

Stichting Nationaal Monument Nederlands Slavernijverleden

Landelijk Platform Slavernijverleden

Contribution for

The 87th session of the Committee on the Elimination of Racial Discrimination (CERD)
regarding the 19 – 21 periodic reports of the Kingdom of the Netherlands on the
implementation of the International Convention on the Elimination of all forms of Racial
Discrimination,

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From

Foundation National Monument Dutch Slavery Past
(Landelijk Platform Slavernijverleden)

With support of

Tiye International
Foundation African European Women's Movement 'Sophiedela'
African World Studies Institute the Netherlands
African and People of African Descendant Networks the Netherlands

The Hague, June 10, 2015
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1. Introduction

This current NGO shadow report from the National Monument of the Dutch Slavery Past (LPS) is supported by the following organizations based in the Netherlands:

- * African and People of African descent Networks in the Netherlands;
- * The African European Women's movement 'Sophiedela';
- * The African World Studies Institute (STAWSI);
- * PANAFSTRAG Europe/NL;
- * Tiye International, the umbrella NGO of 21 National Associations of Black, Migrant and Refugee Women and Youth in The Netherlands, has since 1998 Special Consultative Status with the ECOSOC of the United Nations.

The National Monument of the Dutch Slavery Past (herein after LPS) is affiliated with Tiye International.

We thank the CERD for the opportunity to submit our shadow report to the Committee. We speak out the hope that it will take into considerations during the upcoming 87th session of the CERD regarding the 19 – 21 periodic reports of the Kingdom of the Netherlands on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination and prior to that during the lunchtime briefing.

We have focused on the following priority issues of concern

1. The implementation of the DDPA 2001 & affiliated resolutions such as the outcomes of the Durban Review 2009
2. Recognition of People of African Descent
3. Racist stereotypes and Cultural historical traditions

Topic 1: regards the implementation of the Durban Declaration and Program of Action 2001 (DDPA) and the Outcomes of the Durban Review 2009 (DR)

This issue is an ongoing concern for African People and People of African descent in the Netherlands. Two of the questions of the CERD regarding the periodic review Seventy-sixth session 15 February – 12 March 2010 were about the questions and answers of article number 4 and 5.

Question 4 of the CERD was

4. After ratifying the Durban declaration in 2001, the Dutch government instituted a National Action Plan against racism effective until 2007. The government which took office in 2007 announced that a new action plan against racism would be launched. Please provide information on the preparation of a new action plan against racism, and on whether the recommendations of the 2009 Durban Review Conference will be included in its formulation.

The Dutch Government answered as follows:

In December 2003 the National Action Plan against racism was sent to parliament. Subsequently, in July 2007, parliament was informed about the progress that had been made with it in the interim. In November 2009, a general letter on integration was sent to parliament with a chapter on racism incorporating recommendations contained in international treaties and, where relevant, those of the Durban Review Conference of 2009. This letter discusses the three prongs of the current policy: combating racial discrimination with the help of anti-discrimination services, the police and the public prosecution service; boosting the resilience of victims; and the professionalization of organisations involved in combating discrimination.

Than the CERD recommended as follows:

A cite: C. Concerns and recommendations

4. While acknowledging that the Government's letter to Parliament on integration (November 2009) contains information on policies and measures to combat discrimination, the Committee notes that the letter does not constitute an adequate replacement for the comprehensive plan of action to combat discrimination that had been in place until 2007. The Committee is also concerned that the current policy on integration has effectively shifted the primary responsibility for integration from the State to immigrant communities. (art. 2)

The Committee recommends that the State party proceed with the expeditious preparation and implementation of a plan of action to address discrimination in all areas covered by the Convention. It also recommends that the State party ensure that its integration policies reflect an appropriate balance between the responsibilities of the State under the Convention and the responsibilities of immigrant communities.

About the state of the development

Here we would like to bring the following under the attention of the CERD and that is that the recommendation of the CERD until to date did not lead to the development of a National

Action Plan against racism according to the UN Durban Declaration and Programme of Action (DDPA) and as far it concern People of African descent.

We must not forget the historical importance of the DDPA in several issues of racial discrimination concerns. The DDPA also provided an understanding and clear analyses of the emergence of the present day world and the deep roots of racism in the trans-Atlantic slave trade and colonial era. For our constituences, People of African descent, living in the Netherlands, the DDPA were historic. It acknowledge that the "...transatlantic slave trade [is] among the major source and manifestations of racism..." and that Africans and People of African descent continue to be victims of [its] consequences. The Declaration expressed a commitment to African and People of African descent, including the eradication of all forms of racism, racial intolerance, xenophobia and other intolerance faced by African and People of African descent. These Declarations were accompanied by very specific Programme of Action.

