



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 104th session

Summary record of the 2829th meeting

Held via videoconference on Tuesday, 17 August 2021, at 4 p.m. Central European Summer Time

Chair: Ms. Li

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The meeting was called to order at 4 p.m.

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

Combined twenty-second to twenty-fourth periodic reports of the Netherlands (continued) (CERD/C/NLD/22-24 and CERD/C/NLD/22-24/Add.1; CERD/C/NLD/Q/22-24)

1. *At the invitation of the Chair, the delegation of the Netherlands joined the meeting.*
2. **Mr. Gumbs** (Sint Maarten, Netherlands) said that students who went from Sint Maarten to the Netherlands to continue their studies often found the transition challenging. Acclimating culturally was difficult in part for linguistic reasons, as Dutch was less widely spoken in Sint Maarten than in any of the three other countries of the Kingdom of the Netherlands.
3. Non-nationals accounted for half of the prison population of Sint Maarten. Training on issues such as discrimination and profiling was a key component of the comprehensive training undergone by law enforcement officials.
4. **Ms. Harrems** (Netherlands) said that the system risk indicator (SyRI), a digital identification system for the creation of risk profiles, was no longer in use. Statistics Netherlands compiled statistics that informed the development of policies for equal opportunity. The statistics, which were based on anonymous metadata, shed light on topics such as the labour market participation of groups of different backgrounds. A person who had been born abroad or had a parent born abroad was considered to have a migration background. Data on coronavirus disease (COVID-19) infection rates by ethnic group were not kept for privacy reasons. Although monitoring the infection rates of the country's different population groups was clearly important, it was all but impossible.
5. The Government was aware that some groups of people in the Netherlands faced intersecting forms of discrimination. A series of round tables bringing together representatives of civil society, academia and the Government would be held starting in September 2021 with a view to understanding intersectionality more fully and combating it more effectively.
6. Cabinet members, including the Prime Minister, and representatives of civil society had had frank and intense discussions in the wake of the Black Lives Matter demonstrations held in the country. The national coordinator of the Government's anti-racism and anti-discrimination efforts, who would be appointed shortly, would ensure that those discussions continued.
7. The Royal Dutch Football Association had launched a comprehensive plan to combat racism and discrimination in both amateur and professional football clubs. Under the Association's national guidelines, football clubs were responsible for combating the offensive chants often heard at football matches. The effectiveness of the guidelines had been difficult to assess, however, as matches had been played behind closed doors for much of the past two years.
8. **Ms. Van Dijk** (Netherlands) said that, since 1 August 2021, schools had been required to provide citizenship instruction that covered the core values of freedom, equality, including non-discrimination, and solidarity. A programme had been launched to make up for the learning opportunities that students, those from disadvantaged groups in particular, had lost as a result of the pandemic.
9. Racism, discrimination and bullying were not tolerated in schools. Every school had an administrator who coordinated efforts to combat bullying and a counsellor students could turn to for confidential advice. Steps were also being taken to raise awareness of and combat the discrimination students often faced when they sought internships. In their training programmes, teachers learned to work with students and parents who did not speak Dutch. Although students were taught Dutch and encouraged to speak it, they were not punished for speaking other languages. The work of a coordinator of efforts to combat antisemitism, a recently created position, would touch on educational matters. The results of selective

admission to institutions of higher learning were being monitored. No evidence of any discriminatory effects had been found.

10. The Government encouraged the media to monitor and report on the diversity of their programming and the representation of women. Every five years, the country's public broadcasters entered into an agreement with the Government on their diversity reporting obligations. Action within the recently developed policy framework for the return of objects taken from the country's former colonies would be taken by the new Government, which had not yet been formed.

11. **Ms. Trimon-Croes** (Aruba, Netherlands) said that there had been no reports of racial discrimination in Aruba in the period under review.

12. **Mr. Albuquerque e Silva** (Country Rapporteur) said that the importance of collecting appropriately disaggregated data could not be overstated. Not having such data made it hard to determine whether genuine equality had been achieved in the State party.

13. **Ms. Shepherd** (Country Task Force) asked what measures the State party had taken to mark the International Decade for People of African Descent and what it was doing to emphasize the point that people of African descent were members of a distinct group whose human rights had to be promoted and protected. In that connection, she wished to know what the mission of the museum of the history of slavery referred to in the State party's periodic report would be and how that planned museum would help educate the people of the Netherlands about the part played by the country in the transatlantic slave trade. In addition, she asked what measures had been taken to ensure that ethnic minorities were equitably represented in elective office and the public sector and that civil society organizations representing such minorities were involved in decision-making in the Kingdom's four constituent countries.

