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Written Contribution

In perspective of the 91st session of the Committee on the Elimination of Racial Discrimination

Date: 23 November 2016, from 15:00 to 18:00 at the Palais des Nations, Conference Room XX.

Dr. Barryl A. Biekman

Delegate: Tiye International/National Monument Dutch

Slavery Past

Topic

**Joining hands to end racial discrimination**

Date: 14 November 2016

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Mr/Mrs. Chairman, distinguished delegates,

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, I have the honor to address you today this statement.

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 written contributions with the aim to make an end on racial discrimination. In this perspective my focus today is the Problem that we have in the Netherlands with The Yearly Saint Nicholas Black Pete Tradition. In our shadow report of August, 17, 2015 (Topic Review of the States Report of the Kingdom of the Netherlands on the implementation of the ICERD treaty) we have brought three priority issues to your attention. Amongst was Saint Nicholas- Black Pete addresses as a Dutch Historical Tradition.

We are wondering how it is possible that until today the CERD did not have been able to come out with a stronger recommendation to the State of the Kingdom of the Netherlands. For us People of African descents in the Netherlands this is amongst several others issues the most humiliating, hurtful stereotypical racist tradition that we are facing during at least two months: from October with its highlight on December, the 5<sup>th</sup> every year. This Saint Nicholas Black Pete Dutch tradition is for decades a hinder for black African people in the Kingdom of Netherlands. It is also consider as symbolic violence and violation of their fundamental human rights.



An example of a Black Pete figure

This is one example that we have already brought to your attention as well to the attention of other UN bodies, with the aim to assist to bring an immediately end to this symbolic violence tradition.

More than thousands of these figures that accompanied the many Saint Nicholas in the period of October till fifth December and during his so called entry in the Netherlands and during Saint Nicholas festivals. The entry is welcomed by the Mayor of the city, what we have indicated as institutional discrimination and institutional racism.



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 Racisme" (Black Pete is Racism). More of these accidents took place when the police arrested people who were peacefully protesting,

This year the Police Brutality reached its climax. We ask your attention for the below videos.

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&&view=detail&mid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&rvsmid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&fsscr=0&FORM=VDFSRV>

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&view=detail&mid=64008A5C3C8CABC9B48164008A5C3C8CABC9B481&FORM=VIRE>

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&&view=detail&mid=4B4F874CE7E05D442F944B4F874CE7E05D442F94&rvsmid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&fsscr=0&FORM=VDFSRV>

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&&view=detail&mid=2716937CAAFB5DFB531D2716937CAAFB5DFB531D&rvsmid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&fsscr=0&FORM=VDFSRV>

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&&view=detail&mid=F187BB85272C89B05503F187BB85272C89B05503&rvsmid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&fsscr=-1155&FORM=VDFSRV>

<https://www.bing.com/videos/search?q=politieoptreden+zwarte+piet+in+Rotterdam&&view=detail&mid=F340FB4A6C4E019DF154F340FB4A6C4E019DF154&rvsmid=5D7CA2B5C900338309D15D7CA2B5C900338309D1&fsscr=-2310&FORM=VDFSRV>

Your attention is asked to take notice of this link too. <http://denhaagfm.nl/2016/11/07/sinterklaas-in-den-haag-op-pad-met-nieuwe-pieten/> In the city of The Hague (named as city of peace and justice where the Peace Palace; the National Government Administration and the Dutch Parliament as well the International Court of Justice are situated) the Saint Nicholas Black Pete Organizations has decided to upgrade the amount of Black Pete figures this year.



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 have signed in January 2015 to put the Saint Nicholas Tradition including the Black Pete figure and its attributes on the National Dutch list of Immaterial Cultural Heritage.

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 Saint Nicholas tradition is causing in general for Black Citizens in the Netherlands and in particularly 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 realize 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



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- 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.

If even the:

1. Road to the Amsterdam's Administrative Court of Justice did not realized the expected results in combatting this form of institutional racism. The decision (2014) of this Court of Justice was that Black Pete is a racist caricature, offensive because of the stereotypical -black African 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 Saint Nicholas Tradition;

3. Declaration(2012) of the National Branch Organization of 11 Anti-Racism Bureaus in the Netherlands that Black Pete is a racist element of the Saint Nicholas Tradition

4. I ask your attention for the picture in the Power point presentation nr.13. See for yourself and than make up your mind

5. 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 your 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 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 State of the Kingdom of the Netherlands:

1) To adopt anti-racism policies that can lead to the immediately dismantle of the Black Pete figure. The policies includes human rights education and/or trainings for professionals

2) 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; *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 now.

3) To urge the Dutch Organization of National (Folks) Culture to immediately remove the Black Pete figure and the stereotypical attributes out of the National Dutch list of Immaterial Cultural Heritage.