

Statement during the NGO meeting  
at the 87e CERDsession

By: dr. Barryl A. Biekman

Delegate: National Platform Dutch Slavery Past / Tiye  
International

Topic

Review of the States Report of the Kingdom of the  
Netherlands on the implementation of the ICERD treaty

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[info@platformslavernijmonument.nl](mailto:info@platformslavernijmonument.nl)

Mr. Chairman, distinguished delegates,

I have the honour to address you in my capacity as representative of Civil Society and People of African Descents in the Netherlands; coordinator of the Tiye International, Commission on Human Rights and as Chair of the Foundation National Monument (Dutch) Slavery Past. Together with a large number of victims of racism I attended - as NGO liaison in the Dutch governmental delegation -, the 2001 Durban World Conference Against Racism, which adopted by consensus the historic Durban Declaration and Programme of Action.

We thank the CERD for the opportunity to submit our shadow report for consideration during your session with the Dutch State on August 18<sup>th</sup> and 19<sup>th</sup>.

We really speak out of the hope that the Netherlands country review will realize the for African and the people of African descent in the Netherlands, expected results. We are waiting for concrete recommendations and actions in the sphere of the combating of racism against Africans and African people in the Netherlands.

In our shadow report we have focused on three priority issues. This in addition to some of the issues in the Dutch NGO Joint shadow report that the delegate from the NJCM has just brought to your attention.

For us People of African descents in the Netherlands these three issues are the most important areas of concern that we have selected to bring under your attention.

Chair I can assure you that many Africans and in Diaspora and others of Good Will all over the world are watching this session, in casu the deliberations between the CERD and the Netherlands State delegation, with interest and tension. This 87e session is historical.

The first issue is the

1. The implementation of the DDPA 2001 & affiliated resolutions such as the outcomes of the Durban Review 2001 within the sphere of the UN Decade for people of African descent;

2. The Recognition of People of African descent in the framework of anti racism and discrimination policy, strategies and instruments;
3. Racist stereotypes such as the Yearly Cultural historical tradition Saint Nicholas and Black Pete and about the Golden Carriage.

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

Chair

The final documentation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban/South Africa in 2001 shows some interesting text. One of the outcomes is that:

*“...slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism..... and that the Africans and people of African descents.... were victims of these acts continue to be victims of their consequences<sup>1</sup>”*

The adoption of this declaration of the acknowledgement of the trans Atlantic slave trade as a crime against humanity was clearly the greatest victory during the UN WCAR 2001. This was also the result of the significant role of the Africans and African Descendants, from all over the world, who attending the UN WCAR in ensuring that many declarations of principle, key demands, and project proposals, fundamental to the nations and peoples of Africa and the African Diaspora, found a place in the “Durban Declaration and Program of Action<sup>2</sup>. Issues of critical importance to Africans and African Descendants were fully highlighted in the declarations and plans of action adopted by the NGO Forum<sup>3</sup> and the

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<sup>1</sup> A/CONF 189/12Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) less than 1 agreed to and accepted by 168 nation states.

<sup>2</sup> Important to mention are the several AAD (shadow) preparation caused during the UN general assemblies. And the four months before the WCAR African and African Descendants NGO meeting from 28-29 April 2001 in Vienna, Austria were in unity an AAD Position Paper was developed.

<sup>3</sup> United Nations NGO FORUM South Africa 2001 World Conference Against Racism 03 September 2001

International Youth Summit<sup>4</sup>, prior to the WCAR inter-governmental conference.

Chair:

Many of us, people of African descents, Pan African movements, despite of our effort to stimulate our National government to show Political Will for the implementation of this Durban Declaration we are facing until to date a lack of Political Will. Even in the sphere of the adoption of the UN Decade for people of African descent we are experienced opposition from the government service to mention the DDPA as an important document in the fulfilment of the Decade program of action. This behaviour is one of the effects of the demonising actions towards the DDPA by some Parties including of some NGO's in the Netherlands. The negative and false characterization of the Anti Racism UN World Conference in Durban 2001 does not reach its end yet. Meanwhile the implementation of the DDPA has become the central of the implementation of the UN Decade.

That is why we

We strongly 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.

### **Issue number 2: Recognition people of African descents**

Mr Chair

In our opinion there is a link between the aforementioned issue and the recognition of people of African descent by member states in general. These two are inextricably linked. In the CERD 2010 review report to the Netherlands state the conclusions and recommendations regarding the recognition of people of African descent were clear.