Our observation is that The Dutch Government has demonstrated with its answer in 2010 on the question of the CERD and with their (continues) policies until to date (what People of African descent in the Netherlands had brought in several occasions to the attention of * the Dutch Cabinet, * The Dutch National Parliament, * UN Bodies, for instance in 2011 during the UNGA High level panel on the occasion of the ten years anniversary of the DDPA, * Interdepartmental Meetings regarding the combat of Racism, before and during the Durban Review 2009 on regional and International level and towards the decision-making process of the UN International Decade for People of African descent) that they do not have any pretention to implement the DDPA or to realise specific measures to combat Afrophobia.

Recommendation

We recommend the CERD to appoint the Dutch Government to adopt a National Action Plan (NAP) within the framework of the UN Decade for People of African descent and that the Government take into account the DDPA. To develop the NAP in close consultation and cooperation with representative groups of people of African descent in Netherlands.

Topic 2: Recognition people of African descents

On the Question of the CERD: we quote Article Number 5:

Organizations representing Africans and people of African descent in the Netherlands have been pleading for recognition as a specific group. They apparently wish to benefit from policy measures aimed at preventing racial discrimination. Is the Government addressing this issue?

The Dutch Government answered

Dutch government policy is problem-centred, rather than group-centred. The Netherlands does not tailor policy to individual groups. Consequently, 'recognising' the African community is not an option. The Municipal Anti-Discrimination Services Act, which entered into force on 28 July 2009, obliges municipalities to provide easily accessible facilities for handling complaints about discrimination from members of the public. Like everyone else living in the Netherlands, people of African origin can use these services if they feel they have been subjected to discrimination. They can also contact other bodies that deal with this issue, such as the Equal Treatment Commission or the police. The Dutch government does not make distinctions between groups in this respect.

The CERD concluded as follows

A cite:

14. The Committee notes the absence, in the State party's report, of detailed information on the socio-economic situation of minority groups resident in the State party, including Muslims, Roma and persons of Surinamese and African descent. It is, nevertheless, aware of information that a significant number of persons belonging to ethnic minorities experience social marginalisation and discrimination, particularly in the areas of education, health and housing. (art. 5)

End of cite

Our observation

As far it concerns People of African descent our conclusion is that until to date the conclusion of the CERD remain the same. The Dutch governmental policies did not lead to the recognition of People of African descent as a specific (target) group. This situation makes it clear that detailed information when it concern People of African descent remains a problem.

While it must noted here that People of African descent are still experienced the non-interest of the Dutch Government to implement the DDPA. The non-interest is also at the side of some Dutch NGOs who succeeded in their false alarm of demonising the DDPA from the moment the DDPA was adopted in 2001. There is a large allergy perceptible at the Dutch Government when it concern the DDPA and the mentioning of the DDPA in policy documents.

Within the perspective of the UN Decade for People of African descent, members of organisations, networks and experts of People of African descents in the Netheralnds put hands together and initiated a Joint AAD NGO Position Paper (nov.2014) that was hand over to the Dutch Government. The Position Paper includes recommendations for the implementation of the UN Decade Programme of Action including the DDPA and for the recognition of People of African descent.

A step forward is that the Dutch Cabinet has apointed the vice prime Minister (Ascher) as the coordinator minister of the implementation of the UN Decade for People of African descent Program of Action.

We strongly believe and insist that the outcome of the 2001 Durban Conference is and must be recognized on an equal level with the outcomes of other major United Nations conferences, Summits and Special sessions and that strong and concerted actions need to be taken by the Dutch Government with a voice for the Civil Society to reinforce its standing and rightful place at the top of the agenda of global priorities.

In a letter to the Second Chamber, recently in April, the minister of Internal affairs has pointed out that **a cite:**

Discrimination based on skin colour is a specific concern. One of the reasons for the ferocity of the debate on Black Pete is that people with, for example, a Surinamese or Antillean

background, still relatively often confronted with racism, especially on the labour market and that in 2015 a study will realise discrimination based on skin color.

End of citate

In the letter the minister did not link the issue of Black Pete at all with Racism inherent at the cultural historical Santa Claus Tradition. Not one word has been spent on that. The big problem is that the Dutch do not see the Santa Claus Black Pete event as carry racist elements. They see it as a tradition for children.

Because we wish to benefit from policy measures aimed at preventing racial discrimination. People of African descent are not in a position to make use of the services of the anti-racism bureaus because there is a lack of knowledge by these so called anti racism bureaus of Afrophobia and how anti black and institutional racism have an impact on the African and African descendants individuals and groups.

