrees 2001, 445. (2001) Decision of 18 September 2001, permanent declaration of the municipal policy on disadvantaged people (Besluit Landelijk beleidskader gemeentelijk onderwijsachterstandenbeleid 2002-2006 [Decree on National policy framework concerning policy on educational disadvantage 2002-2006]). Volume 2001.

¹⁸ Parliamentary Documents, year 2001-2002, 27020, no. 33

¹⁹ Regulation on specific payments for municipalities for education to school-age asylum seekers in primary and secondary schools, 2002-2003. Uitleg Gele katern, no. 7 20 March 2002.

²⁰ Letter from the Minister of Education, Culture and Science to the Lower House, dated 29 October, reference number PO/00/02/38384 .

In 2001 a new law came into effect²¹ which sees to it that everyone being given government sponsored education is given a personal number, also known as an education number. This anonymous data is also used in putting together policy and management information. The education number enables policymakers and researchers to follow the educational performance of individuals and groups over time. The law is being introduced in phases; secondary schools began in 2002. The point at which the other educational sectors will follow depends on the experiences that secondary schools encounter when applying the law.

5.2. (ANTI-DISCRIMINATION) LEGISLATION: EQUAL TREATMENT ACT (AWGB), THE PENAL CODE AND ARTICLE 23 OF THE CONSTITUTION.

The Equal Treatment Act is the most important piece of Dutch legislation in the realm of anti-discrimination legislation.²² The Equal Treatment Act forbids discrimination in labour relationships, the professions and the provision of goods and services. Goods and services includes education. Discrimination in the above-mentioned areas is forbidden under article 1 of the AWGB in matters concerning any of the following: religion, belief, political conviction, race, sex, sexual orientation or civil status. Legal precedent understands race to include skin colour, descent or national or ethnic origin.²³ The prohibition has to do with both direct and indirect discrimination. Indirect discrimination is discrimination that occurs on grounds other than those listed above, but results in discrimination on those grounds.

The current criminal bans on discrimination are included in the Dutch legislation of 1971.²⁴

After these provisions were introduced, only a few amendments to the Penal Code (Wetboek van Strafrecht, Sr) proved to be necessary. The first article 429quater – which forbids discrimination in the practice of running a business or following a profession – was tightened up in 1981.²⁵ The government decided that an amendment was necessary to bring the issuing of these declarations under the prohibition of article 429quater of the Penal Code. Then on 1 February 1992 the criminal bans on discrimination were tightened up and expanded (with new grounds for discrimination).²⁶ The principle is that people are not to be hindered by discrimination in carrying out their social functions. The law is meant to protect groups that have to contend with discrimination.

In prior Dutch RAXEN reports,²⁷ a great deal of attention has been focused on segregation in schools. Segregation in Dutch schools is not only connected to segregation

²¹ Bulletin of Acts and Decrees 2001, 681. (2001) Act to amend several educational laws in connection with the introduction of personal numbers in schools. Volume 2001

²² P.Rodrigues (2002) Analytical Report on Non-discrimination Legislation 2000-2001. Amsterdam: DUMC.

²³ Netherlands, Supreme Court, HR (15.06.1976, (NJ 1976)

²⁴ Bulletin of Acts and Decrees, 1971, p. 96

²⁵ Bulletin of Acts and Decrees, 19981, p. 306.

²⁶ Bulletin of Acts and Decrees, 1991, p. 623

²⁷ J. van Donselaar et.al. (2001) RAXEN II State of affairs in the Netherlands of racial violence, legislation, employment and education in 2000. M.R. Schriemer (2002) Analytical report on education 2000-2001. Amsterdam: DUMC.

in housing.²⁸ It is also connected with the principle of freedom of education and the freedom of choice of schools, laid down in article 23 of the Constitution.

In the Netherlands, freedom of education and the freedom to choose schools are regarded as a great good. Freedom of education means that everyone is free (within certain limits of course) to found a school based on a particular philosophy of life or a particular pedagogical belief.

The unique feature is that although these schools are not public in character, they are still financed by the Dutch State based on the principle of equality before the law.²⁹ So they are not private schools in that they do not depend on private funding. Because of the equal right to financial support, there are both public schools and a large number of Roman Catholic and Protestant Christian schools in the Netherlands. The traditional denominations are represented in every form of education, from kindergartens to universities, making the Netherlands a typical pillarized country. Private schools - privately funded- play no significant role in the Dutch context.

The enrolment of pupils from ethnic minority groups in public, Protestant Christian, Roman Catholic or other special primary education differs for each type of school. During the 1998/1999 school year, 47% of the ethnic minority pupils were registered in public schools, 27% of ethnic minority pupils were registered in Roman Catholic schools, and 19% in Protestant Christian primary schools.³⁰ This picture was confirmed in 2001, with a difference of only a few tenths of a percent (see 6.2). The unequal distribution of ethnic minority students among public, Protestant and Catholic schools raises questions about admission requirements for the latter two types of schools.

The ratio of ethnic minority to native students is partly based on free school choice, but it can also be influenced by exclusion. The special pedagogical schools can appeal to their particular principles when admitting students. This means they expect parents to endorse or at least respect these principles. School boards are not permitted to refuse ethnic minority students on the basis of origins, however. But a special pedagogical school may refuse students whose parents do not endorse or respect its principles.³¹

Religious minority groups can also take advantage of the right to found their own schools. The educational community contains a small number of Jewish and Hindu schools as well. The number of Islamic schools has increased enormously in the last ten years (see 6.2).

The freedom to choose schools is related to the absence of state coercion concerning which school to attend. In principle, anyone who satisfies the conditions of entry can choose a specific school. The drawback of the freedom to choose schools is that it can facilitate unintentional segregation because parents can simply decide to place their children in a different school – in another district, for example – if the ethnic composition of the local school does not please them.

²⁸ P.M.T. Tesser and C.S. van Praag (1995) Rapportage Minderheden 1995; Concentratie en Segregatie [Minorities Report 1995: Concentration and Segregation], Rijswijk: SCP, p. 517.

²⁹ Article 23 of the Constitution.

³⁰ Source: Website Centraal Bureau voor de Statistiek, primary schools (students) from 1998/1999, see <http://www.cbs.nl> (09.2002)

³¹ Such a distinction is permitted on the basis of the Equal Treatment Act.

The connection between article 23 of the Constitution and segregation in the Netherlands was especially scrutinised in 2002. There is little evidence, however, showing if and to what extent this article contributes to segregation under ordinary practical conditions. Also see the section on concentration and segregation (6.2).

5.3. MONITORING SYSTEMS: ANTI-DISCRIMINATION AGENCY COMPLAINTS REGISTRIES, LEGAL PRECEDENCE AND OTHER COMPLAINTS COMMISSIONS.

Because the government regards overcoming educational disadvantages as one of its key tasks, student progress (in addition to other factors) is closely followed. In primary schools, PRIMA cohort research is conducted. In secondary schools, VO cohort research provides insight into student progress. In 2002, education numbers were introduced in secondary schools,³² making it possible to follow the school careers of all students over the long term for research purposes. This number system can also contribute to the formation and evaluation of educational policy. Such a working method can make a significant contribution to future monitoring possibilities.

The monitoring of social disadvantage and efforts to overcome disadvantage is carried out in several places in the Netherlands. The monitoring of discrimination is based on the databases of three organisations. The bureaus connected with the National Federation of Anti-Discrimination Agencies and Hotlines (Landelijke Vereniging van Anti Discriminatie Bureaus en Meldpunten; LVADB) register all complaints of unequal treatment reported in their region. The annual Key Figure Reports, in which the figures of the individual agencies are combined and jointly presented and analysed, contain information on the number and background of incidents of discrimination in many different social domains, including education.

The registries cover not only discrimination based on origin, colour or race, but on all grounds provided in the AWGB³³ with the addition of age and disability.³⁴

The National Bureau against Racial Discrimination (Landelijk Bureau ter bestrijding van Rassendiscriminatie; LBR) screens all cases and case law in the area of discrimination. To this end, the databases of the Equal Treatment Commission and the various courts of law are consulted, after which the cases and decisions in cases of discrimination are presented. The database also contains cases of discrimination in schools. The LBR database can be consulted online.³⁵

We have already touched on the fact that the database of the Equal Treatment Commission (CGB) is also an important source of information. Because the CGB is a relatively accessible organisation (considering the free service they provide to victims of discrimination), it is frequently consulted and asked to issue judgements in case in which

³² In all probability the same working method will take place in primary schools.

³³ These include discrimination on the basis of religion, personal conviction, political persuasion, race, sex, nationality, hetero- or homosexual orientation or civil status.

³⁴ In this respect it is ahead of the AWGB; an amendment of the AWGB is now in preparation which will include these grounds.

³⁵ The web address is: www.lbr.nl.

unequal treatment may play a role. Each year the Commission publishes all its cases and decisions in a yearbook. Cases that have been put to the CGB for evaluation can also be consulted online.³⁶

³⁶ The web address is: www.cgb.nl

6. Data and analysis

6.1. INTRODUCTION

In the guidelines for RAXEN 4, the questions in some cases require very detailed data. It has proven impossible to satisfy all these guidelines because a number of the data are simply not available in the Netherlands. On the other hand, in this chapter there is extensive emphasis on the facts that are available and of interest in the Dutch context. We start with a data presentation and analysis of ethnic segregation – black and white schools – and to a limited degree the position of ethnic minority students in primary schools. We also present data and an analysis of literature on the performance of ethnic minority students compared with that of native Dutch students. This has to do with participation in pre-school education, participation and performance in primary school and participation in the various levels of secondary school and higher education, and the phenomenon of school dropouts. The data from 2002 is presented whenever possible. At the time of this writing, however, not all the data was available. In such cases, the most recent material is used.

6.2. CONCENTRATION, SEGREGATION AND QUALITY OF EDUCATION

Black schools are defined in many different ways, the most common criterion being the number of ethnic minority students. Here 50% or 70% are the most widely employed figures. Another possibility is to look at the relationship between the ethnic composition of the neighbourhood or city on the one hand and the ethnic composition of the school on the other.

No matter how black schools are defined, it has been firmly established that their number has risen in the past fifteen years. In 1986 there were 273 primary schools with more than 50% ethnic minority students; in 1996 that was 457, and in 1998 it was 500. In the school year 2001-2002, there were 580 schools in the Netherlands with more than 50% ethnic minority students. The number of primary schools with more than 70% ethnic minority students rose from 129 in 1986 (of the 8,300 total) to 269 in 1999 (of the approximately 7,000 total).³⁷

Concentration and segregation are regarded as undesirable in the Netherlands due to the fear of negative consequences for the integration of ethnic minority students. Moreover, the so-called black schools are often associated with education that is qualitatively inferior. When the percentage of ethnic minority students is larger than the percentage of native Dutch students, the chance is greater that a language other than Dutch will be spoken outside the classroom, while the mastery of Dutch is regarded as an important condition for full participation in the educational system.

A report issued by the Social and Cultural Planning Office (Sociaal Cultureel Planbureau; SCP) in 1995 stated that at that time there was no convincing proof that social integration

³⁷ LBR (2002) Jaar in beeld 2001 [Year in review]. Rotterdam: LBR.

at schools is impeded when many ethnic minority students are in attendance, and that the degree of concentration as such contributes to poorer academic performance. The differences in academic performance between schools are so large that they cannot be attributed to concentration alone. In other words, there are also qualitatively good black schools and qualitatively poor white schools. This picture is confirmed in the 2001 Minorities Report.³⁸

Article 23 of the Dutch Constitution lays down the principle of free school choice for everyone. Children are not obligated to attend any one school in particular, although the choice of a certain school seems mainly to be based on proximity. This means that schools in neighbourhoods with large numbers of ethnic minorities take in large number of ethnic minority pupils.

However, ethnic segregation in the distribution of students in schools is greater than residential segregation. This leads us to suspect that for parents, the number of ethnic minority children serves as another factor in making a school choice, in addition to proximity. Given the sensitive character of such considerations, it is not clear how many parents decide on another more distant school for this reason. This phenomenon, which for years has been described as ‘white flight’, is not limited to native Dutch parents. More and more ethnic minority parents are choosing what are called ‘whiter’ schools. This is referred to as ‘black flight’. According to the SCO-Kohnstamm Institute, ethnic segregation in primary schools is a common phenomenon that is on the increase. It is caused by a combination of demographic factors, parents’ school choice patterns and the way the schools present themselves.³⁹

If proportionately more native Dutch parents choose white schools, this contributes to segregation. But if ethnic minority parents are dealing with the same considerations, and have the same opportunities regarding choice of school for their child, then the ethnic minority parents are also free to move their children from a black to a white school.

The great majority of ethnic minority students attend mainstream schools. Remarkably enough, a proportionately higher number of ethnic minority students attend public than denominational or special pedagogical schools. As Table 6 shows, most of the 1.9⁴⁰ students attend public schools.

Table 1: Schools attended by 1.9 students in 1999 en 2001

Type of school	Number	Total 1999	Total 2001	Total 2002
Denominational/special pedagogical school:	Number of 1.9	105,912	108,410	108,098
	Number of students	1,051,966	1,059,519	1061250
	% of 1.9 students	10.1%	10.2%	10.2%
Public school:	Number of 1.9	92,161	94,054	91.854
	Number of students	490,854	492,694	488,526
	% of 1.9 students	18.8%	19.1%	18.8%
Total	Number of 1.9	198,073	202,464	199,952
	Number of students	1,542,820	1,552,213	1,549,776
	% of 1.9 students	12.8%	13.0%	12.9%

³⁸ P.T.M. Tesser and J. Iedema (2002) Rapportage Minderheden 2001: Vorderingen op school [Minorities Report 2001: Progress at School], The Hague: SCP, p.208

³⁹ S. Kartsen, J. Roelvelde, G. Ledoux, C. Felix and D. Elshof. (2002) Schoolkeuze in een multi-etnische samenleving [Choice of school in a multi-ethnic society], Amsterdam: SCO Kohnstam Instituut, p.121

⁴⁰ See: Glossary and Annex

Source: data made available by the Ministry of Education, Culture and Science

Denominational schools, particularly Protestant Christian, and special pedagogical schools have a lower portion of ethnic minority students on average, although there are white and black schools among all school types.⁴¹ The number of schools based on religious principles with a one-sided student population is limited.

White schools are much more frequent among those based on general special pedagogical principles such as Montessori, Dalton and Jena Plan schools. These schools often have an elitist appeal, while waiting lists and high school fees sometimes function as additional barriers.⁴²

The ratio of ethnic minority to native Dutch students is partly based on free school choice, but it can be influenced by exclusion. The special pedagogical schools can appeal to their particular principles when admitting students. This means they expect parents to endorse or at least respect these principles. School boards are not permitted to refuse ethnic minority students on the basis of origins, however. But a special pedagogical school may refuse students whose parents do not endorse or respect its principles.⁴³

Some people blame the existence of segregation on article 23. Because of the freedom of school choice, parents will choose a white school over a black school, and special pedagogical schools are able to turn away ethnic minority students on the basis of their principles. Yet the connection between article 23 and segregation is not that simple.

