

*Growing up in the Low Countries*  
*Children's Rights in the Netherlands*

*The second report of the Dutch NGO Coalition for Children's Rights on the implementation of the Convention on the Rights of the Child in the Netherlands.*

**Kinderrechtencollectief:** *Dutch NGO Coalition for Children's Rights*

- Defence for Children International Netherlands
- UNICEF Netherlands
- National Association for Child and Youth Legal Advice Centres
- Netherlands Youth Group
- Save the Children Netherlands
- Plan Netherlands
- National Youth Council
- Netherlands Institute for Care and Welfare (advisory member)

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The following organisations support the general content of this NGO report on the implementation of the Convention on the Rights of the Child in the Netherlands:

- ASKV Support Group for Refugees
- Association of Youth Information Centres The Netherlands
- ATD Fourth World Netherlands
- Catholic Organisation for Relief and Development (CORDAID)
- Child Care Advice and Complaint Bureau (*Advies- en Klachtenbureau Jeugdzorg*)
- Cooperating Organisation of Clients in Youth care and Family right (*Platform SCJF*)
- Defence for Children International Netherlands
- Dutch Refugee Organisation (*Vluchtelingenwerk Nederland*)
- ECPAT Netherlands
- Forum, Institute for Multicultural Development
- Foundation for Children's Welfare Stamps Netherlands (*Kinderpostzegels Nederland*)
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- Netherlands Family Council (*Nederlandse Gezinsraad*)
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  - Youth for Christ Netherlands
  - Youth Work of the United Protestant Churches
  - National Organisation for Playgrounds and Youth Recreation (NUSO)
  - Stichting Jeugd en Jongerenpastoraat/Bond Vrije Evangelische Gemeenten
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  - Nivon
  - Youth Organisation CNV
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  - Continental Art Centre
  - Hervormd Gereformeerde Jeugdbond
  - ResponZ
  - Dutch Rural Youth Organisation (*Algemeen Plattelands Jongeren Werk*)
- Network Religious People for Refugees

- Ombudsman Foundation
- Paediatric Association of the Netherlands (*Nederlandse Vereniging voor Kindergeneeskunde*)
- Plan The Netherlands
- Profit for the World's Children
- Refugee Organisations in the Netherlands (*VON*)
- Save the Children Netherlands
- Stichting Valentijn
- Terre des Hommes The Netherlands
- UNICEF Netherlands
- United Dutch Traffic Safety Association (*3VO, Verenigde Verkeers Veiligheid Organisatie*)
- WHO/UNICEF Baby Friendly Hospital Initiative

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Chapter V on aliens policy and children's rights is elaborated upon in an annex to this report.

## Preface

This is the second report by the Dutch NGO Coalition for Children's Rights (KRC) on the implementation of the Convention on the Rights of the Child in the Netherlands. The first NGO report, 'Children's Rights as a Mirror of Dutch Society,' dealt with the period 1995-1997.

This second NGO report concerns the period 1997-2003 (up to April) and was written independently from the report that the Dutch government submitted to the UN Committee on the Rights of the Child on 6 March 2002.

In this second NGO report, the KRC highlights the problems that it perceives in the field of children's rights in the Netherlands, thereby focusing on eight key areas of concern. This is not to say that all other rights of the child are fully realised.

Each of these eight key areas of concern is dealt with in a separate section. Each section begins with the relevant recommendations to the Dutch government that were made by the UN Committee on the Rights of the Child in 1999. These recommendations are followed by an introduction stating the present situation and providing an overview of current developments. The KRC then identifies the problem areas and, in conclusion, formulates recommendations for the Dutch government.

During the discussions in 1999 between the UN Committee for the Rights of the Child and the Dutch government, the Committee made a number of recommendations to the Dutch government. In a separate chapter, the KRC indicates the progress made in implementing these recommendations.

In the report, the terms 'children', 'minors', 'youth', 'young people' and 'juveniles' are used interchangeably. All of these terms mean: any person under the age of eighteen.

This report assesses the implementation of the Convention in the territory of the Kingdom of the Netherlands in Europe. It provides no information on the situation of children in the other two parts of the Kingdom, namely the Netherlands Antilles and Aruba in the Caribbean.

This report was written by an editorial board consisting of members of the Dutch NGO Coalition for Children's Rights, in close cooperation with a large number of participating organisations. The responsibility for the independent report lies with the core group members of the Dutch NGO Coalition for Children's Rights: Defence for Children International Netherlands, UNICEF Netherlands, National Association for Child and Youth Legal Advice Centers (*Landelijke Vereniging voor Kinder- en Jongerenrechtswinkels*), Netherlands Youth Group (*Nederlandse Jeugd Groep*), Plan The Netherlands, National Youth Council (*Nationale Jeugdraad*), Save the Children The Netherlands and Netherlands Institute for Care and Welfare (*Nederlands Instituut voor Zorg en Welzijn*, NIZW) Youth (advisor).

This NGO report is not only intended as discussion material for the UN Committee on the Rights of the Child. It is also most definitely intended to stimulate the discussion of the rights of children in the Netherlands as well. For this reason, the report is available in both English and Dutch.

The organisations listed at the beginning of this report endorse its general content.

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# **I Introduction: growing up in the Netherlands**

## ***Introduction***

This introductory chapter sketches the national context underlying this NGO report. The critical observations of the Dutch NGO Coalition for Children's Rights (KRC) on the implementation of the Convention on the Rights of the Child (CRC) range between the child-rearing culture in the Netherlands and the administrative organisation of government policy. How children grow up and how they are brought up are determined, in part, by policy. And, conversely, the way children and parents interact has an effect on policy making. The two areas influence each other in a reciprocal way.

This introduction specifically examines the policy context at local and international level, i.e. the policy levels bordering on the level of national government. The national government is the formal contracting party to the Convention on the Rights of the Child. The central government has international obligations (universal and European) that partly determine what is possible and desirable at the national level. And, *mutatis mutandis*, the *de jure* obligations undertaken by the national government are *de facto* implemented at the local level (provinces and municipalities).

The interaction between upbringing and policy - in essence the interaction between society and government - is difficult to summarise in a few paragraphs, and there are also almost certainly a few typically Dutch traits involved, which may be more recognisable to the non-Dutch than to the Dutch themselves. Nonetheless, what follows is an attempt to broadly describe the context of the implementation of the Convention on the Rights of the Child in the Netherlands and to make it accessible for readers from outside the Netherlands.

## ***The child-rearing climate in the Netherlands***

Growing up in the Netherlands: what is it really like? The Netherlands is one of the world's wealthiest countries but, at the same time, one of the most densely populated: plenty of money and not enough space.

A recent representative survey (2001) for the Dutch newspaper *Trouw* showed that Dutch parents and children approve of the current child-rearing environment in the Netherlands: on a scale of 1 to 10, children rated their parents 7.9. The parents rated themselves 7.4. This places the overall picture of Dutch family life presented by this survey somewhere between 'very satisfactory' and 'good.'

The Netherlands has a long history of various religious groups coexisting side by side. This has produced societal divisions, including the welfare model on the basis of religious and political views (the system of socio-political divisions in which one finds catholic schools, socialist holiday homes, a liberal broadcasting organisation and Protestant-Christian children's homes). Coalition governments and socio-economic consultative models that more or less arose from this system of socio-political divisions (the 'polder model') are becoming deadlocked and are at present the subject of debate. Even the often-praised negotiation household, the supposedly existing Dutch family model in which children and parents negotiate with each other over each and every decision, is being questioned. Studies show that many situations in the home are not discussed, so that both children and parents think that they are taking the most important decisions.

The position of children in the Netherlands is subject to significant changes. The secure environment in the home and in the neighbourhood, often taken for granted, is increasingly in

question. Dutch parents are spending more money on their children, but less time. This is a serious point of discussion in society. Care for children (the ‘having’ of children) must fit in with other parental activities, especially, of course, paid employment. In comparison to other European countries, the Netherlands has had a low percentage of working women, including working mothers, for decades. The current increasing labour participation by women is making it more difficult for parents to find a good balance between their care activities and their work obligations. The *Trouw* survey referred to above showed that 14% of working mothers have no more than half an hour available for the children on working days. The government is taking steps to increase the opportunities for pre-school and after-school care, but at present the number of services and the options for parental leave are lagging behind those of other countries. This indicates that child-rearing is not very high on the political agenda.

Certainties in child-rearing are disappearing. Time is valuable and money is as a rule ‘no problem’. But the prosperity is not distributed equally across the population, and this affects children particularly acutely. Low-income families with children are a significant group among people with an income near the poverty level. For all income levels, having children means a sharp drop in disposable income. Immigrant families are not evenly distributed across all income groups. It should be no surprise that children of a non-Dutch background (or children of non-Dutch parents) are, on average, poorer than the average child. These immigrant children also make less use of facilities intended for all children, such as sports clubs. This also applies to many children and youths with a temporary residence permit or no residence permit at all, which makes them even more vulnerable.

Adults keep their own childhood in mind when raising their children. They are quick to wonder whether they are doing it properly. The environment has changed: often, there are no older, experienced family members nearby to give child-rearing advice. It is increasingly common for parents to look for child-rearing support from the appropriate institutions.

### ***Children’s rights and social welfare organisations***

The government cannot do it alone. The state cannot live up to the responsibility of guaranteeing the rights of the child without the cooperation of parents and social welfare organisations. Historically, the Dutch social structure has always attached great value to organisations based on private initiatives, or non-governmental organisations. We see private organisations fulfilling individual roles in areas such as youth welfare, recreation and education. The place of these organisations is determined by the subsidiarity principle: each group organises what it is capable of organising within its own sphere. The government plays the role of financer on the basis of the principle of equality. As developments have progressed over recent decades, the role of the government has shifted from that of financer and organiser of the activities of private organisations to that of client and contractor of governmental tasks to private institutions. The term ‘private *initiative*’ is becoming overused. It is worth noting that particularly in the area of immigrant care, a new dynamic is emerging in that private initiative: the non-governmental organisations are undertaking activities that are not a consequence of government policy, but in fact counter it.

In Article 3, the Convention on the Rights of the Child explicitly obliges social welfare organisations to make the best interests of the child a primary consideration in all actions relating to children.

When the government leaves some activities to private organisations, privatises others, and contracts out still others, it remains responsible for the quality and quantity of these services, certainly insofar as these activities are based on obligations under international law.

In the implementation of the Convention on the Rights of the Child in the Netherlands, too little attention is given to the distinction between the responsibilities of governmental institutions and non-governmental organisations.

### ***Rights of the child and the private sector: the role of industry***

The private sector is increasingly involved in the realisation of basic rights in society. A sound economic and financial foundation is vital for bringing about services based on social justice.

Corporate Social Responsibility is an actively debated theme, addressing the question of whether - apart from the statutory and financial (tax!) obligations - a company also has a deeper responsibility. One issue is that employees, customers and shareholders are also members of society and as such may have certain conceptions of the company's social responsibility.

In regard to children's rights, the discussion often focuses on the production and marketing of products involving child labour. The question is whether a company is able to contribute to a process that can lead to better training and education for working children and the development of a family income alternative.

At present, the involvement of the private sector in the realisation of children's rights is still literally in its infancy.