In 2011 the Dutch Cabinet change their Integration policy into one whereby all what people of African descent ask in the sphere of policies to combat all multiple forms of discrimination the respond of the government is that "...The Netherlands does not tailor policy to individual groups...". In a letter, dated Februari 6, 2012 to National Monument of the Dutch Slavery past, the prime minister President (Rutte) in his anwer to this organisation stated that: **a citate** *Finally I would like to emphezize that the equality of all people is central for the Cabinet, we do not judge people on their roots but on their future, not on their relegion but on their behaviour, not as group but as an indivudu. The government is treating all citizens and residents in our country as equal and doesnt discriminate...*

End of citate

This was to make people of African descent understand that no specific measures to combat Afrophobia wil realise by the government. The government are still of the opinion that their current anti racism/discrimination policy, meassures and instruments are enough to combat Afrophobia.

While our observation is that in several governmental documents/Reports regarding anti racism policy you can read about Anti-Semitism, Homo- and Transgender phobia, Islamophobia even about Roma and Sintis, including statistics and specific projects to combat the specific situations where these groups are in. This is to proof that regarding specific groups of citizens the Netherlands has indeed an (active) anti-discrimination policy. This included financial support to specific semi governmental organisations with the purpose of concrete implementation of policy and projects to combat racism and to create awareness via human rights education. Even for women as a group there are specific policies and programs. While there is so much to achieve in the Netherlands for instance to combat racism that refers to the cultural historical tradition.

In September 2012 during the 21st session of the Human Rights Council adopted "Afrophobia" as a term at analogous of the terms that are using to adress the stigmatization of other categories of groups. As long Anti-Racism Policy in the Netherlands don't take the DDPA in consideration Afrophobia will not combat. It is therefore that we have been, and still are pleading for the recognition of People of African descent as a specific group.

Recommendation

We recommend the CERD to urge the Dutch Government to recognize People of African descent as a specific target group according to the DDPA and the UN Decade for People of African descent

Topic 3: Racist stereotypes and Cultural Historical Traditions

In this regards we would like to bring the Yearly Santa Claus Black Pete Tradition and the Golden Carriage under your attention.

1) The Yearly Santa Claus Black Pete Tradition.

This is a tradition that for decades is a hinder for black African people in the Netherlands. It it also consider as symbolic violence.



An example of a Black Pete figure



These two pictures are given an impression what can happened with people who are protesting against the Black Pete figure. Examples of police brutality by the arresting of a black activist. The only what the activist did was standing in a crowd with a t-shirt with the inscription "Zwarte Piet is racism" (Black Pete is racism).



This is a picture from left to right: a representative of the Piet Gilde; the director of the National Commission Immaterial Cultural Heritage (the executive semi-governmental body for the implementation of the UNESCO convention), & a representative of the Santa Claus Federation, showing the certificate that they just (=January 2015) have signed to put the Santa Claus tradition, including the Black Pete figure and its attributes on the National Dutch list of Cultural Heritage.

The process to do so started before 2015.

The question is: why should a tradition, with racist elements, must be placed on a National list of Immaterial Cultural Heritage if it doesn't fulfill the human rights criteria of the UNESCO Convention?

In the Netherlands we have done everything that is necessary to create awareness so that the Netherlands including the Government who has the authority & power to act, could have understand what trauma this cultural historical Santa Claus tradition is causing in general for Black Citizens in the Netherlands and particular to black children during this so called "children fest".

On National level letters has been send to:

- The Dutch Cabinet The Dutch UNESCO Commission
- The Ministry of Education, Culture and Science
- The Dutch organization of National (Folks) Culture
- The Anti-Discrimination Bureaus
- The Association of Dutch Municipalities
- The various commissions of the Dutch Parliament
- To individual municipalities

- Individual Fractions of Political Parties in the Dutch Parliament
- The Dutch Ombudsman especially on disregarding of the Dutch government to respond to letters.

A petition was presented to the various commissions of the Dutch Parliament (in 2005)

The vision of the Dutch Government is that the discussion has to realise within the context of the society. While they know that Black African People will always be in the minority. Others of the defenders of the Tradition are of the opinion that because of the debate the Black Pete figure will undergo the necessary changes.

Letters has also been sent to Relevant International Institutions such as:

- The African Union, Diaspora Directorate
- The UNESCO Paris
- The Head of Special Procedures of the UN
- The CERD
- The UN Working Group of Expert on people of African descent.

The action towards the UN Head of Special Procedures has resulted in a Country visit in June/July 2014 of the members of the Working Group of Experts on People of African descent. We regret that the Report of that visit will not be ready in August 2015 during the CERD 87th session.

Because if even:

1. The road to the Amsterdam's Administrative Court of Justice did not realised the expected results. The decision (2014) of this Court of Justice was that Black Pete is a racist caricature, offensive because of the stereotypical -black peoples- elements that referred to the Past;
2. Declaration (2013) from the National College of Human Rights that Black Pete is a racist element of the Santa Clause Tradition;
3. Declaration (2012) of the National Branch Organisation of 11 Anti-Racism Bureaus in the Netherlands that Black Pete is a racist element of the Santa Clause Tradition;
4. Declaration (2005) of the National Anti-Racism Bureau (Art.1)
Until to date does not lead to a decision according to the criteria of the UNESCO Convention.

In this regards we would like to bring under you attention the general policy recommendation 10 (December 15, 2006/ March 21 2007) from the European Commission against Racism and Intolerance (ECRI) that never there can be racist stereotypes within education institutions.

See the link:

http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N10/eng-recommendation%20nr%2010.pdf

We ask your attention for the articles on page 6 under 2 d and e:

A citate

"..Ensure that school education plays a key-role in the fight against racism and racial discrimination in society:

d) by removing from textbooks any racist material or material that encourages stereotypes,

intolerance or prejudice against any minority group;

e) by promoting critical thinking among pupils and equipping them with the necessary skills to become aware of and react to stereotypes or intolerant elements contained in material they use; ...”

End of citate

Recommendation

We recommend the CERD to urge the Dutch Government to adopt policies that can lead to the immediately dismantle of the Black Pete figure. According to the criteria of the UNESCO Convention urge the Government to take off the Black Pete figure from the National Immaterial Cultural Heritage list and further to *“Ensure that school education plays a key-role in the fight against racism and racial discrimination in society: d) by removing from textbooks any racist material or material that encourages stereotypes, intolerance or prejudice against any minority group; e) by promoting critical thinking among pupils and equipping them with the necessary skills to become aware of and react to stereotypes or intolerant elements contained in material they use;”* To start in 2015.

2) The Golden Carriage

This is a very complex issue that our constituencies, including the constituencies of the Indonesian Committee of “Ereschulden”, ask to bring under your attention. It is about the Side Panel of the Golden Carriage.



This Golden Carriage is a symbol of the Dutch Monarchy. It is a tradition that every third Tuesday of September the Golden Carriage is used by the Royal Family to ride in the streets of the Hague again. Thousands of Dutch citizens and tourists are than coming to the Royal residence to catch an eye for the Royal family (King and Queen) and their relatives/companionship. The symbol of the Dutch Monarchy wherein, through the painting on the printed board of the Carriage, the criminal Colonial history of oppression and exploitation is being “glorified”.

Letters (2011/12/13) has been send to the Dutch Government and other Authorities in power with the request to consider the symbol in the light of the committed crimes against the African and Indonesian humanity.

The critical remarks in 2011, were in perspective of the "UN International Year for People of African descent ". We considered it as an excellent opportunity, within the frame of the UN Year, to bring up this issue of the Golden Carriage, for discussion. But also from the idea that the Netherlands as a civilized country, the level of the Colonial Past is transcended and the awareness of the Netherlands as a Multi-ethnic society, where the morals, standards and values deemed to have been changed. And for that reason there should be no place for the glorification of expressions which have their basis in racist ideologies, oppression and exploitation.

The printed board "Tribute of the Colonies' is evoking strong counter-pressure for a large group of Dutch citizens both of African and Indonesian descent and citizens of good will and solidarity. Every year that the Golden carriage is riding with the relevant printing board, the painting evoked memories of a horrific period in Dutch history by maintaining the permanent indication, to the African and Indonesian community in the Netherlands, that they are and always have been inferior human beings.

The benefactors, the "Association of the People of Amsterdam' (Vereeniging van het Amsterdamsche Volk') in 1898 did not imagine that 107 years later Slave Trade, Slavery and Colonialism would have been declared as crimes against humanity. In the colonial period and the aftermath of the Slave Trade and Slavery a picture as challenged indeed seemed to be quite common. The general civilization in the Netherlands: norms and values, was not so far of in that stage to realize that oppression and exploitation of entire peoples were crimes. On that time there was no awareness that once the Netherlands would be a Multi-ethnic country.

In our letters several issues of concern has been raised about the fact that the members of the Dutch Royal House are still riding in the Golden Carriage. But also suggestions about how the side panel can also be used in historical perspective. Until to date after four years without a formal answer from the Dutch Government.

Recommendation

We recommend the CERD to bring this issue of big concern to the attention of the Dutch Government during the CERD session.