According to Nijkamp⁴⁴ it is not the schools that do the selecting but the parents, although choice patterns do involve an interplay between the school's outward identity (both ideological and educational) and the preference of the parents. For parents, the appeal of a public school is to be found in the broad cultural exposure their children are given; that is to say, a pluralistic school is better able to prepare children for a pluralistic society. Despite these findings, it should be noted that each year reports come in to local and regional anti-discrimination agencies concerning schools that seem to be using their freedom to refuse to accept more ethnic minority students (or to refuse to accept any at all). Moreover, it is conceivable that ethnic minority parents will choose a public school based on the belief that in comparison with other schools the child will not be forced into an exceptional position. Therefore the desire to avoid discrimination as much as possible may also serve as a determining factor.

Minority groups also take advantage of the freedom of school choice by establishing schools based on religious convictions or a philosophy of life. The opportunity for religious groups to form schools based on ideological principles can also contribute to possible segregation. According to the National Organization of Islamic School Boards (Islamitische Scholen Besturen Organisatie; ISBO), the number of Islamic primary schools has grown from 13 in 1991 and is currently 39.⁴⁵

⁴¹ S. Kartsen, J. Roeleveld, G. Ledoux, C. Felix and D. Elshof (2002) *Schoolkeuze in een multi-etnische samenleving* [Choice of school in a multi-ethnic society], Amsterdam: SCO Kohnstam Instituut.

⁴² LBR (2002) *Jaar in beeld 2001* [Year in review]. Rotterdam: LBR.

⁴³ Such a distinction is permitted on the basis of the Equal Treatment Act.

⁴⁴ H.J. Nijkamp (2002) *Toegankelijkheid en selectieve toelating (I)* [Openness and selective admission] in: NOTR, vol. 2002, no. 2, pp. 81-101

⁴⁵ Information from ISBO, dd. 14-4-2003.

Yet in 2001 a discussion broke out concerning whether the existence of Islamic schools actively contributes to poor integration by ethnic groups. This question cannot be seen apart from the events of 11 September 2001. Public opinion is suspicious of Islam and Islamic schools, partly because of the fear resulting from the attacks in the US. The question has been raised whether these schools propagate hatred of the Dutch culture, where the students are living their lives, or whether such schools have a negative effect on the way students will be able to participate in the mainstream society.

The General Intelligence and Security Service (Binnenlandse Veiligheidsdienst; BVD), after researching the question, concluded that freedom of school choice is a cherished basic right. The existence of Dutch schools founded on Islamic principles does as such fit within the democratic system of law. The emergence of Islamic schools is in fact a development that is inherent in the emancipation process undergone by Islamic communities in the Netherlands, just like the emergence of many other Islamic institutions in Dutch society. At the same time, the BVD also recognises the anti-integrative aspects that the development of Islamic schools could bring with it. 'The BVD has received various signals to the effect that several individuals are working in religious education and the OALT (Teaching in the Living Ethnic Minority Languages) who have shown themselves to be fierce opponents of the integration of Islamic minorities in Dutch society, or who are even dedicated to radical Islamic beliefs. At this moment, the responsible sections of the Dutch government have neither the funding nor the expertise to counterbalance this phenomenon.'⁴⁶

The discussion about black schools is not limited to the consequences of segregation for the integration and opportunities of ethnic minority students. It also raises questions as to the quality of education in black schools. A black school is not a qualitatively poor school by definition, but neither is it by definition equal to a non-black school. The 2000 Education Report⁴⁷ issued by the Schools Inspectorate clearly states that student populations with a preponderance of ethnic minority students or native Dutch students whose parents are mostly from a less educated milieu are overrepresented among poorly functioning schools. These schools wrestle with an accumulation of difficulties: finding and keeping teachers and directors, poor housing in an unsafe environment, many students with socio-emotional and behavioural problems, disinterested or aggressive parents.

The 2001 Education Report⁴⁸ also states that the chance of a primary school being weak increases if there is a preponderance of 1.25 or 1.9 students at the school, if it is a public school, and if it is located in a large city. These are usually the schools with many ethnic minority students and the schools to which such students are referred. This explanation does not explicitly mention the characteristics of the above-mentioned students who contribute to the school's weakness. The schools themselves offer inadequate opportunities to learn. Related to this is that they have inadequate insight into the performance of their students.

⁴⁶ BVD. (2002) De democratische rechtsorde en islamitisch onderwijs: buitenlandse inmenging en anti-integratieve tendensen [The democratic system of law and Islamic education: foreign additions and anti-integrative tendencies]. The Hague: BVD. p. 41

⁴⁷ Bronneman-Helmers (2001) Verlegenheid: Nederlanders gaan ongemakkelijk om met sociale ongelijkheid. Dit leidt tot beleid dat averechts werkt [Embarrassment: the Dutch are uncomfortable with social inequality. This leads to a policy with the reverse effects], in: De Helling, number 2, 2001, pp. 38-40.

⁴⁸ Education Report 2001

Ultimately, white and black flight can result in an insufficient number of remaining students, so that the school is no longer viable. A few black schools are threatened with closure.⁴⁹ The Niels Stensen College in Utrecht achieved national notoriety in 1998 when the former headmaster argued that the ‘black’ school should be closed. He believed his students would be better off in a white school. The school board refused, and the rector was dismissed. In early 1990 the school was flourishing once more with more than 100 students. As more and more ethnic minority students enrolled at the school, native Dutch students (that is, their parents) stayed away at first. Finally, the ethnic minority students began bypassing the school in increasing numbers. In 2002 the number of students dropped below the norm for closure. Enrolments for the new school years failed to change this fact, and the Niels Stensen College, along with another Utrecht school, had to close its doors.

6.3. ETHNIC MINORITY TEACHERS

Ethnic minority teachers are under-represented in the school system. In fact there is no multi-cultural personnel policy. It is estimated that 1.5% to 3% of all primary school teachers are from ethnic minority groups. In 2002 a few studies were conducted among them, revealing that ethnic minority teachers perform well in the classroom. They have agreeable contact with their students and they feel accepted by the management of the school, colleagues and parents of their students. They provide the school with surplus value by being an example for ethnic minority students and parents. The ethnic minority teachers themselves are conscious of this, and so are their supervisors and colleagues.⁵⁰

In the past there were indications that all was not well with the work situation of ethnic minority teachers. They experienced prejudice in terms of type of appointment, and the only positions offered to them were in public schools and not in denominational or special pedagogical schools. Apparently such reports are now part of the past, although it has been observed that native Dutch teachers are more likely to find jobs at black schools.⁵¹

6.4. PARTICIPATION OF MINORITIES IN THE SCHOOL SYSTEM

Native Dutch children participate more frequently in forms of pre-school programmes such as day care centres, playgroups and the like, than ethnic minority children. These kinds of programmes play an increasingly important role in preparing children for primary school in that they provide an important basis for cognitive, motor, socio-emotional and linguistic development. Because participation in pre-school programmes is becoming more the norm, primary schools are increasingly coming to regard the ‘final level’ of the pre-school programme as the intake level for primary school, and thus link up accordingly. Partly for this reason, and because of the difference between home

⁴⁹ Volkskrant (2002) 11.06.02. Leerlingen zwarte school naar witte [Black school students switch to white].

⁵⁰ K. Autar and H. Moeniralam (2002). Een gekleurd begin. [A colourful start] Utrecht: Expertise Centrum Allochtonen Hoger Onderwijs.

⁵¹ A. Cox (2002) Een gekleurd begin. [A colourful start] in TooN, 2002,1 pp. 9-11.

language and the language of instruction, more and more ethnic minority children are entering primary school at a relative disadvantage in comparison with their Dutch peers.

In practice it is difficult to make up for these lags, and as a result the school careers of ethnic minority children are far from hopeful.⁵² It is also suspected that a different approach to child rearing serves to reinforce the disadvantaged position of ethnic minority children.⁵³

With this background in mind, the national government is mounting a policy of stimulation in order to promote the participation of ethnic minority children in the proper pre-school channels. In addition, specific materials are being developed for second-language acquisition among ethnic minority children and expertise is being promoted among workers in this sector regarding the care and development of these children.

The 2001 Minorities Report shows that in recent years ethnic minority children have started participating more in day care programmes and pre-school playgroups. Time will tell whether this situation has actually contributed to a reduction in learning lags.⁵⁴

It has been shown that not all ethnic minority children perform at the same level as far as language skills are concerned. There are dramatic differences in performance among and within the minority groups. The biggest lag is between native Dutch students and Turkish, Moroccan and Antillean students. Surinamese and other ethnic minority students take a middle position. Native Dutch children and children from mixed marriages (in which one parent is Dutch) perform the best. The learning lag in the last year (group 8) of the poorest performing group of students (Turkish) is at least two school years. In mathematics this three-way division does not exist, and only the performance of native Dutch students and students from mixed families is better than that of the other groups. The gap between this group and the other groups is much smaller in mathematics performance than in linguistic performance.⁵⁵

The dominant picture is one of students (usually ethnic minority) starting with a learning lag and falling further and further behind as they pass through their primary school years. This picture is not based in reality. The differences in performance from one school year to the next suggest just the opposite: the learning lag seems to shrink. There is a rising line in the performances of Turkish, Moroccan and Surinamese students, especially in group 8 (the last year at primary school). The final scores of the CITO test (Centraal Instituut voor Toetsontwikkeling, or the National Institute for Educational Measurement), which largely determine the student's next educational level, have risen substantially for all groups in recent years.⁵⁶

Yet it seems that once learning lags have developed it is difficult to overcome them. The groups that have the greatest lags at the start of their primary school years are still contending with them at the end of primary school.

⁵² Van der Ree (2000) Twee visies op achterstandsbestrijding [Two views of overcoming disadvantage], in: ToonN (onderwijs en welzijn in de multiculturele samenleving [education and the common good in the multicultural society]) November (9) 2000 pp. 18 -22

⁵³ SCP (1997) Rapportage Minderheden 1996 [Minorities Report 1996]. The Hague: SCP.

⁵⁴ SCP (2001) Rapportage Minderheden 2001 [Minorities Report 2001]. The Hague: SCP.

⁵⁵ SCP (2002) Rapportage Minderheden 2001: vorderingen op school [Minorities Report 2001: progress in school]. The Hague: SCP.

⁵⁶ Ibid.

The level of secondary school at which a student will pursue his or her educational path is almost entirely determined by the performance of this student in the CITO test and the assessment of learning ability given by the teacher. Here the school choice is determined not only by the character and proximity of the educational institution, but also and primarily by the level at which instruction can be followed.

In the Netherlands, secondary education is divided into three different levels. VMBO (preparatory secondary vocational education) is the lower school type; HAVO (senior general secondary education) and VWO (university preparatory education) are the higher types of secondary education. The lower level school type has a more practical focus; VMBO students can only move on to senior secondary vocational training. The higher levels have a more theoretical approach and offer the chance to move on to a wider range of possibilities such as professional colleges and universities.

In principle, only the last two types, HAVO and VWO, provide what is known as a basic qualification.⁵⁷ This means that only students with a diploma at this level are sufficiently qualified to participate in the labour market. Students with a VMBO diploma are advised to continue their education in order to find a suitable position in the labour market.

In looking at the CBS figures on the results from the various educational levels, it is striking to note that ethnic minorities are overrepresented in the lower school levels. A distinction should be made here between Western and non-Western ethnic minorities.⁵⁸ Students from the first group are actually well represented in the higher secondary school levels.

Non-Western ethnic minority students are overrepresented in the lower levels and underrepresented in the higher levels. They score especially high in participation in the lowest level. At least 43% of all non-Western ethnic minorities are enrolled at this level, as opposed to 28% of all native Dutch students. One striking feature here is that Western ethnic minorities are overrepresented in the highest educational level.

At the moment of this writing there is no data available for the year 2002.

Table 2: Percentage of examination participants according to type of education by origin-related group in 2001

Year	Table	Origin-related group		
		Native Dutch	non-Western ethnic minority	Western ethnic minority
2001	VWO	20.4	11	23.9
	HAVO	22.3	15.3	22.6
	VMBO	29.2	30.7	28.2
	LBO/LWOO	28.1	42.9	25.3

Source: Central Statistical Agency (CBS)

The successful completion of the school career is marked with graduation and the awarding of a diploma. Once again, we see that ethnic minority students have a lower success rating than native students.

⁵⁷ COS/ISEO (1999), Minderhedenmonitor 1998 [Minorities monitoring report 1998], p.182.

⁵⁸ Ref: Glossary and Annex

**Table 3: Percentage of graduates according to ethnicity, 2000-2001
(no data available on 2002)**

Type of education	Group	Percentage of successful final examination candidates	
		2000	2001
VWO	native Dutch	90	92.2
	non-Western ethnic minority	76	80.5
	Western ethnic minority	87	89.6
HAVO	native Dutch	90	90.8
	non-Western ethnic minority	77	78.7
	Western ethnic minority	86	87.1
VMBO	native Dutch	96	95.9
	non-Western ethnic minority	85	84.9
	Western ethnic minority	94	94.4
LBO/LWOO/VBO	native Dutch	95	96.2
	non-Western ethnic minority	88	90.4
	Western ethnic minority	92	94.3

Source: *Informatie Beheer Groep / Schools Inspectorate / CBS 2000*

Learning lags persist into secondary school. The final intake level of ethnic minority students in secondary school is lower than that of native Dutch students. The number of young people who leave secondary school without diplomas is also considerably larger than the number of dropouts among native Dutch students.⁵⁹

The research data obtained from the Cohort Studies⁶⁰ indicate that positive developments have taken place in the academic performance of ethnic minority students. These developments are not limited to performance in primary schools but continue into secondary school. This means that the starting performance of ethnic minority students has improved. The participation of Turkish and Moroccan students in the higher levels (HAVO+) rose during the years 1993 to 1999 from a bit more than 20% to almost 40%. Among Surinamese and Antillean students this improvement was even greater, with the division among the various types of schools in 1999 differing only slightly from that of native Dutch students. In addition, the educational position of female ethnic minority students seems particularly to have improved.⁶¹ Considering the results of the Survey on the Position and Use of Facilities by Ethnic Minorities (Survey Positie en Voorzieningengebruik Allochtonen; SPVA) carried out in 1998, there are signs of improvement. The SPVA 2002 should be announcing any further exclusion concerning the advance of girls from ethnic minority groups. The results will not be available before the end of 2003.

More ethnic minority students leave school without completing the full course than native Dutch students. While this often happens among native students when they are no longer obliged to attend school, it also occurs at earlier ages among ethnic minorities. This tendency is especially prevalent among the Antilleans and Surinamese.

