



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	The Netherlands
Title:	The Netherlands Ombudsman for Children considers Black Pete to contribute to discrimination
Date:	7 October 2016
Expert:	Titia Loenen
Update of news report nr:	1336-NL-100 (2014) and 116-NL-ND-2015
<u>Context</u>	
Issue at stake:	A report of the Netherlands' Ombudsman for Children of 30 September 2016 in response to complaints regarding the discriminatory and stereotypical features of Black Pete race/ethnic origin
Ground of discrimination:	
Source:	miscellaneous
Field:	Education/other
Applicable law:	Convention on the Rights of the Child

Content

Case:

In response to several complaints submitted to this body the Netherlands' Ombudsman for Children has issued a report regarding the alleged discriminatory and stereotypical features of the figure of Black Pete, who is part of the popular and country wide *Sinterklaas* festivities. These child focused festivities are perceived to belong to the core of Dutch national identity. Traditionally, Black Pete has a black face, thick red lips and curly hair. This representation has met with increasing criticism as lacking proper respect for minority groups of non-Dutch ethnic origin and as enhancing discrimination against those groups. The Netherlands Ombudsman for Children has endorsed this criticism by stating in her report that Black Pete presents a caricature and provides a basis for exclusion and discrimination of coloured children. As such it is incompatible with the right to equal treatment and protection against discrimination as guaranteed by the Convention on the Rights of the Child. The Children's Ombudsman concludes that the figure of Black Pete must be adjusted to make sure coloured children do not experience such negative effects and to guarantee that all children feel safe and comfortable in celebrating *Sinterklaas*. To realize this the Ombudsman specifically calls on parents and schools to work together for change and to include children in this endeavour.

The report fuels the fierce debate on the figure of Black Pete that has been on-going in the Netherlands for several years now. With the yearly *Sinterklaas* festivities coming up soon the debate is expected to intensify even further. Upon publication of the report the Ombudsman for Children received many hate mails and even serious threats to her life. It is reported she will file charges with the relevant criminal authorities.¹

¹ According to one of the leading newspapers in the Netherlands, see <https://www.nrc.nl/nieuws/2016/10/03/kinderombudsman-gaat-aangifte-doen-na-bedreigingen-om-zwarte-piet-a1524605> (last accessed 4 October 2016).

Key points of analysis:

With this report the Netherlands' Ombudsman for Children follows a similar approach to the Black Pete issue as taken by the Netherlands Institute for Human Rights (NIHR – College voor de Rechten van de Mens) under application of the General Equal Treatment Act.² Her report is also in line with the critical comments made in this regard by the UN Committee on the Elimination of all forms of Racial Discrimination in its *Concluding Observations* of 2015 regarding the Netherlands.³

Internet link source:

The report 'Kinderombudsman: Zwarte Piet vraagt om aanpassing' (Children's Ombudsman: Black Pete requires adjustment', can be found at <https://www.dekinderombudsman.nl/70/ouders-professionals/nieuws/kinderombudsman-zwarte-piet-vraagt-om-aanpassing/?id=667> (last accessed 4 October 2016).

² The NIHR also concluded that the figure of Black Pete contains discriminatory elements and it urged schools and parents to work towards change together, see Opinion 2014-131, <https://mensenrechten.nl/publicaties/oordelen/2014-131/detail>.

³ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD_C_NLD_CO_19-21_21519_E.pdf.