### ***Children's rights and decentralisation***

With the ratification of the Convention on the Rights of the Child, the Dutch government accepted a number of obligations that collectively provide a framework for the position of children and youth in society. The KRC finds the relationship between the international responsibilities of the Dutch government and the administrative autonomy of the municipalities and provinces unclear in certain policy areas. In distributing the responsibilities across the various governmental levels (national, provincial and municipal), the implementation of the Convention on the Rights of the Child must be considered. All three governmental levels are autonomous and democratically administered and are, from that perspective, equal. A number of subjects addressed in the Convention are clearly regulated at the national level, in terms of legal equality and certainty. The twelve provinces have the responsibility of enforcing the national Youth Assistance Act, and receive special-purpose grants from the national government to do so. The three major cities (Amsterdam, Rotterdam and The Hague) make up an urban area equivalent to a province in terms of youth care policy. And while the approximately 500 municipalities have primary responsibility for a number of basic services such as play areas and youth employment, no specific legislation or budget is provided. Primary education is organised by the municipalities, using funds from the national government, while secondary education is organised directly by the national government, with the municipalities fulfilling an advisory role. In 1999, new arrangements were made between the national government and the local authorities in the form of the 'New Style Policy Agreement' (*Beleidsakkoord Nieuwe Stijl*, or BANS). This agreement was concluded with the umbrella organisations of the municipalities and provinces (the Association of Netherlands Municipalities (*Vereniging Nederlandse Gemeenten* (VNG)) and Association of Netherlands Provinces (*Interprovinciaal Overleg* (IPO)). In this essentially 'gentleman's agreement,' arrangements are also made with regard to youth policy. The emphasis of municipal policy is the prevention of problems of and with young people.

Adequate current information on the implementation of the Convention on the Rights of the Child at provincial and local level does not exist. Several years ago, the Netherlands Court of Audit was extremely critical of the way in which the national government (in particular the

Ministry of Health, Welfare and Sport (VWS)) was kept informed of the manner in which funding from the national government was spent on youth care.

### ***Children's rights in a European perspective***

The Dutch government's youth policy is dictated, in part, by international arrangements, including those at the European level.

As co-founder and member of the European Union (EU) and its legal predecessors, the Netherlands must increasingly take the legislation of this supranational body into account. Children's rights are not a central element of European policy; the three primary areas of attention for the EU are economic development, foreign policy, and justice and home affairs. Young people feature only marginally and indirectly in the European treaties. Article 13 of the EU Treaty (as supplemented by the Treaty of Amsterdam) prohibits, *inter alia*, age discrimination (this basis for discrimination does not even appear in the Convention on the Rights of the Child). Article 29 of the EU Treaty (as formulated in the Treaty of Amsterdam) allows inter-governmental action to combat types of *offences against children*. Partly on the basis of this provision, the EU has developed programmes, such as AGIS and Daphne, for the prevention of violence including sexual violence against children.

The primary effect on children and youth of the EU's principal core task, economic development, relates to education and parental labour participation.

At present, there are no EU measures viewed by the Dutch NGO Coalition for Children's Rights as being not in accordance with the Convention on the Rights of the Child. However, at the same time, no actively cohesive programme has yet been developed to improve the position of children and youth. A first step can be found in the European Commission's white paper 'A new impetus for European youth,' which is currently being discussed within the EU. The UN Committee on the Rights of the Child could contemplate the question of how regional structures and their legislation and programmes relate to the responsibilities of individual countries as contracting parties to the Convention.

### ***Children's rights at the global level***

Article 4 of the Convention on the Rights of the Child obliges the governments of wealthy countries to provide material assistance to poor countries for the implementation of children's rights. Article 24 on health care and Article 28 on education re-emphasise the responsibility for these two essential areas of attention for children.

The Dutch government is one of the few among the developed countries that adheres to a minimum contribution for development assistance stipulated at the international level. Wealthy countries must devote at least 0.7% of their Gross National Product (GNP) to development assistance, and the Dutch contribution is 0.8% of GNP. The fight against poverty is at the heart of Dutch developmental cooperation policy. The former Minister of Development Cooperation stated that 'children and development' are an important part of the fight against poverty. Without making it official policy, the Netherlands endeavours to spend 20% of Official Development Aid on basic services (and has so far achieved this goal).

In the run-up to the UN General Assembly Special Session on Children (UNGASS), the then Minister of Development Cooperation consulted with NGOs on children's rights policy within the context of development assistance. The minister made clear that she did not intend to structurally review her policy for its effect on children (the 'child test'), although she did indicate that she considered children's interests an important element of her policy. She stated that the holistic approach to the rights of the child, as codified in the Convention on the

Rights of the Child, must be expressed in every aspect of Developmental Cooperation Policy (DCP) and implemented in practice. Embassies must be informed of the Children's Rights Convention and the new policy paper on children and development must be based on the Convention. This policy paper is in preparation. The paper must indicate in concrete terms how the planned actions (and investments) will actually give a central role in DCP to this holistic approach. A commitment was made to hold another meeting between the minister and the NGOs after UNGASS to discuss the implementation of the Outcome Document by the Dutch government.

There was, then, a clear will on the part of the former minister to give, and continue to give, children an important position in the DCP. This is also evidenced by the structural increase in the Netherlands' contribution to UNICEF, the recognition of a child-oriented organisation as cofinancing organisation and the inclusion of the theme 'Children' in the new Policy Framework for Theme-based Cofinancing of 6 March 2002.

Partly in the context of the Action Plan based on the Outcome Document of the UN General Assembly Special Session on Children in New York (8-10 May 2002), the Dutch government must take a number of further steps to implement children's rights at the global level. This can be accomplished by developing a distinct children's rights policy within DCP. Follow-up in this area is in preparation.

### ***Political instability and economic uncertainty***

The image of stability that typified Dutch politics and social developments in the eyes of the world and, indeed, of the Dutch people themselves, was shattered immediately prior to the national elections of May 2002 by the assassination of the leader of a populist political movement. The coalition government formed after these elections collapsed within three months. In this report, the plans of the newly formed government (end of May 2003) have not been taken into account. All in all, it has been a year of political uncertainty, in which only the affairs in hand have been addressed, while vital initiatives, including those in areas directly pertinent to children and youth, such as education, youth care and the prevention of child abuse, have been neglected.

Along with this political uncertainty, the economic outlook has radically deteriorated. Where just one year ago governmental investments in education, health care and public safety were discussed extensively, today large-scale cutbacks in governmental expenses are expected. It is still unclear which sectors will be the hardest hit. Unemployment figures are rising, and for the first time in a decade, an increase in youth unemployment has been observed.

This domestic insecurity, reinforced by international instability resulting from war and terrorism, reiterates the need for the utmost vigilance, including in regard to safeguarding the rights of children.

## II Abuse and exploitation of children

*Article 19, CRC – Children must be protected against all forms of physical, mental and sexual abuse, while in the care of the parent(s), legal guardian(s) or others. The State Parties shall take measures for prevention and treatment.*

*Article 34, CRC – Children are to be protected against all forms of sexual exploitation, and in particular against child prostitution and child pornography.*

*Article 35, CRC – Traffic in children will be actively combated.*

*Article 39, CRC – Child victims of abuse, exploitation or armed conflicts are entitled to special care.*

### ***Recommendations of the UN Committee on the Rights of the Child, October 1999***

The Dutch government must institute a new reporting system for child abuse, as proposed in the policy document of the Ministry of Justice, and the Ministry of Health, Welfare and Sport. The government must prohibit all forms of mental and physical violence against children in the family.

### ***Introduction***

An estimated 50,000 to 80,000 children in the Netherlands are severely abused, physically and/or sexually, or neglected each year. There is no statutory reporting obligation, neither for the public nor for professionals. Approximately 20,000 people annually contact an Advice and Reporting Centre for Child Abuse and Neglect (ARCAN, *Advies- en Meldpunt Kindermishandeling*, AMK) with suspicions of child abuse. The vast majority of these contacts relate to abuse or neglect within the family. These cases often involve forms of ‘transgenerational’ violence: the roles of abuser and victim are passed down from generation to generation.

In recent years, increasing attention has been given to themes linked to child abuse, such as domestic violence, street violence, youth criminality and the sexual abuse and sexual exploitation of children (including child pornography and prostitution involving minors). Few figures on sexual exploitation are available but, according to the Nisso study of 1998, there are approximately 1500 underage girls engaged in prostitution. A 2001 study commissioned by the Research and Documentation Centre of the Dutch Ministry of Justice (WODC *Wetenschappelijk Onderzoek- en Documentatiecentrum*), gives a conservative estimate of at least 1500 underage boys engaged in prostitution. The Netherlands has no law prohibiting spanking children or physical punishment or other humiliating treatment as a parenting tool. Severe forms of child abuse are punishable under Dutch criminal law.

### ***Trend***

#### ***Child abuse***

Over the last few years, the subject of child abuse has become a major point of attention for both the government and professionals, as well as the public. The focus on child abuse has led to initiatives for improved prevention and action at a number of levels.

However, financing these initiatives remains a difficult issue.

In the period from 1998-2000, the former Child Abuse Medical Counsellor Offices (*Bureaus Vertrouwensarts*) and the intake function of the Child Protection Board (*Raad voor de Kinderbescherming*) were remoulded into a network of Advice and Reporting Centres for Child Abuse and Neglect (ARCANs) with national coverage. More efforts are now being made in the Netherlands to offer assistance on a voluntary basis. There is a movement at work to shift the Child Protection Board's role to the second line of defence, whereby it can only become involved if requested by the ARCANs or Youth Care Offices, or in crisis situations. The formation of the ARCANs brings to an end a period lasting over 25 years, in which there was no legal basis for the Dutch reporting system. Suspicions of child abuse can now be

reported via one national telephone number to ARCAN employees. If desired, reports of child abuse or suspected child abuse and neglect can be made anonymously.

The process of establishing the position of the ARCANS in a new law is complete. This new law contains a scheme enabling medical workers to override their professional confidentiality if they have a serious suspicion of child abuse. An international study of a potential ban on spanking children has been announced.

In the area of education, legal steps have been taken to combat misuse of authority and sexual abuse of school children by teachers. There is now a reporting requirement, and confidential advising personnel have been appointed to all schools.

Partly due to strong pressure from the Reflection and Action Group to Combat Child Abuse (RAAK, *Reflectie- en Actiegroep Aanpak Kindermishandeling*) and with the support and concurrence of the KRC, the cabinet's coalition agreement of July 2002 included the following sentence: 'Improvements will be made in the prevention and suppression of child abuse and sexual offences against children.'

### *Domestic violence*

An important governmental initiative is the interdepartmental domestic violence project. In this project, the government and NGOs work together on structurally entrenching attention to domestic violence within existing policy frameworks. Plans are being developed for an integral approach, for fostering expertise among professionals and for cross-sector collaboration. At local and regional level, initiatives have arisen for the creation of domestic violence reporting points and for cooperation between institutions in order to achieve an integral, cohesive range of provisions. The April 2002 policy document 'Private violence - a public issue' (*Privé geweld - publieke zaak*) provides a further overview of the plans.

### *National Action Plan against Sexual Abuse of Children (NAPS)*

In 2000, the Lower House of Parliament adopted the National Action Plan against Sexual Abuse of Children (NAPS) as an implementation of the obligations arising from the 1996 Stockholm Conference on the sexual exploitation of children. The NAPS establishes the necessary links between the activities of various ministries and organisations. The approach to the problem comprises governmental, institutional and private care in the areas of prevention, assistance, suppression, and national and international legislation and cooperation. The Action Plan highlighted areas such as child prostitution, child sex tourism, child pornography (including on the Internet) and sexual abuse of handicapped children. The NAPS project team (led by the Ministry of Justice) comprised representatives of the Ministry of Education, Culture and Science, the Ministry of Foreign Affairs, the Ministry of Health, Welfare and Sport, the Ministry of the Interior, the Ministry of Social Affairs and Employment, and representatives of the police, the Association of Netherlands Municipalities, aid agencies and special interest groups (including NGOs). A few examples of projects that have been conducted are the publication of a handbook describing successful projects to combat child prostitution, the development of teaching modules for professionals on the early identification of sexual abuse, the submission of concrete legislative proposals and the creation of lessons for continuing education to increase children's capabilities.

The NAPS final report was submitted to the Lower House on 11 November 2002, but the project was not evaluated, so it is not immediately clear whether or not the plan's objectives were achieved. The cover letter states that the approach to sexual abuse will be carried through to the approach to domestic violence, as described in the document 'Private violence - a public issue'. This document fails to address how to tackle the commercial sexual exploitation of children at all, however, so a structural approach to combating this problem is also unclear.

### *Traffic in children for sexual purposes*

Children are sometimes exported to the Netherlands for the purposes of sexual exploitation and in some cases these children end up in prostitution in the Netherlands or another country in the European Union. This takes place in a number of ways. Some children are smuggled into the Netherlands illegally by human traffickers and then exploited in prostitution (the closed circuits). Another method is when the traffickers utilize the asylum procedure for unaccompanied asylum seeking minors to bring the children to the Netherlands. Most of these children disappear from the asylum centres after a few days to unknown destinations. These are usually young girls from Eastern Europe (particularly the former Yugoslavia, Albania and Moldavia), China and West African countries (primarily Nigeria). Girls residing in the Netherlands who end up in prostitution are often pressed into work by so-called 'loverboys,' boys who begin a relationship with them with the object of prostituting them. These loverboys go after vulnerable girls who are extremely susceptible to the attention given to them by the loverboy. Unaccompanied asylum seeking girls in asylum centres and small residential units are part of this group of vulnerable girls. Apart from this, sexual abuse and prostitution take place within asylum centres between the residents themselves, and young girls are the most frequent victims.

A number of steps have been taken to combat trafficking in minors. Along with studies of the nature and scope of this problem, concrete arrangements have been made between the relevant institutions to prevent these children from becoming involved in prostitution, such as the accelerated placement of these children in local safe housing, expedited review by the Immigration and Naturalisation Service, early guardianship and proper counselling of the children. In some cases, arrangements are made between the local aliens department and asylum centres that girls at risk be reported urgently, so that extra supervision can be exercised, and if a girl does disappear, the process of tracing her can be started very quickly. The Immigration and Naturalisation Service holds courses for contact officials. Despite these steps, children still do disappear from asylum centres. In the Netherlands, there is no reliable national registration of unaccompanied asylum seeking minors who disappear to unknown locations.

### *Adaptation of sexual offences legislation*

The Act lifting the restriction on brothels (*Wet Opheffing Bordeelverbod*) has been in force since 1 October 2000. This act is an attempt to regulate the sex industry. At the same time, it prohibits underage prostitution and explicitly makes it a punishable offence, both for the operator as well as the customer. This must be enforced at the local level. A study by the WODC, the Research and Documentation Centre of the Dutch Ministry of Justice, is cautiously optimistic about the effects of the act, although it also concludes that more energy must be put into tackling illegal forms of prostitution, such as human trafficking and the exploitation of minors.

As of 1 October 2002, the age under which minors may not be involved in the production, distribution and possession of pornographic material was increased from sixteen to eighteen years. The same legislative amendment also made virtual child pornography a punishable offence. Additionally, in order to combat child sex tourism the double criminality principle for sexual abuse committed abroad was abolished. The complaint requirement as a formal condition for prosecuting in cases of sexual abuse of children from twelve to sixteen has been replaced by a requirement of a hearing of the victim. As of 1 October 2000, the complaint requirement has already been cancelled for cases of prostitution (Article 245, paragraph 2, Dutch Penal Code).

## ***Concerns of the Dutch NGO Coalition for Children's Rights***

### ***Child abuse***

Despite all efforts by the government and professionals, significant concerns remain on the prevention and tackling of child abuse in the Netherlands. In 2000, these concerns resulted in the foundation of the Reflection and Action Group to Combat Child Abuse (*Reflectie en Actiegroep Aanpak Kindermishandeling* (RAAK)), in which representatives from the theoretical and applied sectors consult with each other to attempt to bring existing problem areas to the attention of politicians and policy-makers. One of the most significant problem areas is the lack of a policy-based approach to primary prevention. The arrangement made in the cabinet's coalition agreement of July 2002 has had no noticeable effect.

Existing programmes for child-rearing support and the low threshold system of youth health care are not systematically used for the prevention and early recognition of child abuse. Now that the organisation of the reporting system has reached an acceptable level, the problem areas in follow-up procedures can be better recognized. There is a need for specialised diagnostics, and the provision of help to abused children and their families leaves something to be desired. There are not enough assistance programmes tailored to the problem. The cooperation between institutions is very cumbersome, partly due to privacy laws. There is a lack of expertise at virtually every point of the process, from prevention up to and including intervention (judicial or otherwise). Another major problem area is the length of the waiting lists, which can lead to waiting periods of a year before a child receives the proper treatment.

### ***Sexual exploitation***

The legislation against sexual exploitation has been further strengthened. However, a legal tool kit is not enough: what is missing is the capacity for enforcement and the amount and level of expertise among the police and the judiciary implementing the legislation.

Most importantly, the effect of the Act Lifting the Restriction on Brothels on the trade in and exploitation of underage prostitutes must be closely monitored. Many have already expressed the concern that illegal prostitution, including that involving underage prostitutes, will draw itself even further out of sight, which will only cause the conditions under which this takes place to deteriorate. This means that the police and the judiciary must devote more attention to this phenomenon.

Preventative measures and the availability of specific shelter and assistance for victims at the local level is intermittent at best, so at the very least this must become a regional responsibility and must be in place throughout the Netherlands.

The degree to which the struggle against trafficking in minors, underage prostitution and child pornography has become structurally ingrained is unclear, and there is still no clear picture of the extent of the problem. The cooperative framework created by NAPS was not followed up in 2003.

### ***Recommendations to the Dutch government***

- Provide educational programmes to all (expectant) parents, giving extra attention to high-risk families.
- Improve the early identification of child abuse through continuity-based investments in public information campaigns and training programmes for all professionals working with children.
- Provide a nationwide network for specialised diagnoses in complex cases of child abuse.
- Create a low-threshold integral assistance programme in all regions, tailored to the specific assistance needs of neglected, physically or sexually abused and sexually exploited children, their parents, their siblings and the abusers.

- Take immediate steps to reduce the waiting lists for treatment of child abuse. These waiting lists obstruct prevention, identification, reporting, diagnosis, assistance and protection.
- Include a provision in the Dutch Civil Code (in the core provisions on the relationships between members of society) establishing that children have the right to a respectful upbringing in which there is no place for violence (in the same sense as the no spanking laws in Sweden and other countries).
- The reporting of child abuse or suspicions of child abuse must become a *legal obligation* for everyone working with and for children on a professional basis, and a *civic duty* for all members of society who witness or seriously suspect child abuse in their surroundings.
- Evaluate the results of NAPS and investigate the potential for a follow-up principally focused on preventing and combating the commercial sexual exploitation of minors.

### III Youth care

*Article 5, CRC – State Parties are required to respect the rights and responsibilities of parents and the family.*

*Article 9, CRC – The child has the right to live with his or her parents and to maintain contact with both parents in cases of separation, unless this is contrary to the child's best interest.*

*Article 12, CRC – State Parties guarantee the right of a child to express his or her own view in all matters affecting the child.*

*Article 18, CRC – Parents are responsible for the upbringing of their children. The best interests of the child will be their basic concern. State Parties are required to assist the parents in their child-rearing responsibilities. State Parties must ensure that children of working parents have the right to childcare.*

*Article 20, CRC – A child temporarily or permanently deprived of his or her own family environment is entitled to special protection, which may be in the form of foster placement, kafalah under Islamic law, adoption or placement in suitable institutions for the care of children.*

*Article 25, CRC – For the purposes of care, protection or treatment, children may be placed outside the family environment. The necessity of such placement will be periodically reviewed.*

*Article 39, CRC – Children who are the victims of abuse, exploitation and armed conflicts are entitled to special care.*

#### ***Recommendation of the UN Committee on the Rights of the Child, October 1999***

The Dutch government must increase the number of available places in residential facilities and give more attention to offering alternatives to the placement of children in residential facilities.

#### ***Introduction***

Growing up happens automatically, at least in the overwhelming majority of cases. This does not mean that it happens without problems, but these problems can be solved within the nurturing relationship between parents and children without outside intervention. In that sense, the situation is fine for 85% of young people, while 15% do have problems, but not all of this 15% need professional youth care.

On the basis of a statutory scheme from 1990-1992, curative youth assistance falls under the responsibility of the provinces and three major cities. There are also a number of nationally operating residential facilities for young people with severe behavioural problems for whom the provincial facilities are insufficient. There are child and youth psychiatric services financed through the AWBZ (medical insurance regulations). The Ministry of Justice is responsible for the system of family supervision orders, under which parental authority is restricted, pursuant to a court order. The supervision of the family is charged to a family guardian. The Ministry of Justice is also responsible for juvenile custodial institutions in which juveniles are placed based on a family supervision order or because of a criminal offence.

Approximately one billion euro is spent on youth care in the Netherlands.

#### ***Trend***

The most important development within youth care in the last decade was the development of the Youth Care Offices. The Youth Care Office is a *care coordinator*, the institution that determines what type of care juveniles and/or their parents need.

The Youth Care Act (replacing the Youth Assistance Act per January 2004), an act establishing the position of the Youth Care Offices, is in the advanced stages of preparation. This new act also establishes juveniles' and parents' *right to youth care*, that is, a right to the care prescribed by the Youth Care Office. The actual provision of the assistance is the responsibility of the *care providers*. These are generally larger multifunctional institutions

that, to an increasing degree, provide various forms of youth care (ambulant, residential/semi-residential, foster care). The Youth Care Offices are the link between the client and the care institution.

Each province and/or major urban area is allocated one Youth Care Office that functions as an access point for *all* youth care in the province or region. This is intended to prevent parents and children from being sent from one institution to another. The Youth Care Office provides screening, problem identification and short-term help and directs parents and children to the right organisation. The family guardianship organisation has been given a place within the Youth Care Office. From now on, registration for the Child Protection Board runs via the Youth Care Office. The Child Protection Board remains the institution that can call upon the various forms of compulsory intervention in the form of family supervision. The Advice and Reporting Centres for Child Abuse and Neglect (ARCANs, *Advies- en Meldpunt Kindermishandeling*, AMK's) also have a (separate) position within the Youth Care Office. The introduction of the regionally operating Youth Care Office makes it no simple matter to find the right place for a specialised institution, both those for special categories (such as children with mental disabilities) and institutions based on specific philosophies. Cooperation with mental health care institutions, both ambulant (the Regional Institute for Ambulant Mental Health Care (*Regionale Instellingen voor Ambulante Geestelijke Gezondheidszorg RIAGG*) and residential (child and youth psychiatric services), does not run particularly smoothly.

One condition for the effective functioning of the Youth Care Offices is improved insight into what exactly youth care consists of. To gain this insight, the care providers have initiated a process of modularisation and care programming. Because supply and demand must be better connected and coordinated, a more demand-oriented approach is required. Attention has shifted towards the planning of assistance and treatment, the formulation of clear and quantifiable objectives and the role of parents and children in the assistance planning. More energy is being directed towards the quality and effectiveness of the modules and programmes.

The need for better coordination in youth care was demonstrated particularly poignantly by the tragedy that took place in Roermond in July 2002, when a father burned down the house in which six of his seven children were sleeping. The children did not survive. The family was known to a number of care institutions, but they were unable to act effectively, and nothing was done to improve the situation of the children.

Little attention has been given to prevention of problems in child-rearing and growing up. Prevention is seen as the task of the local authorities, but there is no statutory obligation to conduct prevention activities nor are there any national grants available to finance them. There are a number of initiatives and projects, but no cohesive prevention policy has been developed.

*Evidence-based* methods are being given more attention, and this is a good development. Children are entitled to help that works. On the basis of the results to be expected from the assistance, children can better utilize their right to be involved.

Over the last few years, most youth care institutions have appointed client confidential advisers. They support clients by providing an outlet for clients to discuss any problems with the care providers, with or without utilizing their right of complaint. A report by the Youth Services and Youth Protection Inspectorate shows that, in a number of cases, the right of complaint of juveniles in institutions or custodial institutions or under guardianship is not properly handled. Some of the failings can be attributed to lack of personnel in this sector.

## ***Concerns of the Dutch NGO Coalition for Children's Rights***

### *General*

The KRC has concerns about youth care. Much energy is being expended on better regulation of care in the form of a new statutory system. The new Youth Care Act, as presented to Parliament at the end of 2001, received a good deal of criticism, even from the country's highest advisory body, the Council of State. The Council of State questions whether this act will indeed solve the problems that the government thinks it will.

At the same time, it can be observed that:

- the developments in the area of prevention are completely out of step with the treatment schemes;
- family supervision is increasingly utilized as a form of intervention while nonetheless the lack of effectiveness of this form of intervention is apparent;
- increasing numbers of young people are given care orders and end up in closed institutions;
- there are long waiting lists and that, where extra financial resources are available, it is still difficult to attract sufficiently qualified employees;
- for the Youth Care Offices and for residential placement, longer waiting lists increase the risk that young people who need help urgently must wait and ultimately are only treated when the problem has become worse;
- young people's participation and right of complaint are being sufficiently developed, as is the provision to young people of information resources on youth care.

Over the last few years, youth care has been systematically neglected, especially in comparison to juvenile delinquency: *more attention is given to young people who cause problems than young people who have problems.*

As a response to the tragedy in Roermond, it has now been proposed to improve the coordination of care via the position of a family coach. It is completely unclear what effect this position will actually have on youth care.

### *Youth Care Offices*

The introduction and continued development of the Youth Care Offices is a difficult and gradual process. The lack of clear direction by the central government is increasingly apparent. In many places, the methods used by the Youth Care Offices are unnecessarily bureaucratic. This is partly due to overly long waiting lists.

### *Assistance organisations*

Unfortunately, increased attention for assistance planning does not mean that qualitatively good treatment plans are making the rounds on the shop floor. Systematic attention to individual assistance planning, the formulation of objectives together with the client and the periodic assessment of those objectives, and attention to the role the parents and children have to play in those objectives are all still sorely needed.

### *Foster care*

In recent years, the number of placements of children in foster care has exploded, from 2,918 new placements in 1996 to 3,905 new placements in 2000. The increase consists primarily of short-term placement and part-time foster care. Nonetheless, there are still children who must wait longer than they should for placement in foster care and children for whom no suitable foster family can be found. This is due to the fact that the right connection between the 'demand' (the child) and the 'supply' (the foster parents) cannot always be made.

### ***Recommendations to the Dutch government***

- Make youth care a political priority. All political parties are still referring to the trio of ‘*Education, care and security*’ (‘Onderwijs, zorg en veiligheid’). Youth care must be included in this, and relates to all three.
- Organise youth care based on an intrinsic concept of upbringing and growing up: the structure must follow the content. In the new legal system, the organisation of youth care is based on an administrative policy concept. It is too focused on the responsibilities of management bodies and institutions.
- Further develop the impetus for youth care in a substantive way. Acknowledge the right to youth care as a fundamental social right, on the basis of the Convention on the Rights of the Child.
- Stop the increase in forms of intervention such as family supervision and reduce the number of placements of juveniles in closed institutions.
- Give the same statutory and financial basis to prevention of problems in child-rearing and growing up as are currently given to the treatment of those problems.
- The responsibilities and capacities of the Youth Care Offices in delivering a coherent care package to clients (both parents and children) must be better regulated on the basis of clear quality requirements and with adequate monitoring of compliance.
- The attention to demand-oriented methods must focus more on the needs of the children in question. A dialogue between the social worker and the juvenile client must be generated, in which the objectives to be achieved and the desired results are identified. Institutions must become more flexible. Assistance must be tailored and available in all possible combinations in order to provide for the client’s assistance needs.
- On the basis of research into the assistance that really works for children, make choices on the forms of assistance that should be introduced or continued to be used. There must be leeway to develop and evaluate new methods, and in particular new methods that systematically involve the parents in the assistance provided to their children. Investments in short-term intensive assistance must be given preference over investments in long-term extensive assistance.
- At all times, the guiding principle of youth care should be to give the client the right form of assistance as quickly as possible. Therefore, procedures for the primary process must be made as simple as possible. Alternative forms of treatment/group treatment and waiting period management must counteract the negative effects of the waiting period.
- Improve the juvenile client’s legal position and information supply.

Youth care to children without a residence permit is elaborated upon in Chapter V on aliens policy and children’s rights.
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## IV Children and poverty

*Article 26, CRC – Every child has the right to benefit from social security .*

*Article 27, CRC – Children have the right to an adequate standard of living, which the parents must secure within their means and with the support of the State.*

### ***Recommendations of the UN Committee on the Rights of the Child, October 1999***

No recommendations were made on this subject.

#### ***Introduction***

It is striking that the theme of poverty appeared on the social and political agenda during one of the most prosperous periods in Dutch history. Is this due to guilt feelings on the part of many people who have reached a certain level of wealth? Or is it an expression of solidarity? Poverty is a relative concept: it is linked to the general level of prosperity and the corresponding level of social services. In today's Western society, those who cannot financially justify a refrigerator, television, telephone or vacation can be characterised as living in poverty.

The number of children under the age of eighteen living in the Netherlands in a family with an income at (or just above) the minimum income level is:

- in 1990: 307,000 (9.6% of all children)
- in 1994: 372,000 (11.4% of all children)
- in 1999: 338,000 (10.1% of all children).

The developments in the nineties are characterised by a sharp increase followed by a certain degree of correction. In the period from 1998-2002, the purchasing power of families (with one or two parents) rose by nearly 10% (in comparison to a rise of over 7% for families without children).

It has been reported that the number of homeless families is on the increase. Additionally, many foreign families with children but without a residence permit for the Netherlands have been turned out of shelters and put on the street by the government. These families must make ends meet with what they can get from family and friends or charitable institutions.

#### ***Trend***

In 1997, the centre-left government issued a policy statement on poverty showing that certain groups were vulnerable, or even highly vulnerable:

- elderly persons with a state pension under the General Old Age Pensions Act;
- people going through an extended period at the minimum income level;
- families with children at the minimum income level.

In the past, the basis for that minimum level, from which the statutory minimum wage is derived, was set for a family with two parents and two children. An income at this minimum level has come to be known as the 'poverty line'.

The social assistance benefit is partly based on whether there are children in the family or not. For a couple (with or without children), the benefit is a net amount of EURO 1,081 per month, and for single parents the benefit is EURO 756, which is EURO 216 more than for a single person with no children.

Another facility is the child allowance, a government subsidy for parents. The current system is a transitional system from a system with varying amounts based on the number of children, without taking the age of the children into account, to a system of varying amounts based on

age, without taking the number of children into account. The new system applies for children born after 1 January 1995. The age groups are: 0-6 years, 6-12 years and 12-18 years. The amount (*per quarter*) is EURO 174 for children from 0-6, EURO 211 for children from 6-12 and EURO 249 for children from 12-18. The child allowance is a benefit for all families with children, regardless of income.

The child allowance does not cover the minimum level of costs. The minimum extra costs of one child (under twelve years of age) have been estimated by NIBUD (the National Institute for Budget Information) at between EURO 175 and EURO 215 *per month* (between EURO 525 and EURO 645 *per quarter*).

At the political level, the phenomenon of ‘social exclusion’ also merits attention, at the national, European and international level. The World Summit for Social Development (Copenhagen, 1995) was a major breakthrough, even for the industrialised world. Poverty (or, to put it in more neutral terms, an income under the minimum level) has a great deal to do with social exclusion, but that is not the whole story. There are people who are socially excluded, or feel socially excluded, but have incomes above (sometimes far above) the minimum level, and vice versa: some people with low (or insufficient) incomes are active in society.

What are the effects on children of living in a family on the poverty line? The 2001 study ‘Children in Poverty’ concludes that ‘getting by on an income below or around the social minimum can mean a serious form of material and social deprivation for a family with children.’ Seventy percent of the parents in this category cannot adequately clothe their families, more than half report that allowing their child to join a club is a financial impossibility, 80% do not go on holiday, more than half do not organise a birthday party for their child and approximately a quarter do not have a hot meal every day.

The study shows that there are demonstrable relationships between social deprivation and poverty on the one hand, and well-being, school performance, and behaviour that transgresses social norms on the other.

To a large degree, the children interviewed seem to accept the financial situation of the family in which they live, even though they are well aware of the differences between their own home lives and those of other families.

### ***Concerns of the Dutch NGO Coalition for Children’s Rights***

The KRC has serious concerns over the fact that so many children and young people do not have a share of the prosperity in the Netherlands. These ‘stragglers’ are often members of families that have faced poverty for a long time. It is a transgenerational problem and therefore not easy to solve. But however one looks at it, the government has the constitutional duty to all members of society to guarantee a minimum income.

The KRC has observed that the government has taken this problem seriously since the mid 1990s. Poverty also becomes a more distressing problem the higher the general level of prosperity rises. A related question, however, is whether the government, in its aggressive austerity policies that preceded the rise in prosperity, did not exacerbate the problem of the ‘stragglers.’ The government is part of the problem, and this must be understood when discussing solutions.

The KRC shares the concern expressed in the Netherlands by the Social Alliance (a coalition of churches, trade unions, welfare organisations and ‘poverty organisations’) about the problem of poverty in the Netherlands. The KRC concurs with the proposals of the Social Alliance on the position of young people and families with children.

### ***Recommendations to the Dutch Government***

- Structurally increase the current minimum wage for families with children: EURO 700 per year per household and EURO 135 per year per child. The current minimum level, which at one time was based on a family with children, is no longer sufficient to cover the costs of children at a reasonable level.
- Give concrete discounts on certain activities such as sports and culture to children from families living at the minimum income level.
- For children at and below the poverty line, other extra measures are also necessary in the areas of education, health care and welfare.

### ***Note***

In 1988, the age of majority in the Netherlands was lowered from 21 to 18 years, although parents nonetheless remain liable for the costs of living and study of their child until age 21 (Article 395(a), Book 1, Dutch Civil Code). One could argue that Article 1 of the CRC has not been fully implemented. Who, after all, is the primary party to guarantee an income to a young adult between 18 and 21 years of age: the state, or the parents?

An additional remark should be made concerning the minimum youth salary. Independent of the question of where a minimum youth salary fits into the principle of 'equal pay for equal work,' there is some question of the legitimacy of a minimum youth salary for persons between the ages of 18 and 23. The statutory minimum youth salary applies up to age 23. This means a reduction on the statutory guaranteed minimum salary for adults of 54.5% for 18-year-olds, 47.5% for 19-year-olds, 39.5% for 20-year-olds, 27.5% for 21-year-olds and 15% for 22-year-olds.

## **V Aliens policy and children's rights**

*Article 22, CRC – Children who are refugees are entitled to special protection, even if they seek refugee status without their parents. In that case, States Parties shall endeavour to trace the parents or other family members.*

*Article 10, CRC – States Parties shall allow children and their parents to leave a country and to enter their own country for the purposes of family reunification or to maintain the parent-child relationship.*

*Article 37 b, CRC – No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.*

*Article 37 c, CRC – Every child deprived of liberty shall be separated from adults.*

### ***Recommendations of the UN Committee on the Rights of the Child, October 1999***

The Dutch government must take steps to offer assistance and immediate and unrestricted access to education, medical care and other services to minor refugees and asylum seeking children when necessary. The government must take effective steps regarding the integration of these children into society.

The government must give serious attention to the problem of child prostitution and the abuse of unaccompanied asylum seeking minors. The Committee urges the government to provide safeguards against children being used for prostitution, and to ensure that asylum procedures, while fully respecting the rights of unaccompanied asylum seeking minors, actually protect children from becoming involved in human trafficking for sexual exploitation.

### ***Introduction***

In comparison to previous years, the influx of asylum seekers has dropped sharply: from 22,857 (1996), 43,895 (2000) and 32,579 (2001) to 18,667 (2002). This sharp decline is ongoing. The number of children fleeing to the Netherlands and entering the reception is now estimated at 30-35% of all asylum applications. A distinction is made between children who leave their countries as part of a family and children who apply for asylum in the Netherlands on their own (without parents, other family members or guardians). The CRC states that children must be granted special protection, especially when the child is unaccompanied. The number of unaccompanied asylum seeking minors has increased sharply in recent years: from 1,562 (1996) to 6,681 (2000), but this influx seems to have peaked. The number of unaccompanied asylum seeking minors in 2002 dropped to 3232. The percentage of total asylum seekers represented by this figure was 6.8% in 1996, 15.4% in 2000 and 17.3% in 2002. In the first quarter of 2003, the number of unaccompanied asylum seeking minors dropped to 9% of the total asylum seekers.

Some of the children come to the Netherlands to be reunited with their parent(s) after a residence permit has been granted to one or both parents. The drop in this figure is partly explained by the more restrictive family reunification policy.

### ***Trend***

The past few years have been characterised by a tightening of Dutch aliens policy. This more restrictive policy has its repercussions in many areas, including the new Aliens Act 2000, which became effective on 1 April 2001. Additionally, partly due to the increased influx of unaccompanied asylum seeking minors, a stricter policy has been in force since January 2001. A policy document on family reunification was also published in October 2001. All these policy changes have far-reaching consequences for asylum seeking children. It is disturbing that the Dutch government views the child first as an immigrant and only in the second place as a child. This poses problems for compliance with the provisions of the CRC, particularly Article 2, which stipulates that no distinction on the basis of nationality may be made. Please

see the annex for further details of the positions referred to in this chapter. This section will refer primarily to the problems arising in the asylum policy.

### ***Concerns of the Dutch NGO Coalition for Children's Rights (KRC)***

#### ***A. Unaccompanied asylum seeking minors***

##### *General*

If it is determined that there are no grounds qualifying the minor for asylum, then the unaccompanied asylum seeking minors policy becomes applicable. Since January 2001, a new unaccompanied asylum seeking minors policy has been in force, with the central object of halting the rising influx of unaccompanied asylum seeking minors to the Netherlands and the abuse of the special policy applicable to unaccompanied asylum seeking minors. The return to the home country is the central focus. The intention is that an estimated 80% of minor aliens in the Netherlands will have to leave after all legal avenues for asylum have been exhausted or no later than reaching the age of 18. This policy goes together with the introduction of an aid programme in two variants: the return variant (default variant) and an integration variant. The KRC finds the following situations to be particularly disturbing and in conflict with the CRC:

##### *Admission*

- Upon arrival in the Netherlands, the first asylum interview is conducted in the *aanmeldcentrum* (application centre), or AC. Since 2001, it has been resolved that asylum requests of minors that can be processed with due care within 48 hours can be settled at the AC. In December 2002, 42% of unaccompanied asylum seeking minor requests were processed via the 48-hour procedure at the ACs. The concern of the KRC is that this jeopardises the careful review of asylum requests, because the accelerated procedure in the AC is not suitably structured to deal with children. The settlement of the asylum requests of children within the AC procedure is at odds with Article 22, CRC, which calls for the scrupulous protection of the child.
- The assessment of whether a child is given the right of residence in the Netherlands examines the appropriate care available per country, which means that it is not always examined whether there is care available for a specific child. Thus, the state assumes that there is always adequate care available in China, Sri Lanka, Turkey and Algeria. Under the unaccompanied asylum seeking minor policy, children from these countries are not eligible for a residence permit. For individual children from other countries of origin, the process does review whether there is adequate care in those countries, but negotiations are underway with Angola and Mongolia to arrange for there to always be considered to be adequate care available in those countries as well.
- On 4 March 2002, the Immigration and Naturalisation Service (IND) commenced with the interviewing of children aged 4 to 12 regarding their identity and the account of their flight, and has set up special child interview rooms for this purpose, comparable to the rooms used by the youth section of the police and the vice squad. The KRC believes, however, that these interviews do not sufficiently take into account the very young age of these children and the fact that they cannot comprehend the legal ramifications of their interview responses. These interviews are used to attempt to uncover contradictions in the statements of the children themselves or those of their older siblings and/or the lack of documentation of the asylum seeking child, which could be used against him or her, and the discovery of personal information about adults in the Netherlands, instead of as careful

- preparation for a decision in the best interests of the child.
- There are no guidelines at all for interviewing unaccompanied asylum seeking minors older than the age of 12.
  - When a child's request for asylum is denied, and there is someone in the Netherlands who can care for the child or be considered to be the child's caregiver, the child is no longer considered unaccompanied and can no longer claim protection under the unaccompanied asylum seeking minors policy. These supervised unaccompanied asylum seeking minors or 'BAMAs' (*begeleide alleenstaande minderjarige asielzoekers*) are excluded from the protection of the unaccompanied asylum seeking minor policy. The result is that the child must be deported without the IND exploring whether or not there is adequate care in the country of origin, because the review under the unaccompanied asylum seeking minor policy does not take place. The adult considered responsible for the child's care (family member up to the fourth degree, who, unsolicited, is charged with the care of the child) must arrange for the child's return to the country of origin. Whether the adult has an actual duty of care by law or according to custom is irrelevant, as is the legal residence position of the adult in question. The adult could be someone who has acquired Dutch nationality or someone who must leave the country himself.
  - Children without family for whom there is no adequate care in the country of origin are given a residence permit, which can be converted into a permanent residence permit after 3 years of residence in the Netherlands if at that time no adequate care in the country of origin can be found. This is in contrast to children with family in the Netherlands, for whom the Netherlands does not feel responsible and who therefore cannot obtain a right of residence in the Netherlands. Moreover, it does not appear that there is any investigation made of the quality of the care actually provided by the family member, and it must also be noted in this regard that the caregiver need not be the statutory representative. This violates Article 2, CRC (discrimination on the basis of nationality). In cases where parents cannot provide care, the State has a special duty of care. This must not be different for children of another nationality who are located in the Netherlands.

#### *Age examination*

The burden of proof of age rests with the unaccompanied asylum seeking minor. He or she can make a 'request' for an age examination. In the new unaccompanied asylum seeking minor policy, the age thresholds of 15 and 18 are important. The age examination is performed on the basis of examination of the collarbone and the hand/wrist. In the opinion of the KRC, the voluntary nature (in accordance with the *Overeenkomst op de Geneeskundige Behandeling* or Law on Medical Treatment (part of the Civil Code)) of this examination is dubious. If the child does not participate in the examination, it can have consequences for the resolution of the request for asylum. The KRC believes that if a child does not know his or her precise age, this should not have an influence on the substantive assessment of the application for asylum. Additionally, a report on the age examination by the National Ombudsman (2002/382) states that the IND is not capable of ascertaining whether an asylum seeker is 18 years old by means of x-rays of the clavicle. The National Ombudsman also considers it improper that the IND has rejected the objections of the Health Care Inspectorate in regard to this procedure. Finally, it is incorrect that no medical ethics committee has been appointed.

#### *Ruling*

Even though officially the Dutch asylum policy follows the UNHCR handbook in stipulating that the mental and physical development of the child is taken into account in the assessment of the request for asylum, the ruling practice exhibits very little trace of this. It is, for example, argued against even very young children that they are undocumented, that they have

insufficiently demonstrated their reasons for requesting asylum or that their stories are not credible. All without, in the opinion of the KRC, taking sufficient note of the fact that these children cannot be expected to give an account of their reasons for requesting asylum in as detailed and consistent a manner as adults. Likewise, in the assessment on whether a child must be admitted on humanitarian grounds, the traumata policy (*traumatabeleid*) also ignores the fact that the subject is a child.

### *Reception*

- The proposed reception model in the return variant, in which virtually all unaccompanied asylum seeking minors older than 15 upon arrival in the Netherlands stay for a minimum of nine months, causes the KRC great concern. The two pilot projects initiated in Vught, in November 2002 and in Deelen in February 2003 respectively, confirm this concern. In the present situation, a large portion of the young people in the unaccompanied asylum seeking minor campus still have no definitive answer on their residence status and/or have already acquired residence status. Until it is established that these young people are not refugees, or that they cannot yet be sent back due to the lack of adequate care in the home country, these unaccompanied asylum seeking minors should not be continually confronted with the prospect of having to return. The unaccompanied asylum seeking minors campus is closed to such a degree that it would appear to qualify as an institution depriving the unaccompanied asylum seeking minors of their liberty, or at least drastically restricting their freedom of movement, with no legal basis, while there are other possible alternatives. There is no independent supervisory committee. A large number of unaccompanied asylum seeking minors have already rebelled against the strict regime and a portion of them have departed to unknown destinations. On 23 April 2003, the Preliminary Relief Judge (*Kort Geding rechter*) concluded in a case brought to court by NGOs that the unaccompanied asylum seeking minor campus provided insufficient options for free choice recreational activities, in violation of Article 31 CRC, and also concluded that an independent complaint commission must be set up within one month and that the young people must be allowed to use their spending money allowance as they see fit. An investment will have to be made in counselling in order to make return a realistic option for these young people.
- Along with the campuses in Vught and Deelen, which are serving as pilots for the new reception programme model, there are presently another 8 designated locations for central unaccompanied asylum seeking minor facilities. These facilities are intended for 85-115 young people over the age of 15. They receive education outside the centre and some counselling from youth workers. A cause for concern is that there is no guarantee that the counselling does not become policing by night in these shelters.
- Youth Services has released an inspection report concerning the situation at the asylum seekers' centre in Leiden, where it has been observed that the safety of female (minor) asylum seekers in particular is not guaranteed. Several women have been sexually harassed by male residents of the centre. This is an area that is being looked into, because there is currently an investigation into asylum seekers' centres and the traffic in women prompted by the fact that the aid workers and the Agency for the Reception of Asylum Seekers (*Centraal Orgaan Asielzoekers*, or COA) do not have sufficient insight into the safety issue, the factors influencing the existence of unsafe situations and the preventative measures that the centres could take. This type of situation does not allow for effective counselling.

### *Return*

The KRC finds it unreasonable that the return policy currently proposed by the government

results in the end of the provision of aid. This is because, under the proposed policy, the aid and services are discontinued upon the unaccompanied asylum seeking minor reaching the age of eighteen, while actual deportation still does not take place (for various reasons). Although in February 2003 a court did rule that unaccompanied asylum seeking minors voluntarily cooperating with deportation must continue to receive a living allowance as long as they are in the Netherlands, this only applies for unaccompanied asylum seeking minors who received their last ruling before 11 February 2000. The KRC believes that more time must be invested in the individual child in order to bring about an effective return to the country of origin, in the interests of the child.

### **B. Family reunification**

One of the most important children's rights is the right to grow up with parents. If the child does not travel directly with the parents, he or she can, under certain conditions, be reunited with the parent or parents through a family reunification procedure. For migrant and refugee children, the problem takes on a different form. The family reunification policy for regular aliens is set out in generally binding provisions, entailing that on the one hand, the child must meet certain conditions in order to be admitted to the Netherlands, and on the other that the financial resources requirement must be met and there must be documentation available proving an actual family relationship. Even if the child is in the Netherlands, then the problem arises of the high fees that must be paid for the application for, acquisition and extension of the permit. Refugees need not meet the income requirement, nor do they have to pay the fees. However, with the introduction of the Aliens Act 2000, the follow-on travel period for refugees is legally restricted to three months after the granting of status to the parent. After this three-month term, the requirements applicable to regular aliens also apply to the refugee parent(s), and thus refugees would also have to meet the income requirement. This requirement cannot usually be met (at least not immediately) by refugees, due to their poor position on the labour market. The fact that the parents and children may have become separated due to the flight itself is not sufficiently taken into account. Another problem that arises in practice is that the refugee (in particular) also lacks the resources and opportunities to bear the travel costs for his or her family members. In some cases, however, a Relief Work Fund (of churches and the Refugee Council) provides for these costs.

In October 2001, the policy paper on the application of the criteria for actual family relations for the admission of minors was published. This policy paper applies to both regular aliens and refugees. Parents with the right of residence whose children remained in the land of origin for more than five years must prove that the 'actual family relationship criteria' are met: they must prove that, despite the temporary separation, the family relationship with the child has continued to exist. The Dutch government assumes that, after five years, the child has in principle taken root in the land of origin, and being reunited with the parents in the Netherlands is not the preferred option unless the child in the country of origin does not have an acceptable future. This is a heavy burden of proof and will lead to harrowing situations in which parents and children cannot be reunited.

All aliens must submit an authorisation for temporary stay (*machtiging tot voorlopig verblijf*, or MVV) to a Dutch embassy in the country of origin. Almost no exceptions are made by the Dutch government on humanitarian grounds.

Another problem is an over-restrictive translation of the word 'positive' in Article 10 of the CRC. This word is translated into Dutch as *welwillend* ('charitable/favourable') instead of *positief* ('affirmative').

The KRC fears that these regulations will have the effect that a number of people will not be able to meet the requirements for family reunification. This could result in illegal family reunifications, by which the parents remain in the Netherlands legally and the child does not.

All of this poses a conflict with Articles 2 and 10, in conjunction with Article 3, CRC, on the best interests of the child.

### **C. *Children with no temporary residence permit***

On 1 July 1998, the Benefit Entitlement Residence Status Act (Koppelingswet) came into effect. This act links the right to claims for provisions (income, housing etc.) against the government in the Netherlands to the possession of a valid residence permit. The only exceptions to this principle are a child's right to education up to the age of eighteen, the right to necessary medical care and the right to free legal aid. This had direct consequences for children up to the age of eighteen who are not in the asylum procedure and do not have a residence permit. These children receive neither shelter nor social assistance. This is in violation of the non-discrimination principle, the best interests of the child and the duty of care, which the Dutch government has under the CRC towards all children living in the Netherlands. Furthermore, with regard to education for children without status, the Dutch policy is in violation of Article 28, paragraph 1, CRC. The Benefit Entitlement Residence Status Act explicitly names the right to education for these children. However, by not offering social services, the Dutch government is impeding the regular attendance of school by these children and thereby promoting early dropout from school. Additionally, schools are insufficiently aware of the fact that children without residence permits are nevertheless entitled to education.

Moreover, as of 9 October 1998, there has been a measure in force that applicants submitting a second request for asylum (save a few exceptions) are not entitled to services, even though they still legally reside in the Netherlands. From 9 October 1998, until the end of 2002, even asylum seekers who, in the view of the Dutch government, should have applied for asylum in a different State which is a Party to the Dublin Convention were excluded from relief. After a great deal of social opposition, this has now been rectified.

The Aliens Act 2000 has also seen to it that legally removable asylum seekers must leave the centre within four weeks after the refusal of their request for asylum. Humanitarian issues are no longer a concern. This forces even families with children out onto the streets. In many cases, it is simply not possible to organise the return trip to the country of origin within this term.

The Administrative Law Division of the Council of State, the highest appeal body for alien affairs, exhibited the nasty tendency to reject an appeal to the CRC (5 February 2002) with the explanation that '*the CRC, insofar as already applicable, does not create claims for children whose parents are not allowed residence under Dutch aliens law and regulations.*' This has formed a precedent which lower courts invoke, referring to this citation.

Finally, there is a legislative proposal for the Youth Care Act that makes the claim to youth care dependent on having a residence permit (and this also applies to unaccompanied asylum seeking minors). This introduces the linking principle to youth care and violates the principle of equality of Article 2, CRC. The KRC considers it unacceptable that children without a residence permit, who are already so vulnerable, be excluded from assistance, or have their options for assistance determined by the type of legal residence.

### **D. *Claim to residence***

In light of the stricter aliens policy, the Dutch government is also operating a stricter return policy. The KRC believes that the best interests of the child are insufficiently considered if, after years of asylum procedures, children must return to the country of origin of their parents. Some of these children were actually born in the Netherlands. To return after many years to the parents' country of origin and an uncertain future can also be problematic for the uninterrupted development of a child, who has grown up in the Netherlands. The longer a

child remains in the Netherlands, the more the state must set aside a restrictive aliens policy in the light of the best interests of the child (Article 3, CRC).

### ***E. Other issues***

#### *Interviewing children with parent(s)*

The KRC is alarmed about the current asylum practice in which, in violation of Article 12, paragraph 1, CRC, children up to age 15 are not independently interviewed in family asylum applications, and, accordingly, no significant interest is attached to the opinions of these children.

#### *Deprivation of liberty*

Families with children are still being locked up in the border hostel for asylum seekers at Schiphol Airport (Grenshospitium) after arriving in the Netherlands. This is not in the best interests of the children and is not being applied as a last resort. Although a court ruled in June 2001 that, when depriving a child of liberty, interests must be weighed and the principles of proportionality and subsidiarity must be considered, this has not as yet resulted in any substantial change in practice. This is in violation of Article 37, paragraphs (b), (c) and (d), CRC.

#### *Children in Asylum Seekers Residence Centres*

The KRC is disturbed about long-term residence of children in Asylum Seekers Residence Centres and fears that this can have harmful consequences on the development of the child. Also, the many transfers of children with their parents are not beneficial to the development of the child. The KRC believes that this is in violation of the CRC.

#### *The financial position of children of asylum seekers*

A comparison made by the Dutch Refugee Organisation of the financial allowance received by asylum seekers and the costs required to responsibly meet a person's nutritional needs has shown that the money received by asylum seekers is far below the norm. This means that asylum seekers with children have insufficient means to provide their children with sound nutrition. The KRC considers this a violation of the principle of equality (Article 2, CRC) and the state's duty to ensure the development of the child to the maximum extent possible (Article 6, CRC).

### ***Recommendations to the Dutch Government***

- Dutch aliens policy must not conflict with the CRC. In establishing and enforcing the aliens policy, the best interests of the child, elaborated and defined in detail, must play a decisive role.

#### ***A. Unaccompanied asylum seeking minors***

##### *Admission*

- Do not process the asylum requests of minors within 48 hours at the application centre. They should first be afforded some time to rest in order to acclimatise.
- The children must be properly prepared for their asylum interviews.
- During the asylum interviews, a counsellor who can adequately support the child must be present.
- Interpret children's opinions consistently in the asylum procedure.
- Only interview under-twelves about their reasons for seeking asylum if they are unaccompanied asylum seeking minors requesting asylum completely independently. If

not, limit the interview to the oldest sibling, with the option for the guardian to contribute information on behalf of the young child.

- Children should be interviewed by specialised staff who can take into account the mental and physical development of the child.
- Investigate the quality of the care provided by the supervisors of supervised unaccompanied asylum seeking minors.
- Process supervised unaccompanied asylum seeking minors under the unaccompanied asylum seeking minor policy, despite the fact that they have supervisors.

#### *Age examination*

- Set up an external commission to oversee the ethical and scientific standards of the age examination.
- Discontinue the collarbone method of age examination insofar as it is used to reach any conclusion other than the determination that, if the collarbone is fused at the time of bone measurement, the subject is older than 20 years.

#### *Ruling*

- Investigate a basis for refugee status geared to children.

#### *Reception*

- Assistance provided at unaccompanied asylum seeking minor campuses must be brought into line with national and international standards.
- In the return variant, sufficient and adequate counselling with respect for the individual is of vital importance.
- The reception of unaccompanied asylum seeking minors must at least meet the quality standards set out in the Youth Assistance Act (to be replaced by the Youth Care Act on January 1, 2004).

#### *Return*

- Investigate the options for return, in cooperation with the child, before sending the child back.

#### **B. *Family reunification***

- Adjust the high fees.
- Extend the follow-on travel period for family reunification.
- Drop the family relationship criteria and extend the right to be reunited with the parents in principle to all children, regardless of age. The best interests of the child must be taken into account.
- Apply the hardship clause for the waiver of the 'authorisation for temporary stay' requirement more often.
- Correct the translation of Article 10, CRC.

#### **C. *Children with no residence permit***

- Allow all minors living in the Netherlands - regardless of their status - to use the same services as Dutch children.
- The government must be more forthcoming on the right to education of children without a residence permit.
- The right to youth care must be maintained for all children (including unaccompanied asylum seeking minors, children without a residence permit and children in the asylum centres).

#### **D. *Claim to residence***

- Children born in the Netherlands and children who are integrated in Dutch society should have an independent claim to a residence permit.
- If a child may stay, so may the parents.

**E. Other issues**

*Interviewing children with parent(s)*

- All children travelling with parent(s) must be interviewed about their situation if they so desire.

*Deprivation of liberty*

- Cease depriving minors of their liberty in the border hostel (*Grenshospitium*). Alternatives must be sought.

*Children in Asylum Seekers Residence Centres*

- Residence of children with parents and unaccompanied asylum seeking minors in Asylum Seekers Residence Centres must be brief and take place under better conditions.

*The financial position of children of asylum seekers*

- Asylum seekers must be given financial resources in accordance with the norm identified by NIBUD, so that they can provide their children with adequate nutrition.

## **VI Children and public space**

*Article 27.1, CRC - States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.*

*Article 31.1, CRC - States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life, and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

### ***Recommendations of the UN Committee on the Rights of the Child, October 1999***

No recommendations were made on this subject.

#### ***Introduction***

The recreational activities of children and young people are to a large degree dictated by their environment, and children are intensive users of public space. The quality of public property is, however, under a great deal of pressure, caused by sharp increases in land value, expansion and the 'compact city' phenomenon as well as the increase in motorized traffic. Youth interests are often no match for other interests at work in these areas (Karsten et al., 2001).

Playing outside is an important form of recreation for many children. Playing outside contributes greatly to children's physical and mental health and to balanced development. Good recreational opportunities for children require sufficient outdoor play areas that are safe enough for children to get to on their own. A number of factors in the Netherlands are relevant in this regard: the high population density (in this country, space is a scarce commodity, particularly in residential areas); the high density of bicycles and automobiles (parked cars take up a great deal of space, and moving cars make for unsafe streets); the wide range and reasonable distribution of youth facilities such as schools, community centres, libraries, sports clubs, music schools, etc. The locations of these facilities and the increase in traffic mean that accessibility of these facilities is not always optimal, and cannot be guaranteed for all children. A dichotomy threatens to arise in the use of these facilities: a substantial group of children in the Netherlands is being relegated to the public recreation areas in their direct residential environment, or the 'leftover' space, because of their residential situation and socio-economic background.

#### ***Trend***

As urban areas expand, the remaining open spaces within the urban areas of the municipality are built on and urban renewal projects bring about the design or redesign of entire residential neighbourhoods. Municipalities have exhibited an increasing trend of involving their residents in these projects, but the contribution of young people is minimal. In large-scale new residential development projects, cost considerations often result in public space being reduced to traffic and parking areas. The bulk of the development and construction work is contracted out to project developers, and the financial revenue of the land use is at odds with the social function of the public space, including play areas for young people. In designing residential areas, a multitude of other interests take priority over those of young people, and young people (particularly older youths) are seen more as a nuisance even though they, as co-inhabitants, are also users of the space.

In 2001, the national government (the Ministry of Housing, Spatial Planning and the Environment) produced the Fifth National Policy Document on Spatial Planning. The basic principles of this policy document are the multipurpose use of space and the concentration of the urban area. Due to the political situation in the Netherlands, no decisions have yet been made on this Fifth Policy Document.

The quality of public space is the responsibility of the local authorities, but there has been

increasing interest within the Lower House of Parliament in space for young people. This interest has been demonstrated in a number of ways, including a proposal for a Playground Act to set minimum standards for outdoor play areas. During the discussions of the National Transport Plan in 2001, a motion was submitted to conduct experiments with the 'kindlint' concept (protected footpaths for children) and perform evaluations of those experiments. In May 2002, at the last minute before the elections, the decision on this Transport Plan, and likewise these experiments, was deferred.

There has been an increase in interdisciplinary cooperation between NGOs. A large number of organizations in the areas of transportation, spatial planning, welfare, sports and recreation are working from different angles to bring about more and better outdoor space for young people. These organizations make up a national network in which collective initiatives are taken to put space for youth higher on the political agenda and to produce an integral approach to the theme.

### ***Concerns of the Dutch NGO Coalition for Children's Rights***

The local authorities' objective of concentrating the urban area is diametrically opposed to the interests of the public, and certainly of young people: the liveability of the immediate residential environment and the availability of recreational facilities close to home. Outdoor areas that are *available*, *accessible* and *enjoyable* are disappearing. In the absolute sense, the amount of public space available is decreasing every day. Children often have to make do with the last little corners left over after all the other needs (of adults) are met, and the attention that is given to public space and youth is increasingly dictated by feelings of insecurity and inconvenience.

The accessibility of outdoor areas intended for youth is a problem, particularly for younger children, and this means that they can only play outside with adult supervision. The diminishing feeling of safety in society also plays a role in this.

The quality or 'enjoyability' of outdoor space is also a concern. Informal play areas are often minimal, and may be nothing more than a narrow path between the front of a house and a row of parked cars. Tolerance for children playing is not particularly high in the overcrowded Netherlands. Children and young people quickly cause a 'nuisance' in the eyes of adults.

There is often too little capacity for the management of formal play areas, which can mean that the quality of such areas may leave something to be desired.

All these things show that it is increasingly difficult for young people to play outside. Studies have shown that, in the major cities, 25-30% of children between the ages of four and twelve already never (or almost never) play outside. Many other children can no longer go outside on their own and have to wait until an adult can accompany them. There is a fear that deprivation of outdoor play and a lack of independent mobility can lead to deficiencies in child development (motorial skills, fitness, language, spatial perception, creativity and social skills). A number of consequences can already be observed, such as an increase in body weight in children and young people, an increase in problems of the locomotor system and other health problems at a later age, more stress in families in which children cannot go outside, fewer social contacts in neighbourhoods and an increase in vandalism.

Attention to mobility is also important, both for parents and the children themselves. Children must be able to independently and safely travel between the routes to the places (public and private) that children and young people use, and to and from school and other facilities. If that is not the case, then children must be picked up and dropped off by car, which has adverse effects on children's independent development and health, and will probably also have a negative influence on the behaviour of the road users of the future. Mobility options in an area must be given more attention in new development projects and restructuring projects.

### ***Recommendations to the Dutch government***

- Coordinate the local youth policy and the spatial planning policy, so that the interests of young people are addressed earlier in the planning process. This requires balanced attention to the needs of the various age groups.
- Combine and increase knowledge on the social/space conditions under which young people in the Netherlands grow up, with explicit emphasis on public property and the access thereto.
- Give a much higher priority to more and better outdoor space for young people in all development/redevelopment plans than is currently the case. The actual realization of more and better space for young people must come from the local authorities. A Playground Act and a Stimulus Plan for Space for Youth can help local authorities to better create living and leisure space for young people.

## VII Juvenile justice

*Article 37, CRC - No child shall be subjected to torture or other cruel treatment or punishment. Neither capital punishment nor life imprisonment shall be imposed on children. A child shall only be deprived of his or her liberty on a lawful basis. Children deprived of liberty shall not be detained together with adults. A child deprived of liberty shall have the right to maintain contact with his or her family and the right to legal assistance.*

*Article 40, CRC - Children accused of or recognized as having infringed the penal law shall have the right to a fair hearing according to law and to legal assistance. Whenever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings will be sought, providing that human rights and legal safeguards are fully respected.*

### ***Recommendations of the UN Committee on the Rights of the Child, October 1999***

The Committee welcomes the information provided on improvements to be implemented in the Youth Custodial Institutions Act so that any complaints relating to poor treatment may be addressed as quickly as possible. The Dutch government must devote appropriate attention to the processing of such complaints. There must be safeguards so that efforts to immediately deal with such complaints through mediation do not lead to less thorough review.

The long waiting lists for psychological and psychiatric treatment of juvenile delinquents (the 'PIJ' measure (placement in juvenile offenders institutions)) are a source of concern. The Dutch government must increase the number of places in juvenile institutions (PIJ) so that these juvenile delinquents can obtain rapid, effective treatment.

The government must ensure that no child whatsoever, who at the time of committing the crime was younger than sixteen years old, is tried as an adult under the present law. The government must take legal steps to prevent minors tried as adults from receiving life sentences.

### ***Introduction***

Tackling youth criminality is high on the political agenda. In March 2002, the government produced a policy document on youth criminality under the title 'Persistent and Effective' ('*Vasthoudend en Effectief*'). The policy document 'Towards a safer society' ('*Naar een veiliger samenleving*') from the now outgoing government, dated 16 October 2002, devotes considerable attention to juvenile criminals. And in December 2002, the policy document 'Youth on Trial' ('*Jeugd terecht*') appeared.

The policy towards youth criminality is still based on a 1994 report by a committee chaired by G.W. van Montfrans. This policy has a two-track approach: more prevention and better response.

Prevention focuses on five areas: education, assistance, labour and income, family and situation (safe residential, living and leisure environment). In terms of suppression, the report refers to reinforcing the promotion of alternative sanctions (the HALT procedure and community service orders) and better cooperation between the relevant institutions (in particular the police, the Public Prosecution Service and the Child Protection Board). The latter is primarily intended to speed up the time frame of the process. In 1993, there were 300 days between the time the offender became known to the police and the adjudication by the juvenile court judge, and that does not include the term required for the enforcement of the sentence. There is now introduced the Kalsbeek-standard: 90 days (which standard is not met in reality).

At present, the policy relating to 'youth and security' is being evaluated.

In order to tackle juvenile criminality, juvenile criminal law was adjusted in 1995 to create a legal basis for the HALT procedure and to continue the increase in the general maximum sentences (12 to 16 years: 12 months, 17 to 18 years: 24 months).

The new Youth Custodial Institutions Act (Young Offenders' Institutions Framework Act) became effective on 1 September 2001. Its most important changes are: the coordination of closed juvenile offenders institutions with adult penitentiary law; the introduction of STP (schooling and training programme, intended as a transitional phase between a closed environment and society); and the statutory regulations on legal status (residence in the group, consultation rights, spending money allowance, right of complaint, etc.).

### ***Trend***

Youth crime is on the increase! At least, so say many policy makers. Crime figures are always subject to a great deal of criticism. There are 'self-reporting' figures that reflect what the respondents (in this case, young people) themselves say about transgressions of societal standards and the law, and then there are police figures on the violations of the law reported by the police. The relationship between the two sets of figures depends on the activities and the organization of the investigating authorities. For starters, more attention to youth criminality in principle leads to higher figures. There is, however, consensus on the fact that young people are committing more serious crimes at younger ages, but there is no generally accepted view of these developments (what crimes at what age).

Many more young people are entering closed institutions. To put it into figures, in 1991 there were an average of 714 young people in closed institutions: 291 under criminal law and 423 under civil law. In 2001, there were 1,708: 970 under criminal law and 738 under civil law. Two things about these figures are striking: one, that the number of young people in closed institutions has more than doubled over ten years; and two, over that same period, the number of placements under criminal law has exceeded the number of placements under civil law. Additionally, there are extremely long waiting lists for placement in juvenile institutions (PIJ), with waiting periods of a year or longer. There is an extreme personnel shortage in the sector. This is a quantitative problem that has major effects on the quality of care.

More attention has been given to the position of the twelve-and-unders. There are many (too many) younger children breaking the law, ranging from petty crime (such as shoplifting or vandalism) to involvement of children under twelve in serious crimes by adults (in particular, drug runners). These children are used precisely because of the fact that they are untouchable under criminal law.

To deal with petty crime among twelve-and-unders, the STOP procedure, derived from the HALT procedure for 12 to 18-year-olds, has been introduced. The STOP response provides a didactic guide for the parents of twelve-and-unders who commit an offence falling within the scope of the HALT procedure. It is intended to support the parents in correcting their child.

The STOP response consists of a supporting discussion with the parents and a teaching activity with the child (and the parents) using specially developed materials.

There is no statutory basis for the STOP response, although the Board of Procurators General has set out the national framework in the STOP Response Designation Order (Bulletin of Acts and Decrees 1999, 63, p.15).

The STOP response is offered to the parents on a voluntary basis, free of obligations. If a child commits a second offence (within or outside the scope of the HALT procedure), the case is referred to the Child Protection Board (in the future, the Youth Care Office), which may result in a civil law response in the form of a family supervision order.

The responsibility of the parents for behaviour in violation of the law is being discussed, but this discussion has not (yet) produced a policy position on a legal framework.

### ***Concerns of the Dutch NGO Coalition for Children's Rights***

The KRC's primary concern is that, in recent years, it has been mainly the punitive approach on the menu: more and longer sentences. The didactic dimension of juvenile criminal law is becoming increasingly obscured. It is precisely the didactic perspective that should allow more room for a non-punitive approach based on redress, in which the most important thing is to 'do justice' to the victim. It must also be kept in mind that, in the end, young people are often the victims of the crimes of other young people (statistically, a young person has a greater chance of becoming the victim of a crime than an elderly person).

The Convention on the Rights of the Child places the emphasis on diversion and thus keeping youth offenders out of the penal system. The HALT procedure (to be applied for five precisely defined offences including shoplifting, vandalism and fireworks violations), keeps minors outside the reach of the Public Prosecutions Office and juvenile court, and became an official element of juvenile criminal law in 1995 (Article 77(e), Dutch Criminal Code). HALT is a relatively quick, direct response to offences often committed by young people. HALT has been reasonably successful in terms of non-recidivism. HALT should be closely monitored to make sure that it does not become a catch-all. Now that there is a statutory provision, the informal police drubbing (including scolding and warnings for trivial offences) is used less. The HALT procedure has a restorative justice aspect: a sanction may take the form of community service and an arrangement can be made for compensation of the damage suffered by the victim.

In reinforcing the restorative justice approach, the KRC sees an opportunity to strengthen the didactic aspect of juvenile criminal law. The Netherlands is not in the vanguard of the debate on this approach.

The Convention on the Rights of the Child states that locking up children must always be the last resort. There is significant doubt as to whether this rule is applied in each individual case. For certain offences, pre-trial detention is the rule (prescribed by the Board of Procurators General) and not an individual consideration, although the shortage of places in closed institutions is still a factor in the decision.

### ***Recommendations to the Dutch government***

- There must be no gradual lowering of the age of criminal responsibility. The STOP response is a preventative measure offered to parents and must not be used by policymakers as a penal instrument.
- The duration of juvenile criminal proceedings must be drastically reduced. Time is quality.
- A precision monitoring system for children in closed institutions must be developed.
- Criminal and civil law placements in closed institutions must be separated.
- Invest more in personnel and other facilities in closed institutions.
- Restorative justice-based projects as a response to offences by minors must be actively promoted.
- Integrally apply the 'last resort' criteria of the Convention on the Rights of the Child.

## VIII Youth participation

*Article 12, CRC - States Parties shall assure the right of the child to express his or her own views freely in all matters affecting the child.*

*Article 13, CRC - The child shall have the right to freedom of expression, including the freedom to receive and impart information.*

*Article 14, CRC - The freedom of thought, conscience and religion of a child shall be acknowledged within the limits of the responsibility of the parents and as prescribed by national law.*

*Article 15, CRC - Children shall have the right of freedom of association and freedom to form an association.*

### ***Recommendations of the UN Commission on the Rights of the Child, October 1999***

The Dutch government must promote the participation of children and young people, especially in relation to decisions affecting children. The government must develop training programmes for officials and policymakers so they can learn to listen properly to the opinions of children. Special attention must be given to vulnerable groups. More attention must be given to participation in primary schools.

### ***Introduction***

In the Netherlands, the term ‘youth participation’ means the active involvement of children and young people in their own environment and the decision-making processes relating to that environment. The underlying concept is that if we as adult members of society expect certain competencies, then we must give young people a chance to master these competencies. Democratic values and capabilities must be learned in practice, and increasingly ‘youth’ are given a voice in matters concerning them. When youth participation is referred to in the Netherlands, it is in a very broad sense, from municipal youth councils to children being involved in decisions on the local playground, and from student councils in schools to youth volunteers in sports or youth clubs. If young people are actively involved, then it is youth participation.

### ***Trend***

Youth participation is very much a political and social point of interest, as shown by the following developments:

- The three levels of government (national, provincial and municipal) have developed a collective vision on youth policy (New Style Administrative Agreement, 1999). One of the criteria that youth policy must meet is that it be drafted *in cooperation with young people*, the premise being that policy is made with young people, not behind their backs.
- Alongside the forms of youth participation through youth organisations, in recent years, youth councils, youth networks and youth advisory councils have been springing up all over the municipalities and provinces.
- Within the project Local Youth Policy, the Association of Netherlands Municipalities offered to teach managers and officials how youth can be involved in policy. Unfortunately, this project was concluded as of 1 January 2003.
- The National Youth Council was founded in 2001 (subsidised by the Ministry of Health, Welfare and Sport). For a long time, the Netherlands was one of the few countries in Europe with no youth council. The youth council focuses on young people aged 12 to 30 and has the task of representing organised and unorganised groups of young people. Over the past two years, the Youth Council has initiated two projects to involve young people in many subjects important to young people such as space, youth care, sustainable development, etc.

- The National Youth Debate (now an element of the National Youth Council) is an annual event that takes place in the Lower House of Parliament.
- The youth network 'Jeugd Netwerk Nederland,' which helps other young people in organising youth participation in their municipalities, has been operating for four years.
- A wide range of support and development tools for youth participation methods (including other research projects by young people) is available from the national and provincial support groups, Netherlands Institute for Care and Welfare Youth, the Dutch Institute for Sport and Movement (*Nederlands Instituut voor Sport en Bewegen*, NISB) and provincial support service organisations, and from private firms.
- 2001 - the international year of the volunteer - has provided a stimulus for young people and voluntary work. An action plan has been developed to make voluntary work more attractive to young people.
- A youth report has been made by NGOs and children to be submitted to the UN Committee on the Rights of the Child. This report was partly financed with government funding.
- During the UN General Assembly Special Session on Children in May 2002, a youth representative was added to the governmental delegation. The Minister even shared the very limited speaking period in the plenary session with this youth representative.

### ***Concerns of the Dutch NGO Coalition for Children's Rights***

Despite the fact that much has happened in the area of youth participation, the subject has not yet been made a clear priority. This has given rise to a number of developments of concern to the KCR. These are:

- Youth participation is often viewed from a formal perspective, as an instrument, while it should be much more a matter of attitude and habit, with the central focus of achieving a concrete result. There is still a lot of work to do on flexible forms of youth participation.
- The majority of the aforementioned initiatives are focused on children aged twelve and over. In municipalities, usually only children aged twelve and over contribute to policy discussions. The National Youth Council starts at age twelve. Many of the methods developed are intended for young people. Too little attention is given to participation of children under twelve, while the period from 8-12 years is in fact extremely important for skills learning.
- Immigrant children and children with lower levels of education are underrepresented in participation projects. This also applies to specific groups of young people, such as young people in youth care, refugees, unaccompanied asylum seeking minors, etc. These are especially vulnerable young people. Participation in youth participation projects appears to be an activity usually reserved for better-educated Dutch young people. It should be noted that a number of participation projects make extra efforts to involve immigrant children and children with lower levels of education, such as the National Youth Debate, which aims to fill 10-15% of the participant slots with young people from immigrant backgrounds.
- Recent developments in the area of youth participation are not cohesive. This is visible both within the three tiers of government and within the various institutions/organisations. There is no clear vision of youth participation (from 4 to 18 years).
- Participation also includes being active (as a volunteer) within a youth or sports organisation. In the Netherlands, at both the national and local levels, too little value is attached to what is learned in youth organisations and the preventative function of

these organisations. Along with what children and young people learn at home and at school, they gain other experiences at clubs (non-formal learning).

- Volunteer work by young people is still under-appreciated. Young people can be stimulated and encouraged to do volunteer work if their contribution to society is valued. This could be expressed on the one hand in study credits, certificates, and the like, or on the other hand, young people can be assisted in recognising and defining the skills they develop by doing volunteer work.
- Organisations must be adequately equipped to support and stimulate youth participation.

### ***Recommendations to the Dutch government***

- In collaboration with the NGOs, develop a general cohesive vision of youth participation with a corresponding action plan. In this action plan, address:
  - The role of adults (attitude and practice of getting young people involved) and the participation of specific groups of young people (e.g., vulnerable young people).
  - Flexible forms of youth participation focused on concrete results.
  - Providing youth participation training to policymakers/managers and teachers.

## **IX Youth information**

*Article 17, CRC - States Parties shall ensure that the child has access to information. Important areas are the mass media, the international exchange of information, children's books, information in the languages of children of minority groups, and the protection of the child from information and material injurious to his or her well-being.*

*Article 29, CRC - Education shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential, respect for human rights, respect for the child's own cultural identity and the values of the child's own country and other countries, peace, friendship and tolerance, and respect for the natural environment. Individuals and bodies shall be free to establish and direct educational institutions, in observance of the principles on education set forth in the Convention and such minimum standards as may be laid down by the State.*

*Article 42, CRC - States Parties undertake to make the principles and provisions of the Convention known to adults and children alike.*

*Article 44.6, CRC - States Parties shall make their reports widely available to the public in their own countries.*

### ***Recommendation of the UN Committee on the Rights of the Child, October 1999***

The Dutch government must involve NGOs and society in general more systematically in the implementation of the Convention.

The government must provide for the dissemination of knowledge and awareness of the Convention at every level of society. Most importantly, children and their parents must be informed, and training programmes on the rights of children must be developed for professionals working with children.

Local authorities warrant special support in implementing the Convention.

It would be advisable to establish a completely independent ombudsman for children, to monitor and assist in the implementation of the Convention.

Both human rights and information about the Convention should be subjects in school curricula.

### ***Introduction***

#### ***Information on the CRC***

The Convention obliges the States Parties to realise the principles and provisions of the Convention in their own countries. The Dutch government has undertaken no structural, national action on this point in recent years.

#### ***Information services, information sources and the role of the media***

Every children's right contains in itself a right to information. Without information on the right and its application in specific instances, the right remains impotent and unused.

There are various governmental measures or government-subsidised institutions geared towards the provision of information for children. These can range from general services such as public libraries and Youth Information Points (*Jongeren Informatie Punten* or JIPs) to more specific facilities such as children's legal advice centres, the children's help line, and, in the area of youth care, the preventative departments of the youth health care system, such as the department for the prevention of sexually transmitted diseases and the alcohol and drug information centres. There are also active 'second string' institutions such as NBLC (the Centre for Public Libraries and Literature) and NIZW Youth (the youth division of the Netherlands Institute for Care and Welfare). All these services can provide children with independent information on subjects in their environment and their lives that are important to them.

In addition, the public broadcasting agencies NOS and NPS are obliged to provide news and educational programming for children.

### ***Trend***

#### *Information on the CRC*

In 1996, the Dutch government launched a national campaign entitled ‘*Met praten kