



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-seventh session

3–28 August 2015

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 nineteenth to twenty-first periodic reports of the Netherlands (CERD/C/NLD/19-21)

### Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (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. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### 1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 1, 2, 3, 4 and 6)

(a) Cases in which the Convention is directly applicable in the domestic legal order;

(b) Information on any measures taken to ensure equal implementation of the Convention by the local and regional authorities;

(c) Progress made to standardize and reinforce legal protection against discrimination in Curaçao, including the adoption of comprehensive legislation containing a clear definition of racial discrimination, in accordance with article 1 of the Convention (CERD/C/NLD/19-21, paras. 141 and 159);

(d) Information on any impact assessment on family reunification of legislative proposals which provide for differential treatment of Dutch citizens from Aruba, St. Maarten or Curaçao, with regard to their freedom of movement within the Kingdom and their freedom not to be expelled from the Kingdom; and updated information on the "80-20" country ordinance due to be enacted in Curaçao (CERD/C/NLD/19-21, para. 143).

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**2. Discrimination against national, ethnic and other minorities (including migrants, refugees and asylum seekers) (arts. 2–7)**

(a) Reported prevalence of discriminatory practices by law enforcement officials and the judiciary, including ethnic profiling (CAT/C/NLD/CO/5-6, para.19), violence and intimidation and the underreporting of such incidences;

(b) Reported prevalence of racist stereotypes and racist attitudes within society (CERD/C/NLD/19-21, annex IV, p. 15), including racist resentment caused by the media and politicians;

(c) Reported conveying of a negative image of people of African descent by the so-called “Zwarte Piet” (“Black Pete”);

(d) Updated information on the current civic integration policy and its impact (CERD/C/NLD/19-21, annex V, p 30); exemption of citizens of the European Union and the European Economic Area member States, Switzerland, the United States of America, Canada, Australia, New Zealand, South Korea and Japan from the civic integration abroad examination;

(e) Information on the situation of Roma, including Roma migrants, particularly in relation to access to employment, housing, education and health care, and measures taken to address negative stereotypes; reported cases of separation of Roma children from their families;

(f) Information on measures to address unemployment, including among young and female members of minority groups, as well as measures to combat discrimination by recruitment officers, employment agencies, and in the workplace (CERD/C/NLD/CO/17-18, para. 12; CERD/C/NLD/19-21, paras. 95 and 96, annex IV, pp. 14 and 15, annex V, pp. 33, 34, 39, 40 and 42; CCPR/C/NLD/CO/4, para. 19);

(g) Reported ethnic disparities regarding achievement in education. High school dropout rates among pupils from minority groups, particularly those of Moroccan and Antillean origin (CERD/C/NLD/19-21, annex IV, p 14, annex V, pp. 31–33, 38, 41 and 42);

(h) Information about the situation of indigenous peoples in Aruba, St. Maarten and Curaçao and in “the Netherlands in the Caribbean”;

(i) Update on practical steps taken and any challenges encountered in the implementation of the 2010 National Action Plan to combat discrimination (CERD/C/NLD/CO/17-18 and CERD/C/NLD/19-21, para. 18);

(j) Updated information on the Government’s announcement in January 2015 that it would provide funding for emergency shelters for homeless migrants; information on any impact assessment of the criminalization of “squatting” under the Criminal Code, and of the prohibition to sleep on the streets, in a vehicle, boat, caravan or a tent under the Amsterdam Ordinance on irregular migrants.

**3. Economic, social and cultural rights of minority ethnic groups and other vulnerable and or marginalized groups (art. 5)**

(a) Measures to avoid and combat discrimination in access to social services, in particular health care, housing, education and social benefits, as well as discrimination with regard to access to employment by ethnic minorities and migrants (E/C.12/NLD/CO/4-5, para. 12), in particular undocumented migrants in the Netherlands, St. Maarten, Aruba and Curaçao (CERD/C/NLD/CO/17-18, para. 16 and CERD/C/NLD/19-21, paras. 126, 127 and 130), including cases of denial of care by medical practitioners;

(b) Reported cases of risk of refoulement of asylum seekers fearing persecution because of their sexual orientation;

(c) Information on measures to prevent and abolish segregation in housing — the so-called “white flight” phenomenon, including information on the impact of the Urban Areas Act, which has been implemented in the Municipality of Rotterdam (CERD/C/NLD/19-21, paras. 102–108, annex V, pp. 35, 40 and 42); information on measures taken to eliminate the impact of insufficient access to adequate and affordable housing in St. Maarten on ethnic minorities (CERD/C/NLD/19-21, paras. 164 and 192).

**4. Access to justice (art. 6)**

(a) Reports about administrative detention of persons seeking asylum and migrants in an irregular situation (CERD/C/NLD/CO/17-18, para. 11; and CERD/C/NLD/19-21, para. 75), including children; living conditions within immigration detention centres;

(b) Information about cases considered and retained by the judiciary in relation to racial discrimination and dissemination of ideas of racial superiority, incitement to hate and violence, as well as racially motivated crimes; information on any assessment conducted with regard to the judiciary’s compliance with the Convention.

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