⁵⁹ C. Keune and C. van Horssen (2002) Trendstudie: allochtone jeugd of stilstand. [Trend study: ethnic minority young people or stagnation] Utrecht: Verweij- Jonker Instituut 2002. p.88

⁶⁰ SCP (2002) Rapportage Minderheden 2001: vorderingen op school. [Minorities Report 2001: progress at school] The Hague: SCP

⁶¹ S. Dominguez Martinez and J. Veenman. (2002) Convergence in de positie van mannen en vrouwen uit allochtone groepen [Convergence in the position of ethnic minority men and women]. In: H.M.G. Smeets (ed.), Jaarboek Minderheden 2002 [Annual report Minorities]. Houten/Diegem: Bohn Stafleu van Loghum p. 150

Table 4: Percentage of dropouts according to origin 1994-1997

Year	Turks	Moroccans	Surinamese & Antilleans	Dutch
1997	6.8%	6.5%	5.5%	2.8%
1994-1997	14.2%	12%	15.8%	4.1%

Source: Central Statistical Agency -Statistics Netherlands- (CBS) and Social and Cultural Planning Office (1997)

Dropping out among minority groups is not a phenomenon that is primarily limited to the VMBO,⁶² as it is among native Dutch students.

On 1 January 2002, the law providing for rules regulating the regional reporting and coordinating of school dropouts went into effect.⁶³ This law is the formal conclusion to the policy that the government has been pursuing since the early nineties concerning school dropouts, particularly concerning the obligation of non-school-age dropouts to report and concerning regional reporting and coordination. The goal of this Regionale Meld -en Coordinatiefunctie is to register dropouts and help them start learning again in a way that suits them, so they can obtain basic qualifications or employment. In this way, the number of dropouts entering the labour market without basic qualifications is reduced.⁶⁴

Up until recently there was almost no information available on the position of minorities at the higher academic levels (higher professional education, or HBO; university education, or WO). This is because the academic institutions concerned do not register students by origin. The Expertise Centre for Higher Education carried out a study in 2002 on the position of minorities. According to the estimate that had been used up until then, the participation figure was thought to be around 8%. The study ‘Talent enlisted. Talent wasted?’ (‘Talent gewonnen. Talent verspild?’)⁶⁵ shows that this estimate was too conservative. In the period 1997-2001, 16% of the total number of students were from ethnic minority origins. Of this group, 5% were Western ethnic minorities and 11% were non-Western ethnic minorities. In 2001, 17% of the incoming students at the HBO level were of ethnic minority backgrounds, as were almost 18% of those at the university level.

Table 5. The inflow of ethnic minority students related to the total inflow in higher education.

	1997	1998	1999	2000	2001
ethnic minorities	12.342 (14.9%)	13.309 (15.6%)	14.090 (15.8%)	15.344 (16.8)	14.281 (17%)
proportion of the four largest groups: Surinamese, Antilleans, Turks and Moroccans	4.241 (5.1%)	4.707 (5.5%)	5.118 (5.7%)	5.599 (6.1%)	5.387 (6.4%)

⁶² Ibid.

⁶³ Bulletin of Acts and Decrees 2001, 636.

⁶⁴ Uitleg Gele Kamer, number 18, July 2002

⁶⁵ Echo. Feiten en cijfers over de deelname en doorstroom van allochtone studenten in het hoger onderwijs. [Facts and figures on the participation of ethnic minorities in higher education] Utrecht: Echo. 2002 pp .8-9

Sources: IBG, adaptation – IMES

The researchers concluded, however, that ethnic minorities continue to be underrepresented in higher education. In addition, there are significant differences among the four largest ethnic minority groups. The Surinamese are slightly underrepresented, Turks and Moroccans are heavily underrepresented, and the Antilleans lie somewhere in between. It is also striking that non-Western ethnic minorities are better represented in the WO than in the HBO, although this does not hold true for the Surinamese, Antilleans, Turks and Moroccans.⁶⁶

6.5. INTERCULTURAL EDUCATION

In as early as 1984, the Dutch government had committed itself to intercultural education. In the Primary Education Act there is an official stipulation that primary education in the Netherlands must rest on an intercultural foundation. Study programmes incorporate this in their curricula. How they do this, and the exact form they choose, is up to the study programme itself. According to Autar, who conducted research on ethnic minority group teachers in primary schools, a more intercultural personnel policy should be followed and the available courses should be more intercultural as well.⁶⁷

6.6. REGISTERED COMPLAINTS CONCERNING DISCRIMINATION IN THE SCHOOL SYSTEM

6.6.1. Legal precedents

In the period 2000 to 2002 there was no legal procedure in the Netherlands for dealing with discrimination in the school system (known to the DUMC). The Equal Treatment Commission did attend to any relevant matters having to do with discrimination in schools.

The AWGB (Equal Treatment Act) prohibits discrimination in labour relations, the professions and the offering of goods and services. Included in the offering of goods and services are health care, housing, education and advice or information about school choice and choice of a career. Discrimination in the above-mentioned areas is forbidden by article 1 of the AWGB if it is based on one of the following: religion, philosophy of life, political persuasion, race, sex, nationality, heterosexual or homosexual orientation, or civil status. According to legal precedent, ‘race’ should be understood to include skin colour, origin, or national or ethnic extraction.⁶⁸

This prohibition concerns both direct and indirect discrimination. Indirect discrimination, while not based on any of the above-mentioned grounds, does result in discrimination based on one of these grounds. The AWGB provides for an Equal Treatment Commission

⁶⁶ Ibid.

⁶⁷ A. Cox. Een gekleurd begin [A coloured start] (2002) in: *TooN (onderwijs en welzijn in de multiculturele samenleving)* [Education and welfare in a multicultural society] 5 no. 2, 2, 2002.

⁶⁸ HR 15 June 1976, *NJ* 1976, 551, esp. Van Veen.

(Commissie Gelijke Behandeling; CGB) to which requests for a judgement can be submitted. The job of the CGB is to contribute to the enforcement of the Equal Treatment Act.⁶⁹ After an investigation has been carried out, a hearing is normally held followed by the pronouncement of a non-binding judgement. The only purpose of the judgement is to establish whether the Equal Treatment Act has been violated. The Commission is not authorised to make pronouncements concerning the right to compensation or redress of grievances.

Case study

In 2001 a remarkable case was presented to the Equal Treatment Commission via the Haarlem Anti-Discrimination Agency. This agency received a complaint concerning a denominational school, which was said to be applying a quota policy regarding the number of ethnic minority students being admitted to the school.

The parents who lodged the complaint were sent a letter by the school informing them that there was no place for their child at the school.

They wondered if this refusal was because of the quota policy and if this action did not amount to racial discrimination.

The school told the Equal Treatment Commission that they were trying to create a proportionate distribution of ethnic minority students, but that the other schools were not co-operating fully. The school board was discussing the admission policy with the parent-teachers association. The discussions focused on the size of the classes in proportion to the available space and staff. Students would be placed on a waiting list exclusively on the basis of too many applications. The opposing party acknowledged that the use of the waiting list was not clear, but denied that any students would be refused admission.

On the basis of documentation, however, the Commission found that the school was maintaining a waiting list in order to induce ethnic minority parents to send their children to another school.

The educational motives, and the irritation over the lack of cooperation from the other school in the town in admitting ethnic minority children, on which the motivation was based, does not alter the fact that ethnic minority children were being placed on a waiting list exclusively on the basis of their origins. The Commission could not follow the school's defence that no students would be refused admission. The term 'waiting list' indicates that children had to wait until another place for ethnic minority students was available. In the light of the purpose of the waiting list – to induce ethnic minority parents to send their children to another school – it was the opinion of the Commission that a policy was being followed in which a distinction was being made between persons on the basis of origin.

So the Commission issued the decision that by maintaining a waiting list for ethnic minority children, the school was directly discriminating on the basis of race, and therefore the school was acting in violation of the AWGB.⁷⁰

⁶⁹ The Equal Treatment Act consists of the AWGB, the Equal Treatment of men and women in the labour market, and articles 646 through 648 of Book 7 of the Civil Code.

⁷⁰ CGB 2001-99.

The Commission's judgement had consequences not only for the school in question but for other schools as well. The judgement sends a signal that the unilateral attempt to challenge the concentration of ethnic minority students by turning them away is against the law.

Table 6 shows the number of judgements in education-related cases. These cases are limited to discrimination based on race, nationality or religion in the ethnic sense. Complaints regarding labour relations with educational institutions are also excluded. The nature of the cases seems to be quite diverse.

These concern complaints about racist treatment,⁷¹ problems involved in internships due to race,⁷² the right to use a classroom for prayer,⁷³ the right to prohibit the wearing of a chador,⁷⁴ the right to refuse to pour alcohol,⁷⁵ recognition of a foreign diploma,⁷⁶ linguistic requirements,⁷⁷ admission to the school⁷⁸ and the refusal of internships based on the wearing of a headscarf.⁷⁹ After the complaints have been considered by the Schools Inspectorate, the refusal to admit students to schools and the dress codes resulting in the exclusion of women with headscarves are studied in detail.

Table 6: Education-related complaints lodged with the CGB

Year	Judgements on education	Total number of judgements that year
2000	7	101
2001	5	150
2002	2	204

Source: Equal Treatment Commission (adapted by DUMC)

In both cases that were submitted to the Commission in 2002, the Commission concluded that there was no evidence of distinctions having been made on the basis of race or religion and/or philosophy of life.

6.6.2. Anti-discrimination agencies

Every year, complaints and reports of discrimination and exclusion are submitted to a range of different authorities. Anti-discrimination agencies are organisations that, to put it briefly, check and monitor the enforcement of article 1 of the Dutch Constitution, which lays down the principle of non-discrimination and the right to equal treatment. They provide competent and empirically substantiated insight into the nature, location and frequency of various forms of discrimination. On the basis of this information they develop local and regional activities, strategies and coalitions to combat unequal treatment and to promote tolerance.

⁷¹ CGB 2000-27

⁷² CGB 2000-8 and 2001-4

⁷³ CGB 2000-51

⁷⁴ CGB 2000-63

⁷⁵ CGB 2000-75

⁷⁶ CGB 2001-84

⁷⁷ CGB 2001-141

⁷⁸ CGB 2001-99

⁷⁹ CGB 2001-55 and 79

In the Netherlands there is a national network of local and regional anti-discrimination agencies. This decentralised representation ensures that low-threshold organisations at the grassroots level are provided with insight into discriminatory incidents at the local and regional level. Virtually all local and regional bureaus are linked with the National Federation of Anti-Discrimination Agencies, making it possible to combine all these regional findings.

Complaints of discrimination in schools are not a marginal phenomenon, although the percentage of complaints related to education has remained constant in recent years. In 2000, 2001 and 2002 these amounted to 5% of the total number of complaints.

Table 7: Complaints of discrimination lodged with the NFADA in 2000-2002

Education	2000	2001	2002
Complaints from schools	155	210	208
Total number of complaints	3297	3913	3902
Percentage with regard to total	5%	5%	5%

Source: National Federation of Anti-Discrimination Agencies

Complaints of discrimination in schools have many aspects. There are complaints having to do relations among students and between student and teacher. Then there are many complaints from young people who are confronted with discrimination during their internship period, both in searching for a position and in terms of experiences during the internship itself.

A number of anti-discrimination agencies have also been able to provide information concerning the nature of the complaints. The most striking complaints are those in the category of controversial treatment and hostility. Controversial treatment has to do with creating obstacles to admission to schools as well as outright exclusion from enrolment at schools. Controversial treatment is also at work when a member of the school staff exhibits a discriminatory attitude or acts in a discriminatory way that results in exclusion – that is, the controversial application of rules that results in discrimination.

There is evidence of hostile treatment if opinions are expressed or behaviour is exhibited in which discriminatory distinctions are made that result in emotional injury. Examples of school-related complaints in this category are the negative treatment of ethnic minority students by teachers, and vice versa, and discriminatory verbal abuse among students themselves or between student and teacher.

Table 8: Complaints of discrimination in the school system, according to type.

Type of school	hostile treatment	controversial treatment	threats	violence	other	total
Amsterdam	11	17				28
Amersfoort	1	1				2
Apeldoorn	1	3	0	1	2	7
Den Bosch	3	5				8
Dordrecht	2					2
Ede		4				4
Flevoland	1	6				7
Haaglanden	7	12		2		1
Haarlem	3	8			1	12
Hoogeveen						0
Noordhollandnoord	5	6				11
Nijmegen		4			1	5
Rotterdam	10	17			1	28
Utrecht	1	5			1	7
West Brabant	7	4		1		12
Zaanstreek	1	3			1	5
Total	42	78	0	4	7	118

The wearing of headscarves is a regular source of problems at educational institutions. The individuals involved are usually female Muslim students, with incidents occurring mostly in secondary schools and in the search for internships.

The following complaint submitted to an anti-discrimination agency is a case in point: A 23-year-old woman of Turkish origin is a first-year student at a teachers' training college. She applies for an internship at a Protestant Christian school and at a public school. Both schools reject her application on the ground that she wears a headscarf. The public school tells the client that fellow teachers would have problems with this explicit expression of religious convictions and ask her to remove the headscarf. The Protestant Christian school tells the woman that the headscarf would probably cause offence to parents. When the woman reports the rejections to her study programme, they fail to respond effectively. The woman does not want to go public with her complaint and hopes to find an internship elsewhere.

Incidents concerning religious dress codes are a serious problem. The first problematic area that comes to mind in this regard is the objection that schools raise concerning the wearing of headscarves. The resulting public discussion shows that in the Netherlands the headscarf can still lead to considerable difference of opinion. The wearing of the headscarf is controversial.⁸⁰ The seriousness of this controversy is expressed not only in cases of work relationships but also within the educational system. It is a striking fact that in most schools the decision concerning headscarves is made not on the basis of a specific written policy but mostly on an ad hoc basis. For those involved, such a policy can even

⁸⁰ See the legal opinions in the *Nederlands Juristenblad* (2001) pp. 993-995.

result in the refusal to allow a student to continue an already chosen course of study.⁸¹ The problems involved in the wearing of headscarves are especially common in secondary vocational training.⁸²

6.6.3. Other types of complaints and arbitration boards

The goal of the Educational Arbitration Board is to maintain and support arbitration boards that deliver judgements and/or provide advice on behalf of Dutch educational institutions. Each school or institutions should have its own complaints procedure that specifies which Board is connected with the school/institutions for dealing with complaints concerning sexual intimidation, violence and forms of discrimination.

The Board's procedure is explicitly not intended for conflicts and problems that simply or preferably can be solved by the school itself. Before a complaint is lodged with the Board, attempts should be made to reach a solution internally by such means as tutors, the school directorate or a counsellor.

In the period 2000-2002 only one complaint of discrimination was submitted to the Arbitration Board. This was not a complaint of racial discrimination but of discrimination based on sexual orientation. The fact that complaints of discrimination are hardly ever made has to do with underreporting on the one hand and underregistration on the other. Since schools themselves bear the primary responsibility for solving problems and/or conflicts, appeals to the Arbitration Board are made in only a few cases. As far as underregistration is concerned, it should be pointed out that the discriminatory aspects of complaints are not always recognised, certainly not when the victim is not explicit about naming them.

Table 9 Complaints of discrimination submitted to the Educational Arbitration Board

Year	Number of complaints
2000	0
2001	1
2002	0

The Ministry of Education, Culture and Science does not maintain a national reporting centre, or regional centres, for complaints about discrimination in schools. The Schools Inspectorate, however, does maintain a registry of complaints of discrimination that are lodged at National Inspection Offices. In 2000, three complaints of discrimination in primary schools were submitted to these offices, and five in 2001. The number of complaints in secondary school is somewhat higher. In 2001 there were a total of eleven complaints of discrimination.

