Committee on the Elimination of Racial Discrimination
101st session
20 April - 08 May 2020
Item 4 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 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).

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

4. Measures 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 Measures Act and 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).

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 St Maarten, including availability of remedies (CERD/C/NLD/CO/19-21, para. 26).
6. Impact of education and awareness-raising measures to combat racial discrimination, such as media literacy initiatives and the Curriculum “Dutch canon” at school, the sites highlighting Netherlands colonial history and measures taken to address manifestations of racial discrimination in soccer games (CERD/C/NLD/CO/19-21, para. 14).

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 sectors of palm oil and soy production. Information on the results of the investigation by the National Contact Point (CERD/C/NLD/CO/19-21, para. 37).

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 St Maarten. Information on stop-and search practices. Impact of the measures to combat racial profiling, such as training to the Police, the Operational Framework for Proactive Police Checks and the MEOA app. Information on investigations and prosecutions following the complaints of racial profiling received by the police (CERD/C/NLD/CO/19-21, para. 14).

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 anti-Semitism. 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).

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).

Situation of national and ethnic minorities

11. Information on the socio-economic 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).

12. Information on the socio-economic situation of people of African Descent. Special measures to prevent racial discrimination against them, including measures against racial profiling by law enforcement. 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 of People of African Descent.

13. Measures to end or transform the discriminatory features of the character of “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).

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

15. Special measures regarding the situation of women among ethnic minorities, in particular to ensure access to education, employment and health (CERD/C/NLD/CO/19-21, para. 36).

16. Results of the implementation of the new 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 leading to the conviction of private companies (CERD/C/NLD/CO/19-21, para. 24).
17. Access to education in minority’s languages, in particular in Frisian in the Netherlands and in other minority’s languages in St Maarten. Update on the new housing policy in St Maarten (CERD/C/NLD/CO/19-21, para. 32).

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 by the pupil’s perception of personal safety (CERD/C/NLD/CO/19-21, paras. 14, 16, 20, 24, 32, 34 and 36).

Non-citizens, refugees, asylum seekers and stateless persons

19. Update on immigration laws, in particular the Civic Integration (Preparation Abroad) Act. Data on the use of administrative detention of asylum seekers and immigrants, including unaccompanied children and families with children. Information on procedure to identify stateless persons and determine statelessness (CERD/C/NLD/CO/19-21, paras. 22, 30 and 34).

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