14. She would appreciate a comment on the steps that the State party was taking to combat the discrimination faced by Roma children, who, according to the recent report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, attended special needs schools at three times the national average and were often, along with the children of other ethnic minorities, channelled into vocational schools on the basis of their ethnic origin or their parents' jobs or educational attainment.

15. She would also welcome a comment on suggestions that the current caretaker Government had deprived the six islands of the former Netherlands Antilles of the ability to govern themselves. In that regard, she asked whether the State party was willing to provide rescue packages for Caribbean companies hit hard by the pandemic, to set in motion discussions with the goal of seeing decolonization through to completion and to commit to monetary and other reparations.

16. It would be interesting to know whether action was always taken in follow-up to complaints of racism and discrimination lodged using the complaints application mentioned in the State party's report. A comment on the effectiveness of the Government's efforts to eliminate racial profiling and racism in policing through education and compulsory training would also be welcome.

17. As the effects of climate change were already palpable in parts of the Caribbean, she wondered what plans the State party had made to study those effects throughout its territory and to respond to a phenomenon that would have a disproportionately severe impact on the members of vulnerable groups.

18. **Mr. Yeung Sik Yuen** said that he wished to know what the situation had been like for people of Asian origin in the State party when its parliament had condemned discrimination against such people in connection with COVID-19 and what it was like now.

19. **Ms. Harrems** (Netherlands) said that a link to the website of Statistics Netherlands, which should provide insight into the situation of people who had migration backgrounds, would be provided in writing. Within the framework of the International Decade for People of African Descent, the authorities, in concert with members of the relevant communities, had launched projects to increase the visibility of the traditions and culture of people of African descent. Activities for the latter half of the Decade were being planned. One demand

that had emerged from consultations on those activities was for a more vigorous approach to combating anti-black racism. The results of research into the phenomenon of pandemic-related discrimination against people of Asian origin were expected in 2022.

20. **Mr. Winkel-Boer** (Netherlands) said that information-sharing by law enforcement agencies was regulated by law. The mobile application known as MEOS simply allowed a police officer on patrol to gain access to the information available to a police officer sitting at his or her desk. Another mobile application made it possible for police officers to know how often a given person had been stopped and what the result of the stop had been. One of the aims of that application was to prevent racial and ethnic profiling.

21. **Ms. Van Dijk** (Netherlands) said that the canon of Dutch history, a list of 50 people or events studied in Dutch schools, had been revised in 2020 to make it more recognizable to the country's people. It now contained more references to Dutch colonial history and the slave trade, for example. Specific resources had been set aside for primary schools enrolling Roma and Sinti children to ensure that those schools could provide those children with additional support.

22. **Mr. Albuquerque e Silva**, recalling paragraphs 17 and 18 of the Committee's previous concluding observations ([CERD/C/NLD/CO/19-21](#)), said that the State party's response to the Committee's concerns about the tradition of Zwarte Piet (Black Pete) in paragraph 85 of its report was far from satisfactory. He would appreciate more information on the way in which the State party was addressing the issue.

23. According to a recent article in *Time* magazine, racial discrimination was not uncommon in the Netherlands and white families talked with disdain of "black schools" when referring to establishments in which more than 60 per cent of the children were from a non-white background. He wondered whether the State party considered that assessment fair and what efforts were being made to counter the negative impact of such discrimination.

24. In the light of a recent study showing that labour market discrimination against minority groups was a serious problem in the Netherlands, he would like to know what was being done to combat such discrimination, whether reliable statistics on the subject were available and what sanctions were imposed for such discrimination in the public and private sectors. It would be helpful if the delegation could provide disaggregated data showing how effective the 2018–2021 Action Plan on Labour Market Discrimination had been in reducing disparities in the labour market. He would be interested to know how many companies and organizations had signed the Diversity Charter and what progress had been made in implementing the measures set out therein.

25. He would appreciate information on any measures that were being taken to foster a more nuanced political debate on immigration in order to avoid polarization and an increase in racial discrimination. He would like to invite the delegation to comment on reports that the Immigration and Naturalization Service used stereotypes to assess the credibility of asylum claims based on sexual orientation and gender identity and that, as a result, a large proportion of claims submitted by lesbian, gay, bisexual, transgender and intersex persons were rejected. Lastly, he would welcome updated information on the status and content of the bill on civic integration.

