

**Joint Statement from the NGO's/Civil Society  
Of Africans and People of African Descent  
The Netherlands**

**Regarding Input for Lunch briefing with the CERD  
on February, 23, 2010 in Geneva**

**Concerning  
Written replies from the Dutch Government to the CERD list of issues  
regarding/CERD /C/NL/18, 76 session of the CERD**

**To present by:  
Mrs. Drs. Barryl A. Biekman**

**In Geneva  
23 February 2010**

**Stichting National Monument (Dutch Slavery Past) the Netherlands  
(Landelijk Platform Slavernijverleden)**

**In cooperation with  
Foundation African European Women's Movement "Sophiedela";  
Foundation African World Studies Institute;  
Foundation Pan African Strategic and Policy Group EU/the Netherlands;  
Foundation African and People of African Descendant Networks the  
Netherlands**

**Written replies from the Dutch Government to the list of issues regarding CERD/ CERD  
/C/NL/18, 76 session of the CERD**

**Declaration**

We people of African Descent, strongly believe and insist that the outcome of the 2001 Durban Conference is and must be recognized on an equal level with the outcomes of other major United Nations conferences, Summits and Special sessions and that strong and concerted actions need to be taken by the United Nations, Member States (this includes the Dutch Government) and Civil Society to reinforce its standing and rightful place at the top of the agenda of global priorities.

We must not forget the historical importance of the Durban Declaration and Programme of Action in declaring the transatlantic slave trade as a crime against humanity. It also provided an understanding and clear analyses of the emergence of the present day world and the deep roots of racism in the transatlantic slave trade and colonial era.

For people of African Descent, the Durban Declaration and Program of Action (DDPA) were historic. It acknowledge that the "...transatlantic slave trade [is] among the major source and manifestations of racism..." and that Africans and People of African Descent continue to be victims of [its] consequences<sup>1</sup>. The Declaration goes on to recognize colonialism has led to racial discrimination against Africans and People of African Descent, the consequences of which must be prevented<sup>2</sup>. The Declaration expressed a commitment to African and People of African Descent, including the eradication of all forms of racism, racial intolerance, xenophobia and other intolerance faced by African and People of African Descent<sup>3</sup>. These Declarations were accompanied by very specific Programme of action, of which Item 4 through Item 14 were specifically directed at Africans and People of African Descent.

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<sup>1</sup> Item 13, Declaration and Programme of Action, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, p. 16 (2001).

<sup>2</sup> Item 14, Declaration and Programme of Action, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, p. 16 (2001).

<sup>3</sup> Item 32 to Item 35, Declaration and Programme of Action, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, p. 21-22 (2001).

Article 1 of the Dutch Constitution provides an important basis for combating discrimination. This article is formulated to ban discrimination and formulate equality. The article indicates that similar cases should be treated equally (equality) and that discrimination based on religion, belief, political opinion, **race**, sex or on any grounds whatsoever is not permitted (discrimination). Equality and prohibition of discrimination are one of the most fundamental principles of the Legal System.

### **Taken in consideration the list of issues from the Committee on the Elimination of Racial Discrimination (CERD) and the Answer of the Dutch Government on The questions of the CERD**

#### **1) Article Number 4<sup>4</sup> And the answer of the Dutch Government<sup>5</sup>**

Our observation is that The Dutch government has demonstrated with its answer on question of the CERD Article 4, what the people of African descent in the Netherlands had brought in several occasions to the attention of the Dutch Cabinet, The Dutch National Parliament, The Interdepartmental Meetings regarding the combat of Racism, to the UN, before and during the Durban Review 2009 and during other regional conferences in Europe and International.

That the DDPA was never implemented and that therefore policy to combat all forms of (black) racism on African People and people of African descent and the realisation of Reparations, regarding the Transatlantic slave trade, slavery and its effect, don't have priority in the Netherlands respective the Dutch Administration.

In several governmental documents regarding anti racism policy you can read about Anti-Semitism, Homophobia and Islamophobia. This to proof that regarding specific groups of civilians<sup>6</sup> the Netherlands has indeed an anti racism policy. This includes financial support to specific semi governmental organisations with the purpose of concrete implementation of policy and projects to combat racism<sup>7</sup>.

