



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

101st session

20 April–8 May 2020

Item 6 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined twenty-second to twenty-fourth periodic reports of the Netherlands

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 7)

2. Implementation of the Convention in Aruba and Curaçao. Measures to ensure the equal application of the Netherlands Institute for Human Rights Act in Caribbean Netherlands (CERD/C/NLD/CO/19-21, para. 2; CERD/C/NLD/22-24, paras. 9–10 and 24).

3. Information on legal provisions prohibiting racial discrimination in the Netherlands on all prohibited grounds listed in article 1 of the Convention, including in the Criminal Code. Racial motive as an aggravating factor for criminal offences. Specific legal provisions prohibiting racial discrimination in Aruba, Curaçao and Sint Maarten (CERD/C/NLD/CO/19-21, para. 9; CERD/C/NLD/22-24, paras. 13, 15 and 128).

4. Measures taken towards the elaboration of an action plan against racial discrimination and the development of local anti-discrimination policies. Impact of the National Action Programme on Discrimination, the Municipal Anti-Discrimination Services Act and other anti-discrimination provisions in addressing racial discrimination in the Netherlands. Information on resources allocated to municipalities to address racial discrimination (CERD/C/NLD/CO/19-21, paras. 8 and 14; CERD/C/NLD/22-24, paras. 20–22 and 28).

5. Information on the prevalence and the number of complaints concerning acts of racial discrimination received by the National Ombudsman, the Legal Aid and Advice Centre and the local anti-discrimination services. Information on legal assistance provided to victims of racist offences in the Netherlands. Measures to ensure prosecution of cases of racial discrimination in the Netherlands, Aruba, Curaçao and Sint Maarten, including the availability of remedies (CERD/C/NLD/CO/19-21, para. 26; CERD/C/NLD/22-24, paras. 20–23 and 25–28).

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6. Impact of education and awareness-raising measures to combat racial discrimination, such as media literacy initiatives and the “Dutch canon” curriculum at school, the sites highlighting Netherlands colonial history and measures taken to address manifestations of racial discrimination at soccer games (CERD/C/NLD/CO/19-21, para. 14; CERD/C/NLD/22-24, paras. 66 and 95–98).

7. Measures to prevent adverse effects on the enjoyment of human rights by Netherlands companies and transnational corporations registered in the Netherlands, in particular by extractive industries and in the palm oil and soy production sectors. Information on the results of the investigation by the National Contact Point (CERD/C/NLD/CO/19-21, para. 37; CERD/C/NLD/22-24, paras. 119–122).

Racist hate speech, incitement to racial hatred and hate crimes (arts. 2, 4 and 6)

8. Information on the occurrence of racial profiling in the Netherlands, Aruba, Curaçao and Sint Maarten. Information on stop-and-search practices. Impact of the measures to combat racial profiling, such as training for the police, the Operational Framework for Proactive Police Checks and the MEOS application for proactive checks. Information on investigations and prosecutions following the complaints of racial profiling received by the police (CERD/C/NLD/CO/19-21, para. 14; CERD/C/NLD/22-24, para. 102).

9. Measures to prevent and suppress manifestations of racism, xenophobia and intolerance and the dissemination of ideas based on racial superiority and racist speech by political parties and politicians. Measures to combat antisemitism. Update on the adoption of amendments to the Criminal Code regarding racist hate speech. Information on the efforts to facilitate the reporting of instances of racist hate speech (CERD/C/NLD/CO/19-21, para. 12; CERD/C/NLD/22-24, paras. 30–32 and 71).

10. Data on online racist speech, including on racist offences reported to the complaints office for online discrimination. Information on initiatives to combat racial discrimination in the media, including the “Coalition on Image-Forming in the Media” (CERD/C/NLD/CO/19-21, para. 12; CERD/C/NLD/22-24, paras. 33–36).

Situation of national and ethnic minorities

11. Information on the socioeconomic situation of Roma, Sinti and Travellers in the Netherlands. Information on the new policy framework regarding caravans and traveller sites and special measures regarding the labour market, education and registration status (CERD/C/NLD/CO/19-21, para. 24; CERD/C/NLD/22-24, paras. 86–89).

12. Information on the socioeconomic situation of people of African descent. Special measures to prevent racial discrimination against them, including measures against racial profiling by law enforcement personnel. Information on the results of the survey revealing exclusion mechanisms in relation to people of African descent in the Netherlands. Measures to implement the International Decade for People of African Descent (CERD/C/NLD/22-24, paras. 72–84).

13. Measures to end or transform the discriminatory features of the character of Zwarte Piet (Black Pete). Measures to ensure non-discrimination in the enjoyment of freedom of expression and association of those protesting against the use of Black Pete figures, including investigation and prosecution of violent attacks against protesters (CERD/C/NLD/CO/19-21, para. 18; CERD/C/NLD/22-24, para. 85).

14. Measures to ensure equitable representation of ethnic minorities in elected bodies and in the public sector (CERD/C/NLD/CO/17-18, para. 12). Information on the participation of civil society organizations representing ethnic minorities in decision-making on measures concerning them in the Netherlands, Aruba, Curaçao and Sint Marteen (CERD/C/NLD/CO/19-21, para. 28).

15. Special measures regarding the situation of women who are members of ethnic minorities, in particular to ensure their access to education, employment and health care (CERD/C/NLD/CO/19-21, para. 36; CERD/C/NLD/22-24, paras. 90–94).

16. Results of the implementation of the 2018 Action Plan on Labour Market Discrimination. Information on manifestations of racial discrimination in the public and private sectors. Information on the number of cases of racial discrimination that have

resulted in the conviction of private companies (CERD/C/NLD/CO/19-21, para. 24; CERD/C/NLD/22-24, paras. 17 and 49–50).

17. Access to education in minority languages, in particular in Frisian in the Netherlands and in other minority languages in Sint Maarten. Update on the new housing policy in Sint Maarten (CERD/C/NLD/CO/19-21, para. 32; CERD/C/NLD/22-24, paras. 145–146).

18. Results of the application of the 2015 Safety at School Act in combating racial discrimination at school. Information on cases of racial discrimination reported through the monitoring of pupils' perception of personal safety (CERD/C/NLD/CO/19-21, paras. 14, 16, 20, 24, 32, 34 and 36; CERD/C/NLD/22-24, paras. 67–68).

Non-citizens, refugees, asylum seekers and stateless persons

19. Update on immigration laws, particularly the Civic Integration Act. Data on the use of administrative detention of asylum seekers and immigrants, including unaccompanied children and families with children. Information on the procedure to identify stateless persons and to determine statelessness (CERD/C/NLD/CO/19-21, paras. 22, 30 and 34; CERD/C/NLD/22-24, paras. 39, 42–43, 110, 112–114 and 117).

20. Information on the measures taken to ensure respect for the principle of non-refoulement in Sint Maarten and to provide non-Dutch nationals, in particular asylum seekers and migrants, with the humanitarian permit and access to welfare and social assistance (CERD/C/NLD/CO/19-21, para. 34; CERD/C/NLD/22-24, para. 135).