One of the recommendations was about the recognition of people of African descents. Until to date this recommendation did not lead to concrete actions in the Netherlands. In our shadow report we have given some concrete examples of letters that have been send to the Dutch government and the answers on our Plea for recognition of People of African descent as a specific target group within the framework of Anti discrimination and anti racism policy

<sup>4</sup> Executive Summary of International Youth Summit Declaration and Plan of Action 2001: UNITED TO COMBAT RACISM: A YOUTH VISION

expected results. This situation makes it clear that detailed data information, when it concerns anti-black racism and the combatting of it, People of African descent remains a problem. On the CERD recommendation The Dutch Government answered

*That their 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.*

In his letter, in 2012 the minister President (Rutte) emphasized 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 religion but on their behaviour, not as group but as an individual. The government is treating all citizens and residents in our country as equal and does not discriminate...*

This was to make people of African descent understand that no specific measures to combat Afrophobia will be realised by the Government. Until to date the Dutch Government is still of the opinion that their current anti-racism/discrimination policy, measures and instruments are enough to combat all forms of racism and discrimination including the multiple form Afrophobia.

Chair see our recommendation

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.

in this light

### **Topic 3: Racist stereotypes and Cultural Historical Tradition**

In this regard we would like to bring the Yearly Saint Nicholas Black Pete Tradition and the Golden Carriage under your attention.

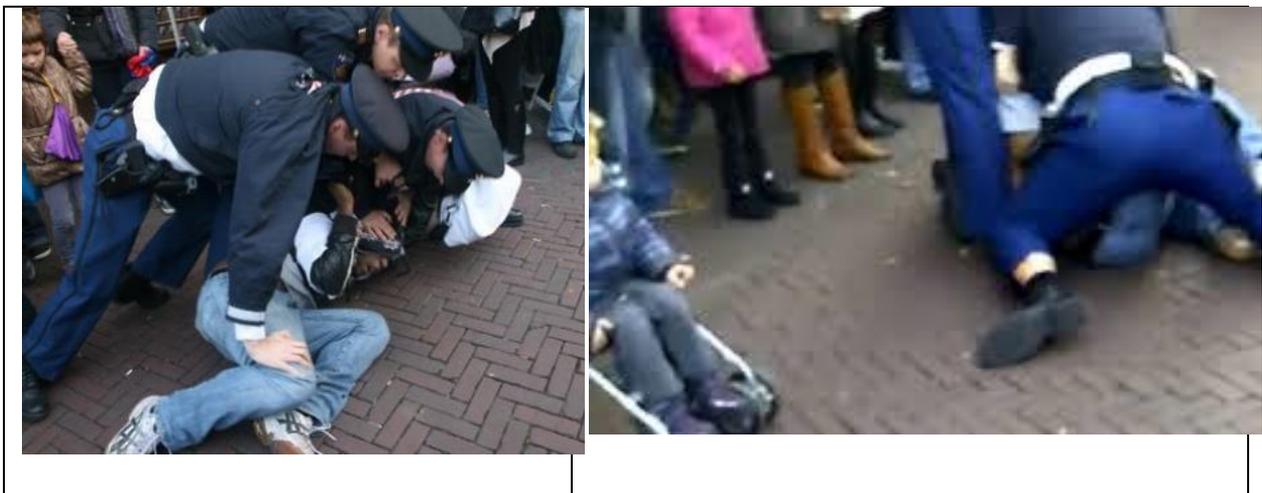
1) The Yearly Saint Nicholas Black Pete Tradition.

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



An example of a Black Pete figure

This is one example of the more than thousands of these figures that accompanied the Saint Nicholas(es) in December during his so called entry in the Netherlands and during Saint Nicolas festivals. With a start of the activities in October, November.



These two pictures reflect the examples of what can happen 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). More of these accidents took place when the police arrested people who were peacefully protesting,



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 Saint Nicholas Federation, showing the certificate that they just (=January 2015) have signed to put the Saint Nicholas tradition, including the Black Pete figure and its attributes on the National Dutch list of Immaterial Cultural Heritage. The process to do so started before 2015.

Our 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 Saint Nicholas 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 sphere 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 letter to the Dutch government. I have brought it for your attention and 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 87<sup>th</sup> session.

Because if even the:

1. 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 of the Dutch Government to take lead in the process to combat this form of Afrophobia.

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.

We have integrated a link in our shadow report whereby you can read the full text of this ECRI recommendation.

We are asking your attention for the articles on page 6 under 2 d and e: *“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.*

Chair, our recommendation is

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. Thousands of Dutch citizens and tourists are then 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.

We have brought a letter with me to show you the Royal way that we have followed to bring our concern to the attention of the Dutch government. We experienced it as institutional discrimination that we did not received a response from th e government. On a letter to the King about this issue we received a letter from the Cabinet of the King that our letter was hand over to the prime minister because of the ministerial responsibility. Even then: no response.

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 could not have imagine that 107 years later Slave Trade, Slavery and Colonialism should 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 too 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.

Chair, we therefore recommend

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