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<sup>4</sup> After ratifying the Durban declaration in 2001, the Dutch government instituted a National Action Plan against racism effective until 2007. The government which took office in 2007 announced that a new action plan against racism would be launched. Please provide information on the preparation of a new action plan against racism, and on whether the recommendations of the 2009 Durban Review Conference will be included in its formulation.

<sup>5</sup> In December 2003 the National Action Plan against racism was sent to parliament. Subsequently, in July 2007, parliament was informed about the progress that had been made with it in the interim. In November 2009, a general letter on integration was sent to parliament with a chapter on racism incorporating recommendations contained in international treaties and, where relevant, those of the Durban Review Conference of 2009. This letter discusses the three prongs of the current policy: combating racial discrimination with the help of anti-discrimination services, the police and the public prosecution service; boosting the resilience of victims; and the professionalization of organisations involved in combating discrimination.

<sup>6</sup> Homophobia reserved for discrimination against lesbians and homos. Is this not a specific group? Are the Muslims not a specific group (Islam phobia)? Are the Semites not a specific group (Anti-Semitism)?

<sup>7</sup> There are many problems with government subsidising. When people of African descendant want to serve their own specific group with social & anti racism projects, they face relative often rejections. To avoid hidden racial institutional rejections they have to present their project as a project for the common population, while for the same projects, white organisations receive more often support, in our experiences. All what we achieve until today is without structural financial support and mostly with private funding or from our own private budget. There are many letters that have been sent to the

In addition, we people of African Descent strongly reconfirmed our commitment to be an active part to promote the issue of solidarity with all victims of racism, xenophobia, anti-Semitism, Islamophobia. In this sense we would like black racism (Afrophobia) against Africans and people of African descendants will recognized as a serious issue, so that we as a whole group are in the position to reach equal treatment and fundamental rights and end the suffering that has become so common in this era of humanity.

## **2. Article Number 5<sup>8</sup> And the answer of the Dutch Government<sup>9</sup>**

Here is the evidence that the elimination of black racism (on basis of the colour of the skin etc) and all related incidents are not priority issues of concerns in the Netherlands and for the Dutch government. Here is the evidence regarding institutional racism and exclusion by the Dutch Government. It is therefore that we have been, and still are pleading for recognition as a specific group. Because we wish to benefit from policy measures aimed at preventing racial discrimination.

People of African descent are not in a position to make use of the services of the anti racism bureau because there is a lack at this Bureaus of experience about Black racism issues, and how black and institutional racism have an impact on the AAD individuals and AAD groups. There is no affinity by the Anti Discrimination Bureaus about Black Racism Issues and how its effects the lives and wellbeing of African People in the Dutch Society. Inherent at some of the Dutch (white) cultural traditions are so institutionalized, that even the employees of these Bureaus including, the so called (semi-governmental) expertise centers, founding and (structural) subsidized by the Dutch (local)Government, don't know how to handle complaints about Black Racism<sup>10</sup>.

## **RECOMMENDATIONS TO THE CERD COMMITTEE**

Africans and people of African descent

- Welcome all efforts from the CERD to make the Dutch government aware that as long as Africans and People of African descent in the Netherlands are not a target group according to the DDPA 2001, as was decided by the UN member

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Dutch Parliaments and the Dutch Cabinet whereby we stated the issues of racism concerns. Since 2005 until to date never one (adequate) answer/response.

<sup>8</sup> Organizations representing Africans and people of African descent in the Netherlands have been pleading for recognition as a specific group. They apparently wish to benefit from policy measures aimed at preventing racial discrimination. Is the Government addressing this issue?

<sup>9</sup> Dutch government 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.

<sup>10</sup> As described in the Input document, August 18, 2009 from the AAD peoples, to the LAW NJCM, who coordinated the input of Dutch NGO's together with Art 1, towards the Dutch NGO Shadow Report to the CERD. Unfortunately the input of the AAD Group was not integrated in the AAD Shadow Report regarding the racism issues of concern of this Group

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- states (including the Netherlands), one can not speak about equal rights and equal chances.
- Would like to ask the CERD to instruct the Dutch Government to recognize THE AAD Group as a specific group conform the DDPA 2001, so that this Group of Dutch citizens are in the position to benefit from policy measures aimed at preventing racial discrimination. This includes involvement of this Target Group, and their NGO's as part of the Civil Society, during the decision-making Process.