26. **Mr. Payandeh** (Country Task Force) said that he wished to know how many nationals of the Netherlands had had their nationality withdrawn on the grounds of alleged participation in a terrorist organization, what acts were considered to constitute participation in such an organization, what legal remedies were available to those at risk of having their nationality withdrawn and how the State party ensured that its policy on the matter did not lead to discrimination. The delegation might comment on reports that the authorities of the Netherlands differentiated between persons born in the European part of the Netherlands and those born in the Caribbean part and on measures taken to combat discrimination of that kind. Noting that social assistance could be withdrawn on the grounds that the recipient lacked sufficient knowledge of the Dutch language, he asked how such knowledge was assessed and whether all recipients were subject to an assessment of their knowledge of Dutch, regardless of their origin. He wished to know why the Government had decided to discontinue compensation for interpretation and translation services in health care and whether any

alternative measures had been considered. He wondered what measures would be taken to ensure and monitor the implementation of the new policy framework on Traveller sites.

27. He would like to know why migrants from developed countries were exempt from the civic integration procedure and what information was provided to migrants to enable them to find a language course that was suited to their needs. In view of reports that participants in civic integration programmes must cover the cost of those programmes and were fined if they failed the examinations, he wished to know whether those reports were accurate and, if so, how much the fines were. Regarding the policy changes described in paragraph 40 of the State party's report, he wondered how the municipalities would support persons who were required to pass a civic integration examination, who would receive the extra funds that were being made available and how the Government would ensure that the changes did not place a burden on migrants. Noting that all persons residing unlawfully in the Netherlands were entitled to essential medical treatment, he would like to know what treatment was considered essential in such cases; how the State party ensured that migrants in an irregular situation and medical professionals were aware of the services available; and why no such services were available in the Caribbean part of the country. He would like to hear the delegation's response to reports that the use of solitary confinement in detention centres, including in respect of children, was increasing. Lastly, with reference to paragraph 117 of the report, he would like to know what was meant by the terms "premature departure" and "suspicious circumstances" and how protected residence facilities for the unaccompanied minors seeking asylum in question differed from detention facilities and restrictive accommodation.

28. **Ms. Shepherd** said that a number of her questions had not yet been fully answered, including those concerning the equitable representation of ethnic minorities in elected bodies and the education of Roma persons.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

29. **Ms. Schipper-Spanninga** (Netherlands), noting that a wide range of political parties were active in the Netherlands, said that it was up to the political parties themselves to ensure the equitable representation of ethnic minorities in elected bodies. Article 8 of the Constitution prevented the Government from playing a role in that process. However, the Government did engage in consultations with a wide range of organizations, including those representing minorities, when formulating new policies and legislation.

30. The Government did not agree with the view that Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands had been deprived of their ability to govern themselves and secure the well-being of their people, particularly during the COVID-19 pandemic. The three autonomous countries had been supported through packages of measures that had been mutually agreed upon with them, while the Caribbean part of the Netherlands had received assistance similar to that provided to the regions. The Charter of the Kingdom provided for support and cooperation within the Kingdom in accordance with article 73 of the Charter of the United Nations and did not need to be amended.

31. Although the Prime Minister had stated in July 2020 that the current Government would not make a State apology for slavery, previous Governments had expressed sincere regret for the approach taken to human dignity during the transatlantic slave period. Several municipalities were taking steps to engage with their own past, for example through historical research. The provision of reparation to Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands was not on the political agenda.

32. In May 2021, the Municipality of Amsterdam had published a report on the possibility of opening a museum on the history of slavery. The Council for Culture and its municipal counterpart would issue an advisory opinion on that report. The Amsterdam City Council would then decide on the next steps to be taken. The Government had decided to allocate €1 million per year to the project for four years, starting in 2021.

33. The Ministry of the Interior and Kingdom Relations had recently evaluated the implementation of the new policy framework on Traveller sites and had found that a growing number of municipalities had changed their policies in that area. A total of 105 municipalities had assessed the demand for pitches on Traveller sites and the number of pitches available

was expected to rise in the coming years. The Government was offering funding to the municipalities to support the implementation of the policy framework.

