

**Rutu Foundation for Intercultural
Multilingual Education**

**Language-Based Exclusion, Punishment
and Discrimination in Dutch Education**

**Update to the Alternative Report in relation to the combined
twenty-second to twenty-fourth reports of the Netherlands to the
U.N. Committee on the Elimination of Racial Discrimination**

101st session (20 April – 08 May 2020)

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Introduction

With this submission, the Rutu Foundation wishes to update the UN Committee on the Elimination of Racial Discrimination (CERD) on legal, political and social developments that occurred between submitting our Alternative Report in March 2020¹ and July 2021, for the purpose of discussion during the state party review of the Netherlands.

Content:

1. General update on racism, discrimination and education in the Netherlands
2. Update on Language-Based Exclusion, Punishment and Discrimination in Education.
3. Conclusions, Recommendations and Questions for the State

1. General update on racism, discrimination and education in the Netherlands

Since the murder of George Floyd in the United States, there have been worldwide protests against discrimination and racism, including in the Netherlands. This has put in motion a number of actions:

- On 25 March, 2021, the International Day of Remembrance for Victims of Slavery, a 48-page “[Black Manifesto](#)” (*Zwart Manifest*) was presented by a coalition of Black organisations: Stichting Nederland Wordt Beter (NLWB), The Black Archives/New Urban Collective (TBA/NUC), Black Queer & Trans Resistance NL (BQTR) and actiegroep Kick Out Zwarte Piet (KOZP). The document is based on meetings across the country, interviews, online questionnaires and input from experts from IZI Solutions, Controle Alt Delete, Stichting We Promise, Stichting IXL Sickle Cell Awareness and Zetje In. It is supported by over a hundred organisations. The Black Manifesto aims to eradicate institutional anti-Black racism and includes requirements and recommendations to effectively address anti-Black racism in twelve different sectors including education.
- Following a debate on institutional racism on 1 July 2020, the government announced the appointment of a National Coordinator against Discrimination and Racism (NCDR). The Coordinator, [appointed for three years](#), is to create a national programme to combat discrimination and racism and monitor its progress. Also, a government commission (Staatscommissie) will be established to provide insight into discrimination within the Dutch government and provide new (academic) insights and recommendations which can be addressed by the NCDR and included in the national programme.
- In reaction to a [petition started by three](#) teenagers, which received over 60,000 signatures, the Dutch government announced that it will introduce legislation to ensure racism and discrimination are included in the curriculum for primary education. This is still in progress.
- In March 2021, the Senate started a [parliamentary inquiry into the effectiveness of anti-discrimination legislation](#), with a focus including education. The inquiry will look into “[b]oth the causes and the solutions [regarding] the role that parliament plays or can play, both in the legislative process and in the control of the policy for which ministers are accountable in chambers. The main issue here is to clarify where obstacles occur in the chain from legislation to policy regarding effects and experiences and what parliament can do to prevent or redress such

¹ Rutu Foundation, *Alternative Report in relation to the combined twenty-second to twenty-fourth reports of the Netherlands to the U.N. Committee on the Elimination of Racial Discrimination*, 27 March 2020. <https://www.rutufoundation.org/wp-content/uploads/2020/03/Rutu-Foundation-Alternative-Report-to-CERD-on-Netherlands-27-March-2020-final-report.pdf>

faltering. The analysis will have to answer the question of where in this chain the effect of anti-discriminatory intentions stagnates so that the effectiveness of legislation is undermined.”

Expert meeting on racism and children's rights (September 2020)

Despite the increased attention on racism, there has been little discussion on its effects on children. This is why in September 2020, the NGO Coalition for Children's Rights (*Kinderrechtencollectief*), the Rutu Foundation, and the city district council of South-East Amsterdam organised an [expert meeting](#) about racism and children's rights in the Netherlands. A [discussion paper](#) was drafted and reviewed by experts in the domains of education and social services.

With regard to education, it was found that in the Netherlands:

- Children experience discrimination in education, leisure, online, on the streets, in youth care and in the juvenile criminal law system.
- In 2013, eight percent of all students and children of school age had an experience with discrimination in education. This increased to fifteen percent in 2018.²
- Three percent of all students and pupils dropped out of their education as a result of discrimination.³
- More than half of LGB children and children with a migration background experience discrimination at school.⁴
- Children with a migration background are overrepresented in special education in the Netherlands.⁵
- Children with a migration background are more likely to face discrimination in admissions and to obtain lower secondary school advice from their teacher.⁶
- The content of educational materials often contains stereotypical images. For example, history books regularly contain racist and colonial stereotypes.

