

Ombudsman for Children: ‘Black Pete’ requires adaptation

1. Background to this position paper

Over the past months the Dutch National Ombudsman for Children has been contacted by several people who complained about the character of ‘Black Pete’ (*Zwarte Piet*)¹, and requested a pronouncement on the subject. Given the broad public debate conducted about Black Pete in the Netherlands in recent years, the Ombudsman for Children decided to formulate and publish a general position statement instead of dealing with the complaints individually.

2. Framework of this position paper

2.1. Nature of complaints

In essence the complaints boil down to Black Pete being a caricature and a breeding ground for discrimination and racism in society. According to the applicants, their children experience Black Pete as offensive. They say the feast of Saint Nicholas (*Sinterklaas*) should be organized – especially at schools – in a way that conveys respect for everybody.

2.2. Preparation of this position paper

The requests for a pronouncement on Black Pete and his possible negative impact on children were the starting point for formulating the position set out in this paper. The Ombudsman for Children subsequently reviewed a number of scholarly and general publications on this subject. In September 2016 interviews were held with children about their experiences of and opinions on Black Pete, in order to take their views into account in this position paper. The paper was drawn up under the statutory duty of the Ombudsman for Children (under Section 11b of the National Ombudsman Act) and was adopted after checking it against the United Nations Convention on the Rights of the Child (CRC).

2.3. Statutory duty

Under Dutch law the Ombudsman for Children has a duty to promote respect by administrative bodies and private-law organizations of the rights of young people (under Section 11b(1) of the National Ombudsman Act, hereafter referred to as the “Act”). The Act allows the Ombudsman for Children to conduct an investigation into the respect afforded to the rights of young people, either in response to complaints or at his own initiative (under Section 11b(2)(c)). The Act stipulates that when performing these duties the Ombudsman for Children must make the fullest possible allowance for the opinions of young people in accordance with Article 12 of the Convention on the Rights of the Child, for the interests of young people, and for their experiences (under Section 11b(3)).

¹ Where we refer in this document to ‘Black Pete’, we mean both the appearance and the behaviour of the character.

2.4. United Nations Convention on the Rights of the Child

The Convention on the Rights of the Child sets out four general principles: the right to equal treatment and protection against discrimination (Article 2); the primacy of the best interests of the child in all decisions and measures concerning the child (Article 3); the right to life and development (Article 6); and the right to be heard in all decisions that concern the child (Article 12). The position adopted in this paper was checked against these interrelated general principles and against other relevant principles contained in the Convention on the Rights of the Child, namely Article 29 dealing with the aims of education and Article 5 dealing with the role of parents.

Article 3 of the Convention on the Rights of the Child stipulates that the best interests of the child must be the primary consideration in all decisions concerning children. The explanatory notes to this Article by the UN Committee on the Rights of the Child (General Comment number 14) state that this is not confined to here-and-now interests, but should also consider the possible effects of a decision on the entire life and development of the child.

3. Societal context

A broad public debate about Black Pete has been ongoing in the Netherlands for a few years now. Supporters and opponents of Black Pete are often diametrically opposed to each other in this debate. Black Pete supporters say the character is not intentionally discriminatory and that the present Black Pete is an indispensable part of Dutch culture and the feast of Saint Nicholas (*Sinterklaas*). Opponents refer to the stereotypical image of the character and his appearance, thought up by white people, and say it is no longer appropriate to the present day.² This discussion is being conducted mainly in the media and it revolves around such matters as the 'Saint Nicholas News' TV programme (*Sinterklaasjournaal*), and the annual welcoming of the saint. The Ombudsman for Children notes that at schools and within societal institutions for children a dialogue is being conducted with children about the celebration of the feast of Saint Nicholas and the appearance of Black Pete. In this public debate, it should be noted that adults are always the ones who take a stand on the issue of Black Pete.

4. Experiences and opinions of children

4.1 Lack of scientific research

The experiences and opinions of children are important for the Ombudsman for Children. How do they see Black Pete? Do they actually experience any negative effects resulting from the way the feast of Saint Nicholas is celebrated? To date no representative scientific research has been conducted that provides conclusive answers to these questions. The only available scientific study was conducted by Leiden University.³ This study was carried out among 201 children aged between 5 and 7. The results indicate that the slightly older children make more frequent connections between a black person and Black Pete, whereas younger children do not. However, the study drew criticism

² Meertens Institute. *Piet en Sint – Veelgestelde vragen* (viewed on 22 September 2016).

³ Mesman, J., Jansen, S., Van Rosmalen, L. (2016). Black Pete through the eyes of Dutch children. *PloS* 11 (6): e:0157511. Doi: 10.1371.

from other researchers, who called it unrepresentative. For example, 93% of the interviewed children were said to have been white, with only 6% of them living in a 'coloured' neighbourhood.⁴

4.2. What children told us

In September 2016, the Ombudsman for Children had a number of conversations with both white and coloured children about the issue of Black Pete. The group was not representative. The stories of the children may, however, be regarded as indicative and provide an impression of what children in the Netherlands have to say on this subject.

These children (aged 10 to 16) told us the following concerning their experiences with Black Pete and their thoughts about the feast of Saint Nicholas:

Several coloured children said that at different times throughout the year they experienced discrimination on account of their skin colour and were called names. They said it becomes worse around the time of Saint Nicholas. A thirteen-year-old boy said that spice nuts (*pepernoten*, a type of candy associated with the feast of Saint Nicholas) had been thrown at him and that he was called a 'black monkey' and 'Black Pete'. Another child said that around Saint Nicholas time a short film was shown at school depicting stealing and plundering Black Petes. "Those blacks are thieves," the teacher told the class and the child said everybody stared at him. Another child mentioned the example of a mother who told her young daughter: "Look, a Black Pete", pointing at the child in question. Another example concerned a coloured child who was sent a parcel through the post (from an anonymous sender), containing red make-up and Creole earrings in children's packaging. The boy who received the package said he felt worried and unsafe because the sender apparently knew where he lived. "It made me feel a bit depressed and I was afraid to go to school." A number of children said they associated Black Pete with slavery. Comments included "Saint Nicholas always sits on a horse and is always higher" and "Black Pete wears clothes from the days of slavery".