⁸¹ CGB 1999-76.

⁸² CGB 2000-63.

Table 10: complaints of discrimination lodged with the Schools Inspectorate in 2000-2001

Type of school	2000	2001	2002
Primary school	3	5	<i>pending</i>
Secondary school	- ⁸³	11	<i>pending</i>

Source: Schools Inspectorate

6.7. SURVEY OF REPORTS OF YET UNDEALT WITH DISCRIMINATION/SEGREGATION

The subject of black schools was discussed a great deal in 2002. Citizens and politicians are very concerned about extreme segregation in schools. Solutions for eliminating or preventing segregation are often sought in a dispersal policy.

The question whether a dispersal policy might help overcome segregation was assessed. First we must face the question whether a dispersal policy is actually desirable. Second, there is the question whether a dispersal policy is legally permissible. As far as the desirability of dispersal is concerned, many argue that segregation impedes social integration because of the effect it has on acquisition of the Dutch language. When ethnic minority students dominate, there is a greater chance that Dutch will no longer be the dominant language used at school outside the classroom. Second, it is assumed that a white school is 'better' at preparing children for the domination of the 'white' (working) culture. Finally, and this applies especially to Islamic schools, it is argued that these schools may intentionally transmit norms and values that are contrary to the foundations of the Dutch constitutional state.⁸⁴ Should the decision be made to disperse students as a means of preventing segregation, there are several possible variants to consider, from voluntary dispersal through stimulation and the providing of information to compulsory dispersal. With regard to the compulsory dispersal of ethnic minorities, the prevailing opinion is that this is contrary to the principle of equality and free choice of schools.⁸⁵

Many local government officials are concerned about the emergence of new black schools or the increase in the number of black schools. In their effort to combat segregation, they often seek answers in the possibility of voluntary or compulsory student dispersal. Such a policy is forbidden by law, however. At the initiative of the government a brochure was published⁸⁶ that is especially intended for local officials. It contains a description of the process of concentration, as well as initiatives and possible solutions for combating concentration and segregation that are within legal limits.

Because segregation is such a much-discussed subject, and because article 23 of the Constitution plays a role in this discussion, the Ministry of Education, Culture and Science has requested the Education Advisory Council to undertake an investigation with

⁸³ No figures available for this year.

⁸⁴ B.P. Vermeulen (2001) Witte scholen, zwarte scholen: over spreidingsbeleid, onderwijsvrijheid en sociale cohesie. [White schools., black schools: regarding dispersal policies, freedom of education and social cohesion] The Hague: Elsevier Bedrijfsinformatie, p. 58

⁸⁵ B.P. Vermeulen (2001) Spreidingsbeleid, gelijke behandeling en schoolkeuze recht in het Nederlandse onderwijs, in: CGB, Gelijke behandeling; oordelen en commentaar. [Dispersal policies, equal treatment and school choice in Dutch education] Deventer: Kluwer, p. 314

⁸⁶ G. Smink (2002) Apart of gemengd? Segregatie in het onderwijs. [Separate or mixed? Segregation in education] Utrecht: Sardes.

regard to this article.⁸⁷ The article itself, and particularly the guaranteed freedom of school choice that it provides, is not up for discussion. But the educational field has indicated that because of current social developments among parents and administrators, a need has arisen to come up with solutions for combating concentration and segregation. According to the Council, the freedom exercised by denominational and special pedagogical schools to select students on the basis of religious background is not the main cause of the problem. It is the opinion of the Council that the dichotomy mainly arises from the composition of the population in the neighbourhood and the parents' own school choice. So taking away the constitutional protection of freedom of school choice is no solution. The Council has assessed four variant solutions according to their constitutional merits. The first, limiting the freedom of establishment, implies a far-reaching abandonment of the dual system, a solution for which there is no broad support. Compulsory dispersal based on ethnic origins is in breach of international treaties. In addition, it would have such drastic consequences for such large groups of parents that there is serious doubt about the actual support for such a policy. As far as strengthening the parental right to choose, the Council believes this is not desirable; indeed, segregation is to a substantial degree a product of school choices. For the last possibility – dispersal within the framework of the municipal policy on educational disadvantage – there are absolutely no obstacles. In this variant, a locally determined percentage of disadvantaged students would have to be admitted. But according to the Council, further consideration of the advantages and disadvantages of introducing such a policy will have to take place. A compulsory dispersal policy such as this one could easily be in contradiction with parental freedom of choice and the autonomy of educational institutions.

Gap analyses

Gathering data on the participation and position of ethnic minority students is hampered by the fact that information on ethnic origins must be indirectly derived from the CUMI regulation. The current method of registration is connected with the general policy on educational disadvantage being followed by the Dutch government in which an indication of educational disadvantage is assigned to the student based on a combination of factors related to the socio-economic and cultural origin of the parents' family. Naturally this indirect derivation of ethnic origins is less accurate than a direct derivation. As long as schools do not maintain ethnic registries there will be no accurate overview, at either the local or the national level, of the size of the group of ethnic minority students or of their progress. Following a general policy on disadvantage without the benefit of conclusive information on ethnic origins also makes it difficult to know to what extent ethnic minority students profit from the policy on disadvantage. In order to answer these questions, the government carries out various studies each year which purpose is to provide an indication of the position of certain groups and the effectiveness of the policy being carried out. Investments in long-term and large-scale cohort research is limited, however. There also seems to be limited enthusiasm about registering students on the basis of ethnic origins for the purpose of scientific research and evaluative research carried out to benefit policy.

As for the incidents of discrimination in schools, we can only rely on the registries maintained by a number of organisations. By utilising these registries, however, we run

⁸⁷ Onderwijsraad. (2002) *Vaste grond onder voeten. een verkenning inzake artikel 23 Grondwet.*[Sound grounds; an exploration in article 23] The Hague: Onderwijsraad.

up against a number of problems. First there is the problem of underreporting: to what extent do victims of discrimination appeal to support agencies. With the proverbial tip of the iceberg in mind, it is difficult to determine exactly how big the iceberg is. The National Federation of Anti-Discrimination Agencies and Hotlines mentioned the problem of underreporting in its reports. On the other hand, the number of incidents this federation includes both well-founded and unfounded incidents of discrimination. The problem of underreporting is probably greater within the Equal Treatment Commission and the ordinary law courts, which are quite a bit less accessible than the anti-discrimination agencies. Validation of this assumption can be found in the fact that the number of registered cases of discrimination decreases the higher one goes in the chain. Besides the problem of underreporting there is the problem of underregistration. This problem is especially prevalent among organisations for which combating discrimination is not the main task. Experience teaches that such organisations are less able to recognise the discriminatory aspects of certain cases, and as a consequence the complaint is registered under another category. This could explain the proportionately low number of complaints of discrimination made to the Schools Inspectorate and the Educational Arbitration Board.

7. Analysis of direct and indirect discrimination

7.1. THE POSITION OF ETHNIC MINORITIES IN THE SCHOOL SYSTEM AND THEIR GENERAL SOCIAL POSITION

The position of ethnic minorities differs from that of native Dutch people in many social areas. They are more likely to live in underprivileged neighbourhoods, partly due to lower socio-economic factors. In these neighbourhoods, mixed schools are more the exception than the rule. Such schools often struggle with a combination of problems. The children at such schools are not always given the best start, although considering their learning lags they could definitely benefit from it. It is well known that ethnic minority children begin their school careers with a learning lag, that this lag is not overcome to any significant degree and that their school careers are concluded at a lower level than their native Dutch peers. It is unclear to what extent discrimination plays a meaningful role in the school career and/or performance of ethnic minority students.

The ethnic minority students of today are the working population of tomorrow. Their alarming academic position does not provide them with optimistic prospects as far as their future position in the labour market is concerned. The problem of dropping out has been a source of concern to the government for many years now. When young people leave school without earning their basic qualifications, their chances of succeeding in the labour market are meagre. The number of dropouts among ethnic minority students is higher than the number of native Dutch students who leave school prematurely. This has serious consequences for this group's future position on the labour market.

Dutch migration history is characterised by labour migration. Starting in the 1960s, semi- and unskilled labourers in particular were brought to the Netherlands. The labour position of ethnic minorities could largely be explained at that time by the low educational level of this group. There were high hopes for the second generation of migrants, who had grown up and gone to school in the Netherlands. Current statistics show, however, that they did not manage to achieve an academic level equal to that of native Dutch people. This is also reflected in the labour market position of ethnic minorities in the Netherlands.

7.2. CONNECTION BETWEEN EDUCATIONAL POSITION AND WORK

Last year's DUMC report on the labour market typifies the position of ethnic minorities in the labour market as problematic. Although progress has been observed in the labour market position of ethnic minorities, it is nevertheless lower than the position of the native Dutch population in the labour market.⁸⁸

⁸⁸ D. Houtzager and P. Rodrigues. (2002) Discrimination in employment in the Netherlands 2001. Amsterdam: DUMC.

The participation of ethnic minorities in the labour market lags behind that of the native population. In the year 2001, the participation of ethnic minorities in the labour market was 50% and that of the native population was 67%. There are also large differences between the various groups of ethnic minorities. Participation in the labour market is especially low within the Turkish and Moroccan population groups: 48% and 42% respectively. This is mainly because few Turkish and Moroccan women work: 33% and 26% respectively. These figures are quite different from those for Surinamese women (59%) and Antillean/Aruban women (58%). Participation in the labour market by Surinamese women is even higher than participation by native Dutch women (55%). There was a significant increase in the proportion of members in the workforce for all groups from 2000 to 2001, with the exception of Antillean/Aruban women. Ethnic minorities have been able to take advantage of the high demand for labour. There are also significant differences between the unemployment figures for ethnic minorities on the one hand and for Western migrants and the native Dutch population on the other. Unemployment among the native Dutch population is 3%, and among ethnic minorities it is 9%.

Unemployment figures have declined considerably. In 1995 nearly a quarter of the ethnic minorities were unemployed; in 2000 that figure was 11%, further decreasing to 9% in 2001. Unemployment among the native Dutch dropped from 7% in 1995 to 3% in 2000 and 2001. Concerning unemployment, the level of education makes little difference. Although persons who are highly educated have less chance of becoming unemployed, there is a considerable difference between the native Dutch and ethnic minorities at the same educational level

Ethnic minorities are not only more frequently unemployed, but they also have a higher rate of workers with low-level and temporary jobs. As far as social security is concerned, ethnic minorities are in a different situation than the native Dutch. According to the CBS, at the end of 1999, 1.5 million persons in the Netherlands, or 14% of the population between 15 and 64 years, were receiving social benefits (either unemployment or disability benefits). Of the native Dutch population, 13% receive a social benefit allowance. Of the ethnic minority groups, 26% received an allowance of this kind. The younger generation ethnic minorities, however, received social benefits considerably less often than the first generation: around 8% against 28%. The relatively high percentages of minorities that claimed unemployment benefits can be explained by the higher unemployment figures; the higher number of minorities dependent on a disability benefit is in part connected with age: of the men of Turkish and Moroccan origin over 40 years, around 30% had a disability benefit.

Although employment opportunities for ethnic minorities have increased tremendously since the mid-1990s, more needs to be done to close the gap in labour participation between the Dutch and the minority population. It is clear that among ethnic minorities, a lower level of education, an inadequate command of the language, labour orientation and the manner in which employment is sought are factors that hamper adequate participation in the labour market. On the other hand, employers do not recognise cultural differences and do not anticipate them. Furthermore, employers' prejudices about educational and linguistic disadvantages among certain groups influence their choice for hiring staff. Recruitment and selection methods applied by employers are often marked by discrimination, be it unconscious, indirect or direct. Data supplied by various sources indicate that discrimination is still a significant factor in determining the labour market

position of ethnic minorities. Intermediary organisations such as the Centres for Work and Income are under-utilised by employers, while persons from ethnic minorities often only use these centres as a means to find work.

7.3. VULNERABLE GROUPS IN RELATION TO DISCRIMINATION AND DIRECT AND INDIRECT DISCRIMINATION IN SCHOOLS

Ethnic minorities are often undeservedly presented as a homogeneous group. Apart from the cultural differences, we see substantial differences between the ethnic minorities themselves regarding their socio-economic positions. Even when we look at the four largest groups of ethnic minorities living in the Netherlands, we notice that the Surinamese and Antilleans are higher on the social ladder as a rule than the Turkish and Moroccan population groups. It is unclear if there are also differences in the degree to which they are confronted by discrimination. An analysis of the origins of the victims of discrimination who have reported to anti-discrimination agencies seem to suggest this. The researchers conclude that Surinamese and Antilleans report victimisation with relatively less frequently than Turks and Moroccans. Considering the size of the ethnic groups in the Netherlands, they expected a more even distribution, which suggests that there is a difference in the number of confrontations and/or perceptions of discrimination among the various population groups.⁸⁹

In this RAXEN report, the emphasis is on the vulnerable position of ethnic minorities. Yet they are not the only group that is confronted with disadvantage and discrimination. In the world of education attention is also paid to possible discrimination and intimidation of homosexual teachers and students, for instance. The education report of 1998⁹⁰ indicates that discrimination of homosexuals constitutes reason for concern. More than half (80) of the cases described contain serious forms of discrimination. In primary school and in higher education, discriminating remarks and abusive language is especially problematic. Intimidation and violence seem to occur in secondary schools and in adult vocational training. It has been established that at almost two-thirds of the secondary schools there is no information provided on homosexuality. When interviewed, a few counsellors indicated that there is a difference between the reactions of ethnic minority and native students to the concept of homosexuality. They mentioned reactions such as the ignoring and/or denial of homosexuality, the difficulty of discussing the subject, and prejudice against and condemnation of homosexuality within Islam. Experience shows that potential victims of discrimination can also be perpetrators of discrimination. In 2002, the Schools Inspectorate took explicit responsibility for monitoring the discrimination of homosexual teachers and students. Monitoring the discrimination of homosexuals should result in making it easier to discuss the subject and in a decrease in the sense of insecurity. The primary responsibility lies with the schools themselves.

Although the children of caravan dwellers and Roma children have been included in the policy on educational disadvantage, only meagre attention has been paid to the educational position of this specific group. There are hardly any statistics on prejudice

⁸⁹ LVADB (2003) Kerncijfers 2002. [Annual Report 2002] Amsterdam: LVADB.

⁹⁰ Inspectie voor het Onderwijs [Educational Inspectorate]. Onderwijsverslag [Education Report] 1998. The Hague p. 388.

and discrimination against them, or on initiatives to overcome these problems. It is regrettable that so little information is available concerning this group in comparison with ethnic-minority students, but it is even more regrettable that they receive so little attention in terms of policy, since this group is probably being exposed to prejudice and/or discrimination by both teachers and students.⁹¹

⁹¹ E. Poortvliet. Woonwagen- en zigeunerkinderen raken als groep buiten beeld [Caravan-dweller and gypsy children as an unseen group] in: Toon, 2002, 1. p-20-21.

