

**UN Committee on the Rights of the Child
Pre session the Netherlands
Geneva, 6 October 2008**

**Jan Pieter Kleijburg
Chair, Dutch NGO Coalition on Children's Rights**

On behalf of the Dutch NGO Coalition on Children's Rights

- Honourable Ms. Chairperson
- Esteemed Members of the Committee on the Rights of the Child
- Distinguished representatives from UN agencies present here

Thank you for the opportunity to speak – together with four Dutch youngsters – to the Committee about children's rights in the Netherlands. We would like to ask your special attention for the presence of Merel, Marjolein, Kevin and Trim. Kevin and Merel can tell you about their experience in youth care. Trim grew up in an asylum centre. Marjolein would like to draw your attention to the rights of disabled children.

The third NGO report on the implementation of the Convention in the Netherlands is a joint effort led by the Dutch NGO Coalition for children's rights of which several experts are present today. Fifty organisations subscribe to this report. The youth of the Netherlands also produced a report. And for the first time a NGO report has been made on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography.

Honourable Ms. Chairperson, esteemed Committee Members,

After a period of stagnation, our government now seems to give priority to children and youth. There is a Special Programme Minister for Youth and Families, with a mandate to coordinate the work of several Departments. It is a good sign that this Programme Minister bases its policy on the Convention on the Right of the Child.

However, we are concerned that the Ministry for Youth and Families is not future resistant. With the chosen set-up of a virtual Ministry housed in another Ministry, it will be easy for future Governments to abandon the idea of a coordinating Minister for youth policy. It would be a great asset if this virtual Ministry would become a real one, with access to budgets intended for all children and youth from Ministries of Education, Justice, and Welfare and Health.

I first would like to draw your attention to the special report about sexual exploitation made by the Dutch NGOs.

This is the first time the Netherlands reports to the UN Committee on the Right of the Child about the implementation of the Optional Protocol.

We are concerned about law enforcement, in particular the lack of capacity and expertise. Law Enforcement agencies are still the bottleneck in the investigation and prosecution of the sexual exploitation of children.

Much more can be done in the field of prevention, protection and care. For example, there are not enough places in specialised shelters and care and treatment facilities for child victims of trafficking for sexual and other purposes.

We would appreciate a recommendation by the Committee to increase the number of available places in specialised facilities. And although efforts have been made to improve the identification and referral of cases, agencies involved fail to keep specific or complete records, and the various systems are often incompatible. We therefore ask the Committee to recommend the better exchange of information.

The safety and protection of child victims of sexual exploitation without a valid residence permit is a cause for great concern. All child victims of trafficking in the Netherlands should receive the protection and care they need irrespective of their backgrounds or residence status. We hope the Committee will recommend that children identified as victims of trafficking obtain a permanent residence permit on humanitarian grounds.

The Netherlands needs a national action plan to enhance coordination between all relevant stakeholders on the local, regional and national level in order to protect children against sexual exploitation.

We ask you to recommend to the Dutch government to give the protection of child victims of trafficking the priority and the urgency it deserves.

I will now move to the Convention on the Rights of the Child.

What are the most striking child rights concerns in the Netherlands relating to the Convention?

We have formulated a top ten of child rights issues. I will briefly point them out, focusing on the rights of children in youth care, juvenile justice and migration situations, because these areas are in need of extra attention.

The children of the Netherlands need improvements in youth care

At least 150.000 children are in need of some form of youth care. There are still long waiting lists for children in need of care, both to initiate help and educational assistance, but also to receive the specialized care by providers. Until now the Dutch Government has not made the necessary **structural** investments and reduced the bureaucracy, to end these long waiting lists.

We are also concerned about the fact that children with a child protection order can still be placed in youth institutions together with children who committed a criminal offence.

Every abused child needs a response

Between 106.000 and 160.000 children are victims of child abuse and neglect every year. Only a minority of the cases are reported to the Advice and Reporting Centres for Child Abuse and Neglect. We hope the Committee will recommend to impose a legal obligation on all professionals working with children to intervene when child abuse is suspected.

Furthermore, there is a lack of attention for very vulnerable children, including children in asylum-seekers centres, children without legal papers (‘illegal children’) and children in sheltered homes.

Irregular children have the same rights as every child has

In the Netherlands some families with children are forced to live on the streets because there is no access to housing or shelter for them. According to the Dutch authorities, these children do not have a right to housing because their parents are not lawfully in the country. Two weeks ago the European Committee of Social Rights declared a complaint filed by NGOs about this situation admissible. We would like the Committee to state clearly that irregular children do fall under the scope of the CRC and that they have the right to an adequate living standard and to housing.

Another serious child rights problem concerns the right to family life. Family reunion is often refused when only the parent or only the child has a permanent residence permit. We would like the Committee to recommend that if a parent or a child is allowed to stay in the Netherlands, the other family members should be able to reunite as soon as possible without further requirements.

Protect children in conflict with the law

Too many children are behind bars in the Netherlands. It appears that the pedagogical aims of juvenile justice are being replaced by more punitive and repressive policies. For instance, DNA can be taken from juvenile offenders on the same basis as for adults in the case of serious offences, and retained for a long period of time. Also, 16-17-year olds can be tried under adult penal law. Detaining children is ineffective. We would like to ask the Committee to recommend that the answers should be sought in prevention, early assistance, and alternative measures and sanctions.

The situation in the juvenile detention centres is also a cause of concern. We subscribe to the conclusion laid out by the National Inspectorate of Youth Care that treatment and control measures are being applied without due consideration for the individual problems of the child. Despite good intentions, only few treatment programmes are evidence based. Also children with a penal treatment measure may have to wait for up to one year before the treatment can take place. Improved mechanisms are necessary to guarantee the safety of children in detention and to protect them against all forms of violence.

We hope the Committee will formulate recommendations on the following:

Reduce poverty.

In the Netherlands 310.000 children live on or below the poverty line. Not having access to certain activities, such as sports and culture, puts them at a severe disadvantage. An end to social disparities is necessary. In this respect we are also asking for the withdrawal of the reservation to the Convention regarding article 26.

Take participation serious as a right.

Dutch youth policy should assign young people's participation the priority it deserves. It should have a legal basis in institutions, schools and government bodies.

Arrange green play areas.

In many cities the public space for children to spend their (leisure) time and to play is insufficient. At least 25% of the children never play outdoors. We ask for 'green play areas': trees children can climb in, and shrubs in which they can build dens.

Educate children's rights.

We need education in human – including children's – rights to be a compulsory element of the school curriculum.

Put children's rights in the heart of development cooperation.

We ask for the mainstreaming of the Convention of the Rights of the Child within development cooperation, and explicit policy formulation and budget commitment for children living under extreme difficult circumstances.

The children of the Netherlands need a children's ombudsman.

In 2004, the Committee on the Rights of the Child recommended the establishment of a Children's Ombudsman. The children of the Netherlands are still waiting for this watchdog that could play a crucial role in enhancing respect for their rights, including in all the areas I have just pointed out. We hope the Committee can stimulate the developments that are taking place so that the children do not have to wait any longer for their Ombudsman.

Honourable Ms. Chairperson, esteemed Committee Members,

The Netherlands is a prosperous country and a strong supporter of human rights in the international arena. In that context, too, it is disappointing for us as NGOs that there are so many shortcomings and concerns. We trust our findings result in strong and clear recommendations by the Committee on the Rights of the Child to the Government of the Netherlands.

Thank you.