Conclusions and recommendations on education:

- The curriculum and teacher training programs lack the requisite knowledge about racism, discrimination, and the concurrent obligations that arise from human rights treaties. This should become a mandatory part of the curriculum and of teacher training.
- Complaint mechanisms should be made more accessible. Victims often do not know that they can file a complaint, and experience discrimination as something “that’s just part of being a minority.”
- Sharing good practices such as the [Language Friendly School](#), which aims at culturally and linguistically inclusive schools should be encouraged.

The 2021 Report of the Dutch NGO Coalition for Children's Rights to the UN Committee on the Rights of the Children (CRC) also recommended to:

² The Netherlands Institute for Social Research (SCP) (2020) *Ervaren discriminatie in Nederland II*. <https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

³ Idem.

⁴ Idem.

⁵ ECRI Report on The Netherlands, Fifth Monitoring Cycle (2019), pg. 27-28. <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

⁶ Dienst Onderzoek, informatie en statistiek, 10 september 2020, Amsterdamse schoolloopbanen: verschillende leerlingen, ongelijke kansen, <https://data.amsterdam.nl/artikelen/artikel/amsterdamse-schoolloopbanen-verschillende-leerlingen-ongelijke-kansen/086ba4e7-24a9-4244-8a08-08ccb9d5f321/>

- Provide schools with tools to implement inclusive language policy and remove teaching materials with discriminatory and racist content.

Alarming use of new terminology - “experienced discrimination” - by state-funded organisation tasked with combatting discrimination and racism in schools

On 1 June 2021, the Minister of Interior Affairs and Kingdom Relations answered questions on the current situation of discrimination and racism, posed by two members of parliament from the political party DENK. In response to the question of what concrete measures are currently taken to resist discrimination and racism in education, the Minister referred to the organisation Stichting School en Veiligheid (Foundation for School and Safety), which is almost fully subsidized by the state⁷ and which, according to the Minister, offers support for schools on “culturally sensitive issues in education and combatting discrimination and racism in the classroom”.⁸

Disturbingly, the Stichting School and Safety provides a completely new definition of discrimination. Under the section “[About Discrimination](#)”, it is stated that there are two forms of discrimination: “factual discrimination” and “experienced discrimination”. According to School and Safety, “factual discrimination means making unjustified differences in the treatment of people”, whereas “experienced discrimination” means that even if there is no formal or legal discrimination, people may still feel discriminated against. School and Safety made reference to a 2019 report by the Netherlands Institute for Social Research (*Sociaal Cultureel Planbureau*) entitled “[Experienced Discrimination](#)” (“Ervaren Discriminatie”), which is a study on the extent to which Dutch citizens experienced discrimination on various grounds.

We find the use of this new terminology worrying - especially in the Dutch context of disavowal and denial of racism⁹ - as it implies that there are forms of discrimination that are not real but imaginary, existing only in the minds of the victims.

2. Update on Language-Based Exclusion, Punishment and Discrimination in Education

New publication: Redressing language-based exclusion and punishment in education and the Language Friendly School initiative.

In this peer-reviewed article, Deena Hurwitz, JD (international advisory board member of the Rutu Foundation) and Ellen-Rose Kambel, PhD (founder/director of the Rutu Foundation), examine the human rights implications when students are banned from using their home language at school, by referring to

⁷ In 2020, the Stichting School and Safety received a 2.7 million euro subsidy from the State out of its total budget of 2.9 million.

⁸ Antwoorden van de minister van Binnenlandse Zaken en Koninkrijksrelatie op de vragen van de leden Van Baarle en Azarkan (beiden DENK) aan de ministers van Binnenlandse Zaken en Koninkrijksrelaties en van Justitie en Veiligheid over de huidige stand van zaken met betrekking tot discriminatie en racisme in Nederland. (Ingezonden op 15 april 2021, 2021 Z06129), pg. 2-3.