8. Strategies, initiatives and good practices for overcoming discrimination and promoting diversity

8.1. ANTI-DISCRIMINATION ACT AND LEGISLATION

The Dutch Equal Treatment Act protects potential victims against direct and indirect forms of discrimination. It protects students from being indirectly discriminated against on the basis of their origins by schools that appeal to the propagation of their specific philosophy of life or to waiting lists for disadvantaged students. Some victims of discrimination have been successful in appealing to the law in this regard. The possibilities offered by the Equal Treatment Act in this area are adequate.

In addition, the Quality Act provides for the establishment of complaints commissions at schools. The complaints procedure is of importance in this context because it gives parents and personnel the individual right to complain about particular conduct and decisions (or failure of take decisions) on the part of qualified authorities or personnel, including that motivated by discrimination.

As far as combating discrimination is concerned, the government has formulated the following in terms of policy:

- **Complaints procedure.** In 2002 the Ministry of Education published a book of practical information on Complaints Procedures in Schools, which includes a model complaints procedure for primary and secondary schools. Since the Quality Act took effect in August 1998, school boards have been required to establish a complaints procedure and carry it out. According to the proposed legislation, parents and students can lodge complaints concerning the behaviour of school authorities and staff and the decisions they take, or fail to take. It has been decided to establish one complaints procedure for primary and secondary schools at the national level. The complaints included in the complaints procedure are listed in the model procedure. Complaints of discrimination are also explicitly named. In the complaints procedure, discriminatory behaviour is understood as any exclusion, limitation or preference that is aimed at or can result in the negation or harming of the recognition, enjoyment or exercise, on equal terms, of human rights and fundamental freedoms in the political, economic, social or cultural realm or any other realm of public life. Although the complaints procedure enables students and their parent(s) or guardian(s) to lodge a complaint, the text also states that the complaints procedure is only applicable if the complaint cannot be taken anywhere else. The drafters of the procedure are of the opinion that most complaints concerning the daily routine at school can be best dealt with in consultation between parents, students, staff and school directorate. If this is not possible, or if the complaint is not satisfactorily dealt with, the parties can resort to the complaints procedure.
- **Harassment protocol.** Many students are confronted with harassment and bullying both in primary school and in secondary school. This phenomenon has attracted increasing attention in recent years, and the impact of harassment on the well-

being of the victim has been acknowledged. More schools now recognise their obligation to discourage harassment. Harassment is not exclusively aimed at ethnic minorities, and the discouragement of harassment does not cover the entire problem of discrimination at school. But because students who harass often select their victims on the basis of difference, ethnic minority students probably have a greater chance of becoming the targets of harassment. In the material about dealing with harassment at school, discrimination is explicitly named. Schools can set up their own similar protocol and thereby take a stand against intolerance and discrimination.

- The specific significance of education in the fight against discrimination. Education plays an important role in the socialisation of children, and in this sense can also be utilised to resist the development of prejudice and the impulse to discriminate. Thus the National Document on Integration Policy of 1999-2002⁹² contains a specific action programme aimed at preventing and combating prejudice, discrimination and racism, and an action programme that concentrates specifically on the situation of young people from ethnic minority groups.

8.2. NO NEW ANTI-DISCRIMINATION POLICY OR LEGISLATION, BUT A RECONSIDERATION OF THE POLICY ON EDUCATIONAL DISADVANTAGE

So far there is no new anti-discrimination policy or legislation in the making, although in 2002 efforts were made to reflect on a few points of the policy on educational disadvantage.

In 2002 the Education Council undertook a reconsideration of the weights and CUMI regulations being used in schools. Below is a presentation of the advice of the Education Council.⁹³ The core of the policy on educational disadvantage for primary schools is formed by the weights regulation dating from 1986. According to the weights regulation, primary schools with a substantial number of disadvantaged students qualify for extra staff on the basis of student weights. A weight is assigned to students based on their socio-economic and socio-cultural/ethnic background. An average child is given a weight of 1; disadvantaged native Dutch students are given a weight of 1.25; bargemen's children 1.4; children of caravan-dwellers and Roma children 1.7; and disadvantaged ethnic minority students a weight of 1.9. The weight regulation has been criticised over the years. The stumbling blocks have mainly to do with whether the weights are sufficiently geared to the learning lags of the various groups, and whether the proportions between the groups are correct. Up until now, the weights regulation has been based on the socio-economic group characteristics which research has shown to be connected with educational disadvantage. The Education Council has considered possible new criteria to replace the socio-cultural characteristics now being used. Research shows, however, that in addition to socio-economic characteristics, the role played by ethnicity in the learning

⁹² Kansen pakken, kansen krijgen [Grabbing opportunities, getting opportunities], Parliamentary Documents II, 1998/99, 26 333, no. 2.

⁹³ Onderwijsraad. Wat 't zwaarst weegt ... ; een nieuwe aanpak voor het onderwijsachterstandenbeleid [What weighs the most: a new approach for the policy on educational disadvantage]. The Hague: Onderwijsraad, 2002. .

performance of students – particularly when it comes to linguistic disadvantage – is not to be ignored. In all probability the weights regulation will continue in its present form.

The CUMI-VO (VO: secondary school) regulation was formulated to overcome the linguistic disadvantages of students belonging to cultural minority groups and students who speak a foreign language. The size of the payment is based on a combination of criteria: country of origin and the length of time that the student has been living in the Netherlands.

The first criterion is broken down into six country categories. The second criterion comprises another six categories. The thorny areas in the CUMI regulation mainly have to do with the complexity of the calculations. The Education Council has proposed that the CUMI regulation be adjusted. For the time being it is unclear if and when a decision will be made to remodel the regulation.

The Council is advising the Ministry to adopt two future regulations for dealing with educational disadvantages. The first is a regulation for overcoming educational disadvantages in general. This will call for a readjustment of the present weight regulation. The ‘country of origin’ criterion will no longer be used in assigning student weights, only the parents’ educational level. A second regulation concerns the one new NT2 (Dutch as second language) regulation specifically aimed at reducing the extra linguistic disadvantage of certain groups of ethnic minority students. The actual learning lag will be determined by both the ‘country of origin’ criterion and a language test. The new NT2 regulation should follow a continuous line reaching from group three of primary school (the first class after what is roughly equivalent to kindergarten) through secondary school.

The Netherlands has a specific programme that provides lessons to certain target groups of students in their mother tongue: teaching in the living languages of ethnic minorities. After the increase in family reunifications for migrants who came to the Netherlands alone in search of work, there has been more and more discussion about the need for a form of return education. Lessons in the mother tongue and culture were offered to target groups of students. Initially these lessons were private initiatives, but they became integrated into the primary school curriculum under certain conditions. The agenda of these programmes was to expose the children to the language and culture of their parents to some degree with a view to possibly returning to their homeland. The lessons were also intended to support the regular curriculum. With the evaporation of the former part of the agenda, the latter became increasingly important. Discussions also arose, however, concerning the usefulness and necessity of such classes, partly out of consideration for the extra burden on the pupils and on the scheduling problems for the school. This resulted in an adjusted arrangement in the form of Teaching in the Living Ethnic Minority Languages (Onderwijs in Allochtonen Levende Talen, or OALT) in 1998. OALT is no longer part of the school curriculum, but it is offered to specific groups of pupils. Only ethnic minority students are given lessons in their own language, if it is seen to contribute to Dutch lessons.⁹⁴

With the arrival of a new regulation – now suspended – the OALT programme was put at risk. In the Strategic Agreement, the cabinet’s proposal reads as follows. Priority must be given to the learning of the Dutch language. For this reason, Teaching in the Living

⁹⁴ See TooN, 2003,3 p.28.

Ethnic Minority Languages is being abolished. This proposal will take effect on 1.8.2004. Following the line of the OALT policy for primary schools, the Teaching in the Students Own Language regulation (Onderwijs in Eigen Taal, or OET) in secondary schools is also being critically considered as part of the Strategic Agreement. This regulation will still be followed during the 2002-2003 school year. The regulation is being terminated on 1 August 2003.⁹⁵ For the time being it is not clear whether and how this will take place.

The way the OALT is now reconsidered can not be separated from the changing political climate in the Netherlands. A large part of the electorate voted for a zero-tolerance policy with regard to illegal immigration and tit-for-tat policy for immigrants who fail to integrate in Dutch society.

The Educational Opportunities policy is part of the GOA policy. The Educational Opportunities Policy is aimed at primary schools with at least 50% weighted students and at secondary schools with at least 40% CUMI students.⁹⁶ In the Educational Opportunities Policy, municipalities make financial resources available in consultation with schools and school boards on the basis of concrete problems in individual schools. The Educational Opportunities Policy is a particularisation of the general quality policy for primary and secondary schools. Since 1998, all schools have been legally required to monitor the quality of teaching within the school based on their own system of quality control, and to improve teaching where necessary. The supervision of the Inspectorate, as provided in the Educational Supervisory Act, provides an extra stimulus to that development.⁹⁷ The Educational Opportunities approach represents a concrete approach in the development for schools with a large number of disadvantaged students. The government offers the resources to carry out the improvements, and the municipality is responsible for local control. In 2002 efforts were made to arrive at a more comprehensive approach for the "Educational Opportunities Policy". To this end and expansion took place in 2002 from the 21 large cities to small cities and rural communities. Now 68 municipalities are participating in the Educational Opportunities Policy.⁹⁸

8.3. GOOD PRACTICES

SCHOOL WITHOUT RACISM AND THE WORLD SCHOOL

The National Bureau against Racial Discrimination (Landelijk Bureau ter Bestrijding van Rassendiscriminatie, or LBR) develops the teaching material schools need to discourage

⁹⁵ Brief van de Minister van Onderwijs, Cultuur en Wetenschappen aan de Tweede Kamer [Letter to the Ministry of Education, Culture and Science in the Lower House], 27 September 2002. PO/00/2002/36381

⁹⁶ Brief van de Staatssecretaris van Onderwijs, Cultuur en Wetenschappen aan de Tweede Kamer [Letter to the State Secretary of Education, Culture and Science in the Lower House], 25 February 2002. PO/00/02/8025

⁹⁷ Schools are supported with help from national educational organizations. To this end, the Q5 project for secondary schools has been running for a number of years, and a Q*Primair project has been started for primary schools.

⁹⁸ In these areas it is not so much the 1.9 ethnic minority students who are a cause of concern, but the disadvantaged native Dutch students (1.25 students) see: Bulletin of Acts and Decrees 2001, 445. (2001) Decision of 18 September 2001, permanent declaration of the municipal policy on disadvantaged people (Besluit Landelijk beleidskader gemeentelijk onderwijsachterstandenbeleid 2002-2006 [Decree on National policy framework concerning policy on educational disadvantage 2002-2006]). Volume 2001.

prejudice and discrimination. The accent is mainly on student-student relationships. The School Without Racism (School Zonder Racisme, or SZR) project has been created especially for secondary schools. Close to a hundred schools participated in the project in 2002 and were given an award for doing so. Since 2001, the SZR project has been made accessible for primary school students as well under the name 'World School'. In 2002 thirteen schools earned this designation.

NOU EN?! & SO WHAT?!

In addition, the LBR has launched the projects Nou en?! and So What?!, for secondary and primary schools respectively. Nou en?! (which can be translated roughly as 'So what?!') was developed for children from 10 through 12 years of age who want to prepare a school project or talk on prejudice, discrimination or racism. Teachers from groups 7 and 8 can use the folder as teaching material. Nou en?! uses a clear and simple approach to explain what stereotyping, prejudice, discrimination and racism mean. The Nou en?! brochure contains clear examples, colourful cartoons and statements made by children. So What?! provides accessible explanations of concepts such as prejudice, racism, discrimination, culture, immigration and integration, and about what you as a young person can do to discourage discrimination and prejudice. So What?! is intended for young people from age 12 and is suitable for creating work projects, presentations and practical assignments. The folder can be used as teaching or project material in secondary schools; students working independently can refer to it. The folder also has practical applications in neighbourhood work, health care and youth work.

TREASURE CHESTS

The Breda anti-discrimination agency has developed educational material having to do with the themes of prejudice, racism and discrimination. The 'treasure chests', full of educational material, are suitable use by teachers or youth workers and for extra-curricular activities such as multicultural days or other events. There are four chests (children, young people, parties, bullying) whose contents are adapted to the age of the target group and the theme. The treasure chests contain teaching packages, video films, stories to read aloud, computer programmes, exhibitions, interactive CDs and informative games. Much of the material is accompanied by handbooks for the group leaders and tips for the use of the material. The treasure chests are lent out to interested persons. Instructions are provided if necessary.

SCHOOL ADOPTION PLAN

The School Adoption Plan is a police project in which 'neighbourhood based' police officers 'adopt' a primary school and visit this school several times a year in order to teach lessons on several subjects. One of the subjects is discrimination. A lesson is taught to children from 10 to 14 years of age who are enrolled in regular education at primary schools. Not all grounds for discrimination are specifically or equally dealt with, but none is excluded. In Rotterdam these lessons are provided by the local anti-discrimination agency. Since 1995, 2,600 primary schools in the Netherlands with approximately 140,000 students in 23 regions were 'adopted' via the School Adoption Plan.

9. Summary and conclusions

The previous chapters provide a presentation of the position of ethnic minority students in the Dutch educational system in terms of educational disadvantage and discrimination. A sketch was made of the most important legislation and regulations and the most important initiatives for overcoming disadvantage and discrimination, and a relationship was drawn between the educational position of ethnic minorities and their position in other social spheres, the labour market in particular.

In the presentation we worked as a rule from the definition of ethnic minorities that is used by the government and the CBS: a person with at least one parent born in a foreign country. Often a distinction is made between Western and non-Western ethnic minorities because non-Western ethnic minorities in particular occupy a position of disadvantage in the Netherlands. Clear indications are given in the text whenever the data is based on a definition other than that mentioned here.

Ethnic minority students occupy a position of disadvantage in comparison with native Dutch students. In order to overcome learning lags, the Dutch government follows a large-scale policy on educational disadvantage. To combat any discrimination, the government has also taken a few measures to protect students against discrimination in schools. Primary and secondary schools have the so-called Quality Act, which provides for a complaints procedure with regard to discrimination. Primary schools have also committed themselves to intercultural education.

Whenever ethnic minorities and education are discussed in the Netherlands, segregation in schools and the quality of teaching at 'black' schools are the most frequently discussed topics. It is certain that to a considerable degree there is evidence of segregation in schools, and that this segregation cannot be explained by housing segregation alone. The principles of freedom of establishment and freedom of school choice, as laid down in article 23 of the Constitution, foster possible segregation. Free school choice can promote 'white flight'. This has been indicated in research, which has found that parents find black schools less attractive for their children than white schools, even if the schools are outside the neighbourhood. The freedom of establishment may contribute to the disproportionate enrolment of ethnic minority students in public schools, because denominational and special pedagogical schools can appeal to their principles in admitting students. The school is not permitted to refuse students on the grounds of not endorsing these principles, however. This would lead to unequal treatment on the grounds of religion and origins. Schools are permitted to ask parents to respect these principles.