34. **Ms. Harrems** (Netherlands) said that the way in which the Feast of Saint Nicholas was celebrated had changed significantly in recent years and would continue to evolve as society became increasingly aware of the possible hurtful ramifications of the tradition of Zwarte Piet for people of African descent. For example, television programmes aired by the national public broadcasting system no longer featured the character of Zwarte Piet.

35. Although the education status of persons with a migration background had improved, it remained difficult for such persons to enter the labour market. A specific programme designed to overcome that problem had been launched and a bill that would require companies to adopt a recruitment and selection policy that eliminated bias had been submitted to the parliament in December 2020. The bill would provide for monitoring and sanctions in the event of non-compliance. The Netherlands Institute for Human Rights handled complaints of labour market discrimination. In 2019, it had considered eight such complaints and had found four of them to be justified. An overview of the number of convictions for acts involving labour market discrimination was not available because the discrimination component of cases was not consistently recorded. The Diversity Charter had a total of 272 signatories, including all government ministries. Signatories were responsible for formulating their own action plan and were expected to report on their progress after one year.

36. Participants in civic integration programmes were required to pass the relevant examinations within three years. Under the new law on civic integration, which would enter into force on 1 January 2022, local authorities would prepare a tailor-made learning plan for each person and would cover the costs relating to civic integration. The standard language proficiency level would be raised to give participants a better chance of finding a job. Exemption from the civic integration procedure could be granted for medical reasons.

37. **Mr. Winkel-Boer** (Netherlands) said that solitary confinement was a measure of last resort that was imposed either as a punishment or to ensure order and safety within a detention facility. It was sometimes beneficial to detainees for them to be temporarily separated from fellow inmates. Solitary confinement was always imposed under medical supervision and for as short a time as possible. The immigration detention of minors was also a measure of last resort that was used for the briefest period possible. Such detention was subject to strict legal criteria and must be duly justified.

38. The 1961 Convention on the Reduction of Statelessness prohibited the withdrawal of citizenship in cases where doing so would lead to statelessness. Only dual nationals could be deprived of their nationality and only if they had been convicted by a final judgment of terrorism offences. In that context, the Government had drawn up a list of recognized terrorist organizations. There had been 12 cases in which persons had been deprived of their nationality.

39. A study conducted in 2019 had concluded that there was no better method currently available for assessing claims from lesbian, gay, bisexual, transgender and intersex asylum seekers. One of the recommendations of that study – to conduct an evaluation of the new work instructions of the Immigration and Naturalization Service – had been acted upon and the evaluation was now in its final phase. The Committee was welcome to suggest improvements to the asylum procedure.

40. **Ms. Van Dijk** (Netherlands) said that, regarding the question of “black” schools, the Government took the view that schools should be judged by the quality of the education that they provided and not the colour of the students. A number of schools in large cities experienced segregation according to the socioeconomic status of the pupils’ parents. In 2020, the Ministry of Education, Culture and Science had launched a programme to combat segregation and promote mixed environments so that students could learn about diversity and citizenship.

41. The Ministry provided funding for the education of Traveller, Roma and Sinti children. Support for schools and other educational partners was also provided through the Education for Traveller, Roma and Sinti Children (OWRS) national platform.

42. **Ms. Trimon-Croes** (Aruba, Netherlands) said that, with regard to the participation of civil society in decision-making in Aruba, stakeholders including migrants' organizations were taking part in the ongoing consultations on the formation of a new Government. Citizen education was integrated into the secondary education curriculum and focused on personal development and respect for the self and for others, and included awareness of racial differences. Disaggregated data on several subjects, including the labour market, education and migration status, could be found on the website of the Central Bureau of Statistics of Aruba. Access to emergency medical care was universal.

43. **Mr. Gumbs** (Sint Maarten, Netherlands) said that all persons holding Dutch nationality could stand for elected office in Sint Maarten. Nobody was excluded on the grounds of their ethnicity.

44. **Ms. Izsák-Ndiaye** said that she wished to know why Roma, who had been in the Netherlands since the fifteenth century and whose number was estimated at 40,000, were not recognized as a minority group. Given that they faced structural challenges in access to employment, housing and health care, she asked whether the Government could provide more information about the prevalence of anti-Gypsyism in the State party. She would also like to know how the State party prevented statelessness among Roma and ensured that Roma people were included in its decision-making structures. Noting that the Netherlands had no national integration strategy for Roma and relied instead on various policy measures applied by the municipalities, she asked how the Government planned to improve national coordination to ensure that the approaches taken by the municipalities did not exacerbate bias and stigmatization.