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/01/beantwoording-kamervragen-over-stand-van-zaken-discriminatie-en-racisme-in-nederland/beantwoording-kamervragen-over-stand-van-zaken-met-betrekking-tot-discriminatie-en-racisme-in-nederland.pdf>

⁹ See Philomena Essed & Isabel Hoving 2014 (eds.), *Dutch Racism*. Amsterdam: Thamyris; Gloria Wekker (2016). *White Innocence. Paradoxes of Colonialism and Race*. Duke University Press: Durham/London.

the international instruments regarding children's rights in education, with a focus on the European context and its relevant framework.¹⁰

Teachers admit prohibiting the use of another language than Dutch and doling out punishments against children who don't speak Dutch in the classroom

In February 2021, Dutch national newspaper *De Volkskrant* published an [interview with a teacher](#) who said children who speak a language other than Dutch in her classroom, must stay behind during the lunch break and write lines. She believed this was the best way for her multilingual students to learn Dutch.

In January 2021, we conducted an interview with two teachers from one of our Language Friendly Schools.¹¹ They related that less than a year ago, it was customary for them to tell their students not to use their home languages. After participating in a webinar on teaching Dutch to children who speak a different language, they learned about the significance of the home language for multilingual students, and they changed their approach: "We realized we have to change the way we look at our children".

Both examples show, that although comprehensive data is absent, language-based exclusion, punishment and discrimination in education persists in the Netherlands. As pointed out in our [Alternative Report](#), children who are allowed to use the language they know best, are able to use their full linguistic and learning potential. This strengthens their cognitive development and boosts learning the school language.

In the same week that the *Volkskrant* article was published, UNESCO celebrated International Mother Language Day, this year with the theme of 'language inclusion at school and in society'. UNESCO Chief, Audrey Azoulay said in her message for the Day that "This is essential because when 40 percent of the world's inhabitants do not have access to education in the language they speak or understand best, it hinders their learning, as well as their access to heritage and cultural expressions" and that "this year, special attention is being paid to multilingual education from early childhood, so that for children, their mother tongue is always an asset."

3. Conclusions, Recommendations and Questions to the State

Regrettably, it required the death of a black man and massive street protests for the Dutch government to start taking structural racism in education more seriously. We welcome the announcement to institute legislation making racism and discrimination a required part of the curriculum in primary and secondary school, the establishment of a National Coordinator and a parliamentary inquiry into the effectiveness of anti-discrimination legislation. However, these are only initial steps, and concrete action must be taken and sufficient financial means should be allocated if racial discrimination is to be fully eradicated in Dutch education.

Recommended Questions to the Government of the Netherlands:

With regard to language-based exclusion, discrimination and punishment, we would like to reiterate the question posed in our Alternative Report:

¹⁰ DR Hurwitz & ER Kambel 'Redressing language-based exclusion and punishment in education and the Language Friendly School initiative' (2020) 4 Global Campus Human Rights Journal 5-24 <http://doi.org/20.500.11825/1707>

¹¹ The Language Friendly School is a school label and a network of schools who welcome and value all languages spoken by their students. There are currently 15 member schools in the network, with the majority based in the Netherlands. See: www.languagefriendlyschool.org.

The government seeks to ensure that the needs of everyone in the Netherlands, regardless of origin, religion or belief, are addressed by mainstream policy in fields, such as education ... (State Report, para.70).

- **How will the State ensure that multilingual students with a migrant or minority background are not excluded, restricted or punished for speaking their home languages at school, and that all parents are free to use their own language with their children when they visit their schools?**

In addition, we ask that the State :

- collect data on language discrimination in education;
- develop an anti-language discrimination awareness campaign; and
- institutionalize teacher training on multilingual education.

With regard to racial discrimination in education in general:

The legislation announced by the government to include the topics of racism and discrimination in primary and secondary school curriculums is welcomed. Considering the lack of knowledge among teachers about racism, discrimination and related human rights standards, this should also be extended to teacher training programmes.

- **Is the government willing to make racial discrimination and human rights standards on discrimination a mandatory component of teacher training?**
- **How will the State ensure that complaint mechanisms are more accessible for children and youth to report on racism and discrimination?**

With regard to incorrect definitions of discrimination:

- **How will the State ensure that all its branches, including state-subsidized private institutions, abide by internationally recognized definitions of discrimination and put an end to the use of incorrect definitions of discrimination that imply discrimination is not real but imagined by victims.**