Many children said that parents and other adults play a dominant role in how the debate about Black Pete is conducted. "It comes from the school and from the parents," a ten-year-old boy said. "If the parents and the school start doing it right, the children will start doing it right too." Children said they were disturbed by how parents conducted the discussion. Several children said that while they understood the views of parents, they did not think that they should involve their children. They thought it was ridiculous for adults to argue about it. "Adults should behave normally and not put ideas into the heads of children," said a fifteen-year-old boy. Another boy said: "I didn't use to notice it before, but it's more insulting now that adults keep talking about it." Another fifteen-year-old boy said: "There are more important things than Black Pete."

Regardless of whether or not they are the subject of discrimination, the children and young people we interviewed believe that the feast of Saint Nicholas should be celebrated. The children who feel discriminated said that the feast itself makes up for a lot, because you receive presents, often in creative packaging and accompanied by poems. But they really do not like the combination of Black Pete's current appearance and behaviour. Children and young people agree that the feast of Saint Nicholas should be fun for everybody. All the interviewed young people were of the opinion that Black Pete's appearance should be adapted if there are children and young people who feel they are the subject of discrimination because of his present appearance. "The feast should be fun for everybody and it's ridiculous to argue about it," said a fifteen-year-old boy.

⁴ IJzendoorn, R. van: www.opvoeding-wetenschap.nl (viewed on 22 September 2016).

Children and young people predominantly thought that parents, schools and the children themselves should together agree what Black Pete should look like. One girl said that Black Pete should start wearing different clothes. The other children thought that Petes with make-up in various colours, Petes with black smudges on their face and Petes who are slightly less black would be good alternatives. According to most children, the golden earrings, frizzy hair and red lips should be abandoned.

Children are of the opinion that they should have their say in the discussion about adapting Black Pete. Children who feel that they are the subject of discrimination also want to celebrate the feast and want to have a say in how to make it fun for everybody.

5. Black Pete in relation to children's rights

Many of the coloured children who were interviewed said they experience discrimination in their day-to-day life. They said it becomes worse around Saint Nicholas time. Despite the absence of representative scientific research, the Ombudsman for Children provisionally considers it likely, based on the interviews with children, that children undergo bullying or discrimination with references to Black Pete. Some children experience as discriminatory the combination of some typical characteristics and behaviours of Black Pete because they are experienced as a negative stereotype of people with dark skin.⁵

It is in the interests of the child to grow up in an environment that is safe and respectful and where there is no discrimination, exclusion or bullying (CRC, Article 2). Adults bear an important responsibility in guaranteeing such a safe and respectful environment and thus the right of children to be able to develop (CRC, Articles 3 and 6). In these respects, the Ombudsman for Children believes there is a role principally for parents (CRC, Article 5) and for schools (CRC, Article 29). At places where the feast of Saint Nicholas is celebrated with and/or in the presence of children, it is up to adults to ensure that children of all skin colours are able to enjoy the feast. It is important to consider the experiences and opinions of children in this regard (CRC, Article 12).

6. Conclusion

The Ombudsman for Children concludes that the character of Black Pete in his present form as part of the feast of Saint Nicholas may contribute to bullying, exclusion or discrimination, and for that reason violates Articles 2, 3 and 6 of the Convention on the Rights of the Child. Therefore, the Ombudsman for Children concludes that Black Pete should be adapted in such a way that coloured children no longer experience any negative effects and that every child can feel safe and comfortable during the feast of Saint Nicholas.

By ensuring that Black Pete no longer possesses any discriminatory or stereotypical characteristics, it is possible to turn him into a character that does justice to the pleasure that so many people derive

⁵ This observation is in line with an earlier opinion of the Netherlands Institute for Human Rights. The Institute also said that a number of typical characteristics and behaviours of Black Pete, taken together, depicted and confirmed a negative stereotype of people with dark skin. The Institute added that the discrimination experienced by some people usually does not occur intentionally. Even though the Black Pete character may not be intended as such, it can nevertheless have discriminatory effects and be experienced as offensive. Netherlands Institute for Human Rights: opinion on Black Pete (viewed on 22 September 2016).

from the Saint Nicholas tradition, while at the same time respecting the rights of all children in the Netherlands.

7. Recommendations

At places where the feast of Saint Nicholas is celebrated with and/or in the presence of children, it is up to adults to ensure that children of all skin colours are able to enjoy the celebrations. The Ombudsman for Children encourages parents, schools, private and public youth organizations and institutions, and media intended for young people to exercise efforts to achieve this aim.

The Ombudsman for Children believes that parents should play a key role in this regard. The Convention on the Rights of the Child stipulates that parents have primary responsibility in helping their children to develop and in protecting them (CRC, Article 5). This also means that parents should not involve their children in a polarized public debate, but should actively endeavour to adapt Black Pete, preferably together with schools or other organizations focused on children, and with the children themselves.

The Ombudsman for Children also believes that schools have a secondary, yet important role to play. The right of children to education means that, besides the transfer of knowledge, children must be prepared for “responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin” (CRC, Article 29). Precisely at schools, an opportunity exists to involve parents and children constructively in adapting the character of Black Pete. Children should be involved in this process by giving them a say in this matter. On the grounds of Article 12 of the CRC, children’s experiences of and opinions on Black Pete must be heard.