Whether and to what extent article 23 facilitates or promotes segregation in schools is not known, however. It is not clear at what scale and to what degree parents are influenced by the ethnic composition of schools. It is also unknown to what degree schools act in violation of the law on a day-to-day basis with regard to the appeal to principles.

As for quality of education, the Schools Inspectorate stated in its report for 2001 that there were proportionately more black schools among the weak schools. The Council noted at the same time that this lower quality cannot be blamed on ethnic minority students, but that the black schools struggle with multiple problems varying from poor building structures to understaffing on account of long-standing job openings.

A few positive developments have been observed in the educational position of ethnic minority students. They participate more frequently in pre-school educational programmes, which benefits the previously mentioned linguistic and educational lags characterising this group at the beginning of their school careers. Some lags can be observed in primary schools, but they are less significant. Another ray of hope is the steady increase in the influx of ethnic minority students in higher professional schools and at universities. On the other hand, ethnic minorities lag behind in secondary schools. The intake level of ethnic minority students in secondary schools is lower than that of native Dutch students, and more ethnic minority young people leave secondary school without having obtained a diploma.

The reason for this dropping out is unclear. It may have to do with cultural differences between the school and the home, and neither the school system (including the teachers) nor the students are able to bridge this gap. Although the Dutch government has officially committed itself to providing intercultural education, there is no real insight into the extent and ways in which schools put this ideal into practice. Somehow the impression has not been made that this subject is on the priority lists of schools and/or policymakers.

The overrepresentation of ethnic minorities in the lower educational levels and the disproportionate number of school dropouts among ethnic minority young people means that they often seek admission to the labour market without basic qualifications. Combined with the ever-present chance that they will be confronted with prejudice once they enter the labour market, their future job perspectives are anything but favourable.

This year we must once again draw the conclusion that statistics on discrimination in schools is relatively thin on the ground in comparison with statistics on the learning lags of native Dutch people. There is no research on the experience of students with discrimination by fellow students in the educational system. To gain some insight into the nature and extent of discrimination in schools, use is made of the registries of organisations that support the victims of discrimination in reporting their complaints. These figures indicate that discrimination in schools is not a question of incidents alone. Reports of discrimination are structural and run from hostile treatment of students to the improper exclusion of students based on their origins.

Complaints concerning the dress code constitute a stubborn problem. The wearing of a headscarf has proven controversial. In most cases schools have no established policy concerning the wearing of headscarves, but the subject is discussed between students and the directorate on an ad hoc basis. In vocational training, students who wear headscarves run into problems when trying to obtain compulsory internships. In such cases schools do not always act energetically or constructively, so that the student herself is held responsible for problems that arise. It is also an uncertain sign of what may lie ahead when the student begins searching for a job after completing his or her study programme.

The Dutch government has invested a great deal in recent years in the policy on educational disadvantage. It is by no means certain whether this policy benefits the target group, or whether in fact the phenomenon of the richer getting richer and the poor poorer does not occur, in which the better student profits disproportionately from the extra impulse.

The government characterises itself to a significantly lesser degree as an opponent of discrimination, although its initiatives, such as the Quality Act and the practice of the Schools Inspectorate to check for discrimination against homosexuals in schools, are positive signs. Less attention is being paid to preventative efforts such as requiring that schools promote intercultural education, or requiring that teachers and future teachers be instructed in interculturalisation.

10. Annex I

FACTS AND FIGURES

MIGRATION HISTORY

Through the ages, the Netherlands has received immigrants - often victims of political suppression - from many parts of the world. Huguenots from France and Jews from Eastern Europe, Spain and Portugal found shelter in the Netherlands.⁹⁹ Shortly after the Second World War, when the former colonies became independent, about 100,000 expatriates returned from the Netherlands East Indies. After 1949, when the Netherlands East Indies became formally independent, another group of expatriates, also about 100,000 persons, returned. The majority of these immigrants consisted of people of colour, the 'Eurasians', who were entitled to settle in the Netherlands on the basis of their Dutch citizenship. A third group returned later, between 1952 and 1955. This group consisted of 40,000 people. The last group - also 40,000 persons - arrived at the end of the 1950s, when Indonesia announced plans to annex New Guinea. In general the expatriates were well-educated and assimilated more or less easily into the Dutch society. The fourth and last group of expatriates from the Netherlands East Indies also included 12,500 persons of Moluccan origin, mostly ex-soldiers from the KNIL, the Dutch Colonial Army. They were predominantly less educated and, due to promises of the Dutch Government, regarded their stay as temporary in order to return to the Moluccan Islands.

Although Surinam and the Netherlands Antilles were also part of the Dutch colonial empire, the immigration from these two areas was of a totally different character and ran an entirely different course than that of Indonesia. The differences are to a significant degree the result of the fact that Surinam and the Antilles did not become independent shortly after the Second World War. Actual immigration was from the middle class and small in scale. However, from 1965 on more and more unskilled workers also ventured the crossing. Immigration from Surinam swelled in the years before independence (1973-1975) and again in 1979-1980, prior to the expiration of the transitional agreement on the settlement of mutual subjects. Twenty years after independence there were about 296,000 people of Surinamese origin in the Netherlands, about 35% of these having been born on Dutch soil.

Like the Surinamese immigration, the Antillean immigration remained at a very low level for a long time and consisted mainly of students. In 1964 the immigration flow broadened to include immigrants from the lower class. Dutch businesses lured them to migrate to the Netherlands under contract. Numbers still remained small, although they slowly increased. The immigration became considerable only after 1985 when the Lago refinery in Aruba closed. In the same year, Shell too left Curaçao. The refinery did stay open, but only after great sacrifices including loss of jobs and wage restraints. The crisis in the oil industry, which to a significant degree kept the economy of the islands afloat, led to a

⁹⁹ Based on: Lucassen, J., Penninx, R., (1997) *Newcomers: immigrants and their descendents in the Netherlands 1550-1995*, Amsterdam: Het Spinhuis; Vermeulen, H., Penninx, R., eds. (2000), *Immigrant integration: the Dutch case*, Amsterdam: Het Spinhuis, pp. 5-8.

sharp increase in emigration, especially among the lower classes. When taken as a percentage of the small island populations, emigration has remained high up to now.

In the post-war era, and until the end of European labour recruitment in 1974, the Netherlands, like Germany and other Western European states, received guest workers. These workers came primarily from Mediterranean countries including Italy, Spain, Turkey, Morocco and former Yugoslavia. Their migration was intended to be temporary, but in many cases it was not. In 1973 the number of these so called guest-workers ('gastarbeiders') amounted to about 100,000 (the entire population of the Netherlands in 1973 was about 13.5 million). Recruitment from the Mediterranean countries halted abruptly after the 1973 oil crisis. After the crisis an economic decline started, which lasted until 1984. Though recruitment from the Mediterranean countries was halted, the number of persons of Mediterranean origin increased due to family reunification and family formation (except the refugee migration from former Yugoslavia in the 1990s).

From 1945 to the early 1980s, relatively few refugees arrived in the Netherlands. Those who did were mostly resettled. Some refugees simply joined the ranks of economic migrants until 1974. During the latter half of the 1980s the number of asylum seekers swung in a range from 3,500 to 14,000. In the early 1990s they were generally in the 20,000 to 30,000 range. During the mid-1990s, asylum seeker figures rose to over 40,000 per year.

Thus a wide range of different groups from different countries, with different backgrounds and different cultures and religions, have come to live in the Netherlands.

DEFINITION

The Dutch statistical and analytical literature refers to immigrants with the term 'allochtonen'. This term cannot be literally translated into English (the word 'allochtoon' is derived from ancient Greek and means something like 'originating elsewhere'). The Central Statistical Agency (Centraal Bureau voor de Statistiek, or CBS) uses the description 'population with a foreign background'. The CBS considers persons to have a foreign background if at least one parent was born abroad. A distinction is made between persons born abroad (first generation) and persons born in the Netherlands (second generation). The foreign background is determined by the country of birth of the person (first generation) or the country of birth of the mother (second generation). If the mother was born in the Netherlands, the person is classified according to the father's country of birth.¹⁰⁰ This population group is broader than the one usually associated with ethnic minorities. For example, Belgian persons living in the Netherlands have a foreign background but are normally not considered ethnic minorities. Persons with a foreign background are classified by the CBS as Western or non-Western, depending on their country of birth. The category 'non-Western' includes persons from Turkey and countries in Africa, South America and Asia except for Indonesia and Japan. The latter two countries are included with the Western countries on the basis of their socio-economic

¹⁰⁰ For terminology used and details about this conceptual definition, see: Alders, M. (2001) Classification of the population with a foreign background in the Netherlands: Paper presented at the conference 'The measure and mismeasure of population. The statistical use of ethnic and racial categories in multicultural societies' in Paris, France, 17-18 December 2001, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/papers/classification-foreign.pdf> (08.04.2003)

and socio-cultural position. For all practical purposes the population of non-Western origin will be referred to here as ethnic minorities.

DEMOGRAPHICS

As of January 1st 2002, the Central Statistical Agency estimated the population of the Netherlands at 16,105,285 (in rounded figures: 16.1 million): 13,140,336 (13.1 million) native-born Dutch people and 2,964,949 (3 million) people with a foreign background.¹⁰¹ 1,558,353 (1.6 million) of the people with a foreign background are of non-Western origin. That is 9.7% of the total population. Compared with January 2001, when the number of persons of non-Western origin amounted to 1,483,175 (1.5 million), this group has grown by 75,178 (75 thousand) people.

There are indications of an increase in the proportion of the second-generation ethnic minority population. The first generation comprises 971,706 persons (62%), and the second-generation 586,656 persons (38%) as of 1 January 2002. The growth of the second-generation is steadily accelerating. Around one-third of the ethnic minority individuals are second-generation, and this group is growing at an ever-faster rate. The number of second-generation increased by 152,000 in the last five years. In terms of percentage, growth among the second generation exceeds that of the first generation. The proportion of second-generation individuals is increasing among the 'classical' ethnic minority groups in particular, such as the Turks, Moroccans and Surinamese. Three-quarters of the second-generation have two parents born in foreign countries.¹⁰²

The total population of the Netherlands has increased by 3.5% since 1997. The ethnic minority population grew approximately eight times faster than that during the same period. Recent sharp increases in size have been especially prevalent among the 'new' groups of non-Western origin such as the Afghans and Iraqis. The 'classical' ethnic minority groups such as Turks, Moroccans, Surinamese and Antilleans/Arubans are the largest groups by far. All together they make up approximately two-thirds of all ethnic minority groups.¹⁰³

Table 1: People with a foreign background by group of origin ¹⁰⁴

People with a foreign background by group of origin, 1 January		Total first and second generation	Total first generation	Total second generation
Group of origin	Periods	x 1000		
Total non-Western	1997	2 554	1 310	1 243

¹⁰¹ Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003).

¹⁰² CBS (2003), Allochtonen in 2002 [Ethnic minorities in 2002], Voorburg: CBS, p. 15, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/b-52/b-52-02.pdf> (08.04.2002)

¹⁰³ Ibid, p. 14.

¹⁰⁴ Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003).

	2000	2 775	1 431	1 344
	2001	2 870	1 488	1 381
	2002	2 964	1 547	1 417
	1997	1 221	785	435
	2000	1 408	886	522
	2001	1 483	928	554
	2002	1 558	971	586
Morocco	1997	232	142	90
	2000	262	152	109
	2001	272	155	117
	2002	284	159	124
N. Antilles and Aruba	1997	88	56	32
	2000	107	69	37
	2001	117	76	40
	2002	124	82	42
Surinam	1997	285	179	105
	2000	302	183	119
	2001	308	184	124
	2002	315	186	128
Turkey	1997	279	169	110
	2000	308	177	131
	2001	319	181	138
	2002	330	185	144
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The four largest ethnic minority groups together comprised more than one million persons (1,054,980) in 2002. This group includes 330,709 persons of Turkish origin, 315,177 of Surinamese origin, 284,224 of Moroccan origin and 124,870 of Antillean/Aruban origin. The distribution in terms of percentages from earlier migration countries is as follows: Turkey 26.6%, Surinam 25.4%, Morocco 22.9%, Antilles/Aruba 10.0%. Together they comprise approximately two-thirds of all ethnic minorities.¹⁰⁵ The Turks clearly have become the largest ethnic minority group.

Yet the new ethnic minority groups have become increasingly significant in terms of numbers. According to the CBS counts, nine new groups, comprising more than 16,000 persons each, could be distinguished as of 1 January 2002. These are persons of Iraqi (41,323), Somali (28,979), Afghan (31,167), Iranian (26,789), Ghanaian (17,232), Pakistani (17,325), Egyptian (16,108), Vietnamese (16,012) and Chinese (55,117) origin.¹⁰⁶ In the year 2002, these nine comprised approximately 250,000 persons in total. One notable point is the drop in the number of Somalis. In 2001 there were 29,631 Somalis living in the Netherlands. This drop has to do with the migration of Somalis to other countries, such as Great Britain.¹⁰⁷

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p. 91

¹⁰⁷ Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, no. 2, p. 4.

Included among the ethnic minorities are the Moluccan population group (42,300 persons),¹⁰⁸ caravan dwellers (23,000),¹⁰⁹ and Roma and Sinti (3,500).¹¹⁰

Also living in the Netherlands are 187,700 Southern Europeans, 74,640 of whom are from the various countries of former Yugoslavia, 35,193 Italians, 30,897 Spanish, 15,881 Portuguese, 12,077 Greeks and 19,012 Cape Verdeans.¹¹¹

In addition, there are an estimated 112,000 to 163,000 persons living in the Netherlands illegally.¹¹²

The brief history of many population groups of non-Western origin in the Netherlands and the average young age of non-Western immigrants determine to a great extent the age distribution of these groups. The age distribution of non-Western groups reveals striking differences when compared with the native Dutch population. In most cases, these ethnic minority groups are considerably younger, and the men are in the majority. Such a skewed ratio of men to women is most pronounced among those population groups that settled in the Netherlands relatively recently, such as the Iranians. The population pyramids for these groups greatly resemble those of the Turks and Moroccans living in the Netherlands in the 1970s.¹¹³

At the moment, four out of ten members of the ethnic minority population are younger than 20 years of age. This proportion is almost twice as large as that of foreigners of Western origin and native Dutch people. The proportion of second-generation the ethnic minority population younger than 20 years of age is even greater: eight out of ten.

The percentage of people over 65 among ethnic minorities is extremely low: 2%. This percentage will slowly increase in the coming years. In 2010, 4% of the ethnic minority population will be 65 years of age or older, and it will be quite some time before this population group will have to deal with any significant ageing phenomenon.¹¹⁴

Table 2: People with a foreign background by sex and group of origin¹¹⁵

¹⁰⁸ Beets, G., Walhout, E., Koeseobjono, S. (2002), Demografische ontwikkeling van de Molukse bevolkingsgroep in Nederland [Demographic developments of the Moluccan population group in the Netherlands], in: Maandstatistiek van de Bevolking, vol. 50, no. 6, pp. 13-17, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/b-15/b-15-02-06.pdf> (22.04.2003)

¹⁰⁹ Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, nr. 2, p. 4, <http://www.overheid.nl> (22/04/2003)

¹¹⁰ The figure concerning the number of Roma and Sinti is taken from: ECRI (2001), Second report on the Netherlands. Strasbourg: Council of Europe, p. 14. http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Netherlands/CBC2_Netherlands.pdf (22.04.2002) The Dutch government estimates the number of Roma and Sinti at 2,000; the National Organization of Roma and Sinti estimates 5,000.

¹¹¹ CBS (2003), Allochtonen in 2002 [Ethnic minorities in 2002], Voorburg: CBS, p. 91.

¹¹² NRC Handelsblad, (01.02.2003).

¹¹³ Ibid., p. 18.

¹¹⁴ Ibid., p. 20.

¹¹⁵ Ibid., p. 94.

People with a foreign background by sex and group of origin, 1 January, 2002				
	First generation		Second generation	
	Men	Women	Men	Women
Continents	x 1000			
Africa	159	121	93	90
America	151	178	107	104
Asia	172	172	170	163
Europe	279	309	341	339
Oceania	3	4	6	6
Non-Western				
Afghan	16	12	1	1
Brazilian	2	4	2	2
Cape Verdean	6	6	4	4
Chinese	12	13	6	5
Egyptian	7	3	3	3
Ghanaian	6	5	3	3
Hong Kong Chinese	5	5	4	4
Indian	5	3	2	2
Iranian	13	10	2	2
Iraqi	22	14	3	3
Moroccan	87	72	63	61
N. Antillean and Aruban	40	42	22	21
Pakistani	7	4	3	3
Philippine	2	6	2	2
Somali	12	9	4	4
South African	4	4	3	3
Surinamese	86	100	65	64
Turkish	97	89	75	70
Vietnamese	6	5	3	3
Other non-Western	69	62	29	28
Total	503	469	300	287

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Table 3: People with a foreign background by age and group of origin ¹¹⁶

People with a foreign background by age and origin, 1 January, 2002							
	0-9 yrs	10-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50 yrs and older	Total
Continents	x 1000						
Africa	8.0	33.9	67.7	83.7	46.8	39.4	279.4
America	12.1	29.2	59.6	86.9	75.0	65.8	328.6
Asia	15.0	33.7	45.0	62.5	62.9	124.7	343.9
Europe	12.1	43.1	110.3	153.2	99.4	161.4	588.4
Oceania	0.4	0.6	1.8	2.1	1.2	0.7	6.8
Non-Western							
Afghan	4.1	7.6	5.5	5.9	3.2	2.2	28.4
Brazilian	0.4	0.8	1.4	2.0	1.1	0.4	6.3
Cape Verdean	0.1	0.8	1.4	3.1	3.2	2.6	11.2
Chinese	1.1	3.7	5.8	5.8	3.7	4.5	24.6
Egyptian	0.6	0.3	1.1	3.9	3.0	0.9	9.8
Ghanaian	0.1	0.8	1.7	3.8	4.2	0.6	11.3
Hong Kong Chinese	0.1	0.5	1.2	2.4	3.6	2.5	10.2
Indian	0.4	0.5	1.7	2.4	1.7	1.8	8.6
Iranian	0.8	4.4	3.5	7.1	4.8	2.4	23.0
Iraqi	3.4	7.5	7.1	10.0	5.1	2.8	35.9
Moroccan	2.4	13.5	41.3	47.1	25.0	30.3	159.6
N. Antillean and Aruban	6.0	11.3	19.5	17.4	15.0	13.2	82.2
Pakistani	0.5	1.0	2.2	3.3	2.7	1.1	10.8
Philippine	0.3	0.6	1.5	2.1	1.7	1.0	7.2
Somali	1.1	5.5	5.6	6.0	1.9	1.1	21.1
South African	0.6	1.1	2.2	1.9	1.1	0.9	7.9
Surinamese	1.9	11.0	28.0	52.8	48.2	44.4	186.3
Turkish	2.7	11.6	42.5	63.9	30.4	34.8	185.9
Vietnamese	0.1	0.7	2.8	3.3	2.8	1.3	11.0
Other non-Western	7.7	21.3	29.7	37.9	22.3	11.5	130.5
Total	34.4	104.4	205.8	282.0	184.9	160.2	971.7

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Ethnic minorities contribute significantly to the population growth of the Netherlands. At the present time, almost half the population growth can be ascribed to immigration. Immigration, combined with the higher average fertility rate among ethnic minorities, has meant that two-thirds of the population increase in the past five years has consisted of ethnic minorities. The expectation is that in 2010 there will be two million persons of non-Western origin in the Netherlands.¹¹⁷ Although the average number of children among ethnic minorities is dropping, the fertility rate of Moroccan and Turkish women is still significantly higher than the Dutch average.¹¹⁸

¹¹⁶ Ibid., pp. 97.¹¹⁷ Ibid., p. 15.¹¹⁸ Ibid.

In recent years, almost half of the influx of immigrants not of Dutch nationality consisted of 'follow-up migrants'. They are persons who come to join their families in the Netherlands or persons who come to live in the Netherlands to marry or live in partnership. The inflow of persons who have immigrated for purposes of family reunification has shrunk and the number of persons creating new families has increased.¹¹⁹

In 2001, 133,404 (133 thousand) immigrants came to the Netherlands – 14.2 thousand non-Dutch immigrants for purposes of family reunification and 20.4 for family formation. Most of the immigrants coming for family reunification and family formation have come from Turkey and Morocco. In 2001, 3.3 thousand Turks and 3.2 thousand Moroccans came to the Netherlands to form new families. Those who came for family reunification from these countries were 1.0 thousand and 1.2 thousand respectively.¹²⁰

Immigration resulting from family formation and family reunification is extremely high. Asylum migration, however, is dropping. In 2001, the number of asylum seekers was 32,579. This number was a decrease of almost 25% with respect to 2000 (43,895).¹²¹ In 2002 the number of registered asylum seekers was 18,667, a decrease of at least 43%. As a result, the Netherlands underwent the largest change in rank in Western Europe. Whereas the country received the third highest number of claims in 2000, it fell to the fourth position in 2001 and ranked seventh in 2002.

Table 4: Population projections of people with a foreign background by group of origin¹²²

Population projections of people with a foreign background by group of origin, 2003-2050												
		People with a foreign background	Non-Western									
			Total non-Western	Africa	Asia	Latin America	Morocco	N. Antilles and Aruba	Surinam	Turkey	Indonesia	Other non-European
Generation	Periods	x 1000										
Total first and second generations	2008	3 344	1 879	223	366	79	341	146	342	380	390	69
	2013	3 686	2 113	251	443	98	384	163	358	413	380	85

¹¹⁹ Ibid., p. 17.

¹²⁰ A. Sprangers and J. Garssen, Migratie in 2001 per saldo afgenomen [Migration in 2001 decreased on balance], in: Centraal Bureau voor de Statistiek Webmagazine (10.06.2002), <http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/0985k.htm> (08.04.2003); Europese immigrantenstroom verandert [European immigration stream changes], in: Centraal Bureau voor de Statistiek Webmagazine (23.09.2002), <http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/1040k.htm> (08.04.2003); Nicolaas, H., Sprangers, A., Toename aandeel asielzoekers in immigratie [Increase in number of asylum seekers in immigration], in: Centraal Bureau voor de Statistiek Webmagazine (05.08.2002), <http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/1019k.htm> (08.04.2003).

¹²¹ UNHCR (March 2003) Asylum applications lodged in industrialized countries: levels and trends, 2000-2002, <http://www.unhcr.ch> (25/04/2003)

¹²² Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003)

	2018	4 024	2 338	281	523	119	419	181	370	441	370	104
	2023	4 338	2 551	312	603	141	448	199	379	465	359	118
	2028	4 630	2 752	343	682	163	472	217	385	486	346	130
	2033	4 903	2 939	373	758	184	492	235	388	505	331	141
	2038	5 156	3 113	403	831	206	509	252	389	521	313	152
	2043	5 389	3 270	431	898	227	523	267	386	535	291	162
	2048	5 600	3 408	458	960	246	534	282	381	544	269	172
	2050	5 678	3 458	468	984	254	537	287	379	546	260	176
First generation	2008	1 709	1 102	138	260	49	173	90	190	199	125	33
	2013	1 878	1 186	143	300	60	183	96	192	209	115	45
	2018	2 044	1 270	152	339	71	192	103	194	217	105	57
	2023	2 189	1 349	162	376	81	200	110	194	223	96	63
	2028	2 317	1 421	173	411	91	207	117	192	228	87	67
	2033	2 426	1 483	184	444	100	212	123	187	231	80	69
	2038	2 519	1 535	195	473	107	215	127	181	233	73	71
	2043	2 594	1 574	205	498	114	218	132	173	233	68	72
	2048	2 652	1 599	213	518	119	218	135	163	230	65	73
	2050	2 671	1 606	215	525	121	217	136	160	228	64	73
Second generation	2008	1 634	777	85	106	29	167	55	151	180	265	35
	2013	1 808	926	108	143	38	200	66	165	204	265	40
	2018	1 979	1 067	129	184	48	226	77	176	224	264	46
	2023	2 148	1 201	150	227	59	247	88	185	242	262	54
	2028	2 313	1 330	169	270	71	265	100	193	258	258	63
	2033	2 476	1 455	188	314	84	280	112	200	273	251	72
	2038	2 637	1 578	207	357	98	293	124	207	288	239	80
	2043	2 795	1 696	226	400	112	305	135	213	301	223	89
	2048	2 948	1 808	245	442	126	315	146	218	313	204	98
	2050	3 007	1 851	252	458	132	319	151	219	318	195	102

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Besides the differences in age and sex, there are also differences in educational level and vocation. The relative number of lower educated people is higher among the ethnic minorities than among the native Dutch (see Table 7). But differences can also be observed among the various ethnic minority groups themselves. The educational levels among Turks and Moroccans in particular are lagging behind – half of them have received no more than primary education. Men of non-Western origin are somewhat higher educated than women of non-Western origin, while more second-generation than first-generation individuals have received some form of further education.

Table 7: Educational levels of people aged 15-64 with a foreign background by sex and group of origin ¹²³

¹²³ Portegijs, W., Boelens, A., Keuzenkamp, S. (2002), Emancipatiemonitor 2002 [Emancipation Monitor 2002], Den Haag: Sociaal Cultureel Planbureau, Centraal Bureau voor de Statistiek, p. 53, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/leefsituatie/emancipatiemonitor-2002.pdf> (27.05.2003)

Educational levels of people aged 15-64 by sex and group of origin, 2001 (in %)									
		primary education	lower general secondary education	lower vocational education	higher general secondary education	intermediate vocational education	higher vocational education	university education	total = 100% (x 1000)
Women									
total		15	11	15	7	31	15	5	5 332
Dutch		12	11	16	7	33	16	5	4 324
foreign background		27	11	11	8	23	13	6	1 007
	first generation	33	10	11	8	20	12	6	654
	second generation	15	14	12	9	27	15	6	351
Western		15	11	12	9	27	17	9	514
	first generation	17	9	12	10	24	17	11	246
	second generation	13	12	12	8	30	17	7	267
non-Western		40	12	10	8	18	9	3	493
	first generation	43	10	10	7	17	9	3	408
	second generation	23	20	11	13	20	10	2	83
	Turkish	58	8	12	6	12	3	0	102
	Moroccan	57	11	10	5	12	3	2	82
	Surinamese	23	19	10	6	27	13	2	116
	N. Antillian/Aruban	29	15	14	7	22	10	3	43
	other non-western	35	9	9	13	16	13	6	150
Men									
total		13	8	15	7	33	15	9	5 469
Dutch		11	7	15	6	36	16	8	4 443
foreign background		25	9	14	9	22	13	9	1 025
	first generation	30	8	14	8	19	12	9	631
	second generation	15	12	13	11	26	14	10	392
Western		13	8	13	10	27	17	13	497
	first generation	15	7	13	8	24	17	16	208
	second generation	11	9	13	11	29	17	11	289
non-Western		36	10	14	8	17	9	6	527
	first generation	38	8	14	8	17	9	6	423
	second generation	26	19	13	11	19	7	5	103
	Turkish	48	9	18	6	11	4	3	112

	Moroccan	51	9	12	6	16	5	1	95
	Surinamese	26	13	16	6	24	10	7	104
	N. Antillian/ Aruban	22	12	17	9	27	7	7	41
	other non- western	29	9	12	12	15	13	9	175

The ethnic minority population of the Netherlands is more unevenly distributed across the country than the native Dutch population.¹²⁴ Large concentrations of ethnic minorities are located in the western part of the country, partly due to the appeal of the four big cities. The western provinces – Noord-Holland, Zuid-Holland, Utrecht and Zeeland – exert a stronger attraction on ethnic minorities than on immigrants of Western origin. On 1 January 2001, 13.4% of the total population of this region of the Netherlands consisted of ethnic minorities. In the northern provinces – Groningen, Friesland and Drenthe – that proportion was 3.7%. Of those ethnic minorities, it is mostly persons with Surinamese or Moroccan backgrounds who are so intensely concentrated in the western provinces. This is also true of the Antilleans and Turks, but to a lesser degree. The Turks are also to be found relatively frequently in the eastern Netherlands, especially in southwest Overijssel. This has to do with the nature of the initial immigration from Turkey and Morocco. Many lower educated immigrants from these countries settled as guest workers in the Randstad – the western conurbation – and the industrial cities of Twente and Noord-Brabant during the 1960s and 1970s. For this reason, these groups are still strongly represented in these areas.

Among the four largest ethnic minority groups – those from Turkey, Morocco, Surinam and the Netherlands Antilles/Aruba – it is especially striking that the pattern of spatial distribution and concentration hardly changes. Only among the Surinamese, a dispersal is taking place from the western to the eastern Netherlands. This is mainly the consequence of a heavy flow of people moving from Amsterdam to Almere. Notable developments are in evidence among the ‘younger’ groups of non-Western origin. There is no longer any concentration of Somalis in the northern Netherlands, for instance, although there is a stronger concentration in the western and southern Netherlands. Tilburg in particular seems to exert a great attraction on this group. Afghans, on the other hand, who initially were underrepresented in the northern Netherlands, have become uniformly distributed across all the parts of the country in recent years. It is becoming significantly less common to encounter persons from Iraq and Iran in the southern provinces.

Most second-generation persons aged 25 and older have left their parents’ home by now. The size of this group is 620 thousand persons. The second generation of immigrants of Western origin has spread itself more uniformly across the Netherlands (except for the southern Netherlands) than the Western first generation. By contrast, the concentration of ethnic minorities in the western Netherlands has increased from the first to the second generation, although a shift did take place among second-generation Surinamese and Moroccans over the age of 25 from the western to the eastern and southern Netherlands.

There is a substantial overrepresentation of ethnic minorities in the four big cities. In 2001, almost 30% of the population of these cities was of non-Western origin, in comparison with 9.3% for the Netherlands as a whole. Of the four big cities, the

¹²⁴ CBS (2003), *Allochtonen in 2002* [Ethnic minorities in 2002], Voorburg: CBS, pp. 23-25.

proportion of ethnic minorities is highest in Amsterdam and Rotterdam, with almost 32%, and lowest in Utrecht, with upwards of around 19%.

About three-quarters of the total population of non-Western origin in the four big cities consist of Surinamese, Moroccans, Turks and Antilleans/Arubans.

There are substantial differences among the big cities themselves, however, in the distribution based on origin. In Amsterdam and The Hague, Surinamese make up approximately one-third of the total number of ethnic minorities, while in Utrecht that proportion is only one-seventh. There, Moroccans are the largest group by far, with 42% of the total. In The Hague and Rotterdam there are considerably fewer Moroccans. Turks are more uniformly spread throughout the four big cities, although their proportion in Amsterdam is relatively low. Finally, Antilleans and Arubans are most strongly represented in Rotterdam and The Hague.

By imposition of the Dutch government, Moluccans were settled 'temporarily' in rural, sometimes even remote, areas of the country. Though they are increasingly moving away from these areas, they are still the least likely of all the immigrant groups to be found in big cities.

ALIENS ACT

The Dutch government expects the proportion of ethnic minorities to increase, despite measures that will be taken to limit the inflow of such groups.¹²⁵ A stricter immigration policy for those entering the Netherlands from countries outside the European Union was the aim of the new Aliens Act 2000 (*Vreemdelingenwet 2000*).¹²⁶ For immigrants with a temporary residence permit (*machtiging tot voorlopig verblijf*, or *MVV*), the most significant change in the Aliens Act, which came into force in April 2001, is that there is now only one status (in theory) in the Netherlands.¹²⁷ A person can be granted a single form of temporary status for one year (renewable twice) if he or she fulfils one of the following criteria:

He is a Convention refugee (someone with objective reasons to claim that he or she will face genuine risk if deported -- risk of torture, inhuman or cruel treatment or punishment);

He is a person who, for humanitarian reasons (such as, but not exclusively, a violent widespread conflict), has fled the situation in his country of origin;

He is the spouse or minor child of someone of the same nationality who is granted status in the Netherlands on one of the above grounds, and who has travelled with, or followed, the main applicant within a period which does not exceed three months;

¹²⁵ Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, no. 2, p. 4, <http://www.overheid.nl> (25/04/2003)

¹²⁶ Fermin, A., The justification of mandatory integration programmes for new immigrants. Summary of the Dutch report 'Verplichte inburgering van nieuwkomers' (Utrecht University, European Research Centre on Migration and Ethnic Relations, ERCOMER Research Paper 2001/01), http://www.ercomer.org/publish/reports/Alfons_report_Verplichte_Inburgering.pdf (25/04/2003).

¹²⁷ Wet van 23 november 2000 tot algehele herziening van de Vreemdelingenwet [Act dated 23 November 2000 for a general revision of the Aliens Act 2000], *Staatsblad* [Bulletin of Acts and Decrees] 2001, 142, <http://www.overheid.nl> (25/04/2003)

He is the dependent partner or child over 18 of the person recognised (Article 29, Dutch Aliens Act 2000).

The status of those fulfilling these criteria is converted to that of permanent resident if, at the end of the three years with temporary status, returning to the country of origin proves impossible. The government is also committed to a maximum six-month processing period to assess each claim. In exceptional circumstances, such as a mass influx, the government has allowed an additional year to process some claims.

Reports in the Netherlands suggest the new law is having some effect. While the level of asylum claims in Western Europe as a whole remained stable, the number of asylum applications in the Netherlands dropped from 43,895 in 2000 to 32,579 (a 25% decrease) in 2001, to 18,667 (a 43% decrease) in 2002.¹²⁸

Any discussion of asylum in the Netherlands must make note of one unusual feature of the pattern of arrivals to the country in recent years. In 2000, 15 percent (6,705) of all the asylum seekers in the Netherlands were unaccompanied minors. The top five countries of origin were Angola, China, Guinea, Sierra Leone, and Somalia. Fully two-thirds of all asylum claims from China in the Netherlands were being made by children arriving alone. This figure was 59% for Guinea and 49% for Angola. The level of claims by unaccompanied minors was not nearly this high in other European countries. The EU average in 2000 was 3.5% of the total asylum claims. For Germany the figure was 1% (946 unaccompanied minors), for the UK 3% (2,733 unaccompanied minors), and for Portugal 5% (10 out of the 200 total asylum claims).¹²⁹

Various factors are presumed to contribute to the high numbers of unaccompanied minors in the Netherlands. Suggestions range from the level of educational opportunities offered to asylum seekers and refugees to the existence of a thriving sex industry. However, the real motives remain unknown. In response to this phenomenon, the Ministry of Justice created a new policy on unaccompanied minors in 2000, which began to be implemented in 2001. The focus is on the return of these children to their countries of origin, with provisions such as special arrangements for monitoring via the International Organisation for Migration in China. The policy also provides for a medical examination of the claimant to ensure that the child is under 18; this is primarily done using x-rays of the collarbone.

FOREIGN NATIONAL EMPLOYMENT ACT

The Foreign Nationals Employment Act (Wet Arbeid Vreemdelingen, or WAV)¹³⁰ governs the take-up of employment by non-EU foreigners and their integration into the

¹²⁸ UNHCR (March 2003) Asylum applications lodged in industrialized countries: levels and trends, 2000-2002.

¹²⁹ UNHCR (November 2001), Trends in unaccompanied and separated children seeking asylum in Europe, 2000, <http://www.unhcr.ch> (25/04/2003)

¹³⁰ Wet van 21 december 1994, tot vaststelling van de Wet arbeid vreemdelingen [Act dated 21 December 1994 for the adoption of the Foreign Nationals Employment Act], Staatsblad [Bulletin of Acts and Decrees] 1994, 959, <http://www.overheid.nl> (25/04/2003)

Dutch labour market.¹³¹ This law went into effect in January 1995 and replaced the Foreign Workers Employment Act (Wet Arbeid Buitenlandse Werknemers, or WABW) of 1979. Under this law employers will not be issued a work permit for non-EU foreigners so quickly, and the work permit will only be granted subject to a number of conditions. In addition, the central labour market authority will set a time limit for such work permits. A modification to the Dutch employment law stipulates that non-EU foreigners who are not permitted to work in the Netherlands will not be able to register with the employment office.

In principle employers wishing to hire a foreign national in the Netherlands require a work permit. For this purpose, an employer is any person who has somebody working for him. This means that the employment of foreign nationals for domestic or other personal services is covered by the law. And unlike in the previous legislation, this now also applies to the public administration. In the case of sub-contractors or agency work, it is the final contractor who is responsible. The final contractor does not, however, require a new permit if the sub-contractor or the placement agency has already presented a work permit. For the purpose of the law foreigners are all those not in possession of Dutch nationality. The law does not apply to au-pairs.

A work permit is not required for the employment of persons from member states of the European Union or countries of equivalent status (Scandinavia, Austria and Iceland). No work permit is required for foreigners possessing a residence permit issued by the Ministry of Justice, provided it is clear from this residence permit that no restrictions have been placed on taking up paid employment. The Ministry of Justice has removed these restrictions on foreigners who are entitled to live and work in the Netherlands, that is foreigners with a residence entitlement, refugees, or those who have held a residence permit for more than three years. In future employers will be able to see from all new residence permits whether the foreigner in question is allowed to work in the Netherlands or not.

An employer seeking to fill a vacancy should do everything in his power to fill this vacancy with a person from the so-called 'priority labour supply', which is made up of persons requiring no work permits. At least five weeks before the employer applies for a work permit he must have registered the vacancy with the employment office. In addition he must also conduct an active search himself, e. g. by placing advertisements or offering retraining or further training opportunities. If it becomes apparent that the employer is unable to fill the vacancy and no suitable person can be found by the employment office, the central labour market authority is empowered to grant a work permit. Normally a work permit will be granted within five weeks.

NEWCOMERS INTEGRATION ACT

In the early sixties the Dutch government assumed that the labour migrants would stay temporarily. Policy focusing on the integration of these groups was not under discussion. In practice, however, it became apparent that they had come for good, had brought their

¹³¹ Fermin, A., The justification of mandatory integration programmes for new immigrants.

families over, and that their children were growing up here. As a result the government's perception of the assumed temporary stay of these people gradually changed.¹³²

The people who chose to build up an existence in the Netherlands had a lot of catching up to do in comparison with the native Dutch population, and at the same time society was insufficiently equipped to handle them. Most immigrants encountered gaps in education, work and housing that seemed impossible for them to overcome on their own. In addition, there were barriers in society that thwarted the integration process. Intervention by the government was required. The Ministry of Home Affairs and Kingdom Relationships played a co-ordinating role.

In 1998 a separate portfolio was created within the Ministry of Home Affairs and Kingdom Relationships for the Large Cities and Integration Policy. The Netherlands indicated it was more serious than it had been about the integration of minorities by appointing a special state secretary (or junior minister).¹³³

The most important tasks of this state secretary are promoting and guarding the coherence of the integration policy; checking the extent to which the objectives of the integration policy have been realised; determining whether the relevant policy intentions of the various departments are compatible with the objectives of the minorities policy and signalling when announced intentions fail to materialise; where necessary taking the initiative to develop, adjust and evaluate policy; promote communication among all organisations involved in the minorities policy; and make a coherent presentation of the minorities policy.

One of the main priorities of this policy is to ensure that newcomers are able to manage for themselves in society as quickly as possible. Getting settled is a first step in the integration process. Getting settled procedures ensure that newcomers learn the Dutch language, acquire a first insight into the social and political relationships in our society and acquire some knowledge of the Dutch labour market. This integration strategy is laid down in the Newcomers Integration Act (Wet Inburgering Nieuwkomers, or WIN).¹³⁴

On 30 September 1998, WIN went into force in the Netherlands, establishing the rights and obligations of newly arrived adult immigrants concerning settlement or integration programmes.¹³⁵ The rationale behind the policy is that newly arrived adult immigrants should acquire a basic knowledge of the Dutch language, society and labour market as soon as possible, because this is essential for functioning independently in Dutch society in general and for participating in further education and the labour market in particular. They should be offered preparation and guidance in taking their first steps in the new society as soon as possible, to avoid the formation of new disadvantaged groups and

¹³² Beetz, F. van (2000), The legal instruments required in the strategy for a successful integration policy in The Netherlands. Strategies for implementing integration policies proceedings (Prague, 4-6 May 2000), <http://www.social.coe.int/en/cohesion/action/publi/migrants/beetzen.htm> (25/04/2003)

¹³³ Following the change of government in 2002, a Minister for Integration and Immigration was appointed.

¹³⁴ Wet van 9 april 1998, houdende regels met betrekking tot de inburgering van nieuwkomers in de Nederlandse samenleving (Wet inburgering nieuwkomers) [Act of 9 April 1998, providing for regulations concerning the integration of newcomers in Dutch society (Newcomers Integration Act)], Staatsblad [Bulletin of Acts and Decrees] 1998, 533, <http://www.overheid.nl> (25/04/2003)

¹³⁵ Fermin, A., The justification of mandatory integration programmes for new immigrants.

dependence on public support. The first responsibility for implementing the integration policy lies with the municipalities. But the central government defines the parameters of this policy by means of financial support, rules and laws such as WIN.

The target group of WIN consists of newly arrived immigrants aged 16 years or older who are settling in the Netherlands for the first time on a non-temporary basis. An exemption is made for persons who, pursuant to international treaties, may not be obliged to participate in such programmes, especially citizens of the European Union. Included in the target group, however, are Dutch nationals from the overseas parts of the Kingdom, from the Netherlands Antilles and Aruba.

Newcomers are obliged to report for an integration inquiry within six weeks after arriving in a municipality or receiving a residence permit. Exemptions are possible on certain grounds. The integration inquiry is conducted to determine the need for, and the make-up of the programme. Previous knowledge, previous training and work experience are taken into account in the inquiry, to determine to what extent the newcomer is under risk of becoming underprivileged and in which parts of the integration programme participation is necessary. The inquiry is concluded with a decision by the municipality specifying the programme that the newcomer is obliged to follow.

Within four months after applying for integration the newcomer is required to enrol at an educational institution. The integration programme consists of an educational section of approximately 600 hours: courses in Dutch as a second language (NT2), Social Orientation and Vocational Orientation. The programme concludes with a final test on NT2 and Social Orientation no later than 12 months after the enrolment at the educational institution. In addition to these courses, the newcomer receives general programme coaching and social counselling. The general programme coach should personally assist the newcomer, he or she should provide support if necessary and help to motivate the newcomer. The total programme is concluded no more than six months after the final test with a referral to the labour exchange, a follow-up course or other follow-up activities. So the total duration of the programme is close to two years at the most.

WIN specifies the obligations of newcomers and municipalities concerning the settlement programme. The newcomer is obliged to apply for the integration inquiry, to register with the educational institution and participate in the training, to take the final test and to participate in other parts of the integration programme. The Act stipulates sanctions for newcomers who fail to meet their obligations: reduction of benefit payments or fines. In turn, the municipalities are obliged to ensure that all newcomers in need of a settlement programme are offered an adequate one.

Local integration policy was given new impetus from the introduction of WIN.¹³⁶ The educational supply improved gradually, both quantitatively and qualitatively. However, in 2001 even the central government recognised that the policy had not yet succeeded due to several problems with its implementation on local level. Evaluation studies revealed that many municipalities have problems with organising the cooperation of the many organisations and agencies concerned. Most newcomers failed to acquire sufficient command of the Dutch language within the allotted 600 hours for a referral to the labour exchange, although this was a central goal of the policy. The disappointing results were

¹³⁶ Odé, A., Brink, M., (2002) Evaluatie effectiviteit Wet Inburgering Nieuwkomers: verscheidenheid in integratie [Evaluation of the effectiveness of the Newcomers Integration Act: diversity in integration], in: *Migrantenrecht*, vol. 17, no. 5, pp. 154-158.

also caused by the fact that municipalities could rarely provide made-to-measure programmes for the heterogeneous group of newcomers, and by high dropout and absenteeism rates. At the same time, municipalities seldom impose the sanctions WIN stipulates because they consider the sanctions ineffective or unjustified given the actual low supply of programmes. Another reason is that municipalities prefer positive sanctions over negative ones. Furthermore, as an unintended side effect, the increase in the number of newcomers has occurred at the expense of the number of Dutch courses for those immigrants who have been in the Netherlands for quite some time without having acquired enough language skills for self-sufficiency (these immigrants are known as 'oldcomers').

In response to these disappointing results, the central government set out to initiate improvements and adjustments in the newcomer integration policy. An integration task force was established by the government to further this aim and a separate policy for the integration of oldcomers was developed. At the same time WIN's target group has been redefined. First, an act was passed to oblige specific groups of immigrants who have temporary residence permits but fulfil functions of social importance - such as clergymen (especially imams) – to participate in an integration programme. Second, the introduction of the Aliens Act 2000 was accompanied by another change in the target group; from then on immigrants with temporary residence were also included in WIN.