45. **Ms. Shepherd** said that she welcomed the delegation's clear statement regarding the State party's responsibility for its colonial past, whose legacy lived on in the present day. She appreciated that universities of the Netherlands, including the municipalities, were conducting historical research, which would hopefully lead to greater public awareness of the harm that colonization had done to the current population. She pointed out that an expression of regret was not the same as an apology – a means by which States could acknowledge their responsibility and commit to non-repetition and reparation for the victims – and noted that the State party had not agreed to make reparations for its colonial past.

46. **Mr. Diaby** said that he wished to know whether the Government might follow the example of other European countries and adopt a law recognizing slavery and the slave trade as a crime against humanity. He wondered whether the Netherlands had a law that protected stateless children and what proportion of stateless children born in the Netherlands were of Roma or African descent.

47. **Mr. Schipper-Spanninga** (Netherlands) said that she agreed that it was important to understand the relevance of history in the present day. The Government had established an advisory committee on dialogue concerning slavery, which had organized a broad and deep social dialogue, including the Dutch Caribbean, on the Dutch role in the history of slavery. Actors from various sectors, including science, education, health care, the media, sports and culture, had participated in that dialogue. In July 2021, the advisory committee had published its report, entitled "*Ketenen van het verleden*" (Chains of the Past), which included a recommendation for the enactment of a law recognizing that the slave trade amounted to a crime against humanity and apologizing for the Dutch role. Furthermore, the parliament had recently voted for an independent investigation into the national history of slavery, which would be useful for increasing public consciousness. The next steps in that process would depend on the position taken by the incoming Government.

48. **Mr. Herstel** said that the Committee should be aware that the formation of a new Government was still being negotiated following the general election of March 2021.

49. **Ms. Harrems** (Netherlands) said that, according to government research, an estimated 20,000 to 40,000 people in the Netherlands identified as being of a Roma or Sinti background. A recent government report had revealed that the social inclusion of Roma and Sinti lagged behind that of other groups but had detected signs that the situation of younger generations, especially girls and women, was improving. The European Union Agency for Fundamental Rights had recently conducted a survey during which it had interviewed Roma and Travellers and had found that while discrimination against them remained a major problem, their

socioeconomic position in the Netherlands was better than in other countries. The Netherlands parliament had passed a motion to integrate anti-Gypsyism into the State's general approach to dealing with racism and discrimination and include it in the mandate of the new national coordinator on discrimination and racism. Similarly, ministries were working together to develop a manual to address anti-Gypsyism in the same way as other types of discrimination.

50. **Mr. Winkel-Boer** (Netherlands) said that the details of stateless Roma who did not have right of residence in the Netherlands could not be removed from the Municipal Personal Records Database. The Government was aware that some stateless Roma registered in that database had been born or had grown up in the Netherlands.

51. Stateless persons holding a residence permit, including Roma, could apply for Dutch nationality, although in practice Roma sometimes encountered difficulties in obtaining nationality because they were not sufficiently integrated or lacked the resources to pay for the naturalization procedure. Eligibility to apply for Dutch nationality was based on residence. Children born in the Netherlands to stateless persons, including Roma, were eligible for nationality after legally residing in the Kingdom for three years.

52. **Mr. Albuquerque e Silva** said that progress in combating racism was not always matched by increases in social awareness of racism. For that reason, the State party was to be commended for the initiative taken by the Rijksmuseum to mount an exhibition on the involvement of the Netherlands in slavery. Historical experience showed that people in privileged positions sometimes recognized that racism existed but refused to admit that they might have behaved in racist or discriminatory ways. Other persons, initially indifferent to racism, had only realized it was problem as a result of events such as the murder of George Floyd and the worldwide protests that had followed it. Since he was convinced that such attitudes were still partially present in the way that Netherlands society dealt with racism, he encouraged the State party to explicitly recognize racial discrimination in its society as the first step towards tackling it.

53. **Mr. Herstel** (Netherlands) said that the dialogue with the Committee had been intensive and fruitful. As his delegation had not had time to answer all of the questions posed, the State party would submit additional comments in writing within 24 hours of the meeting. Although a tolerant society, the Netherlands still faced some problems with racism and discrimination. It was fortunate that the next Government would be able to act upon the Committee's recommendations.

The meeting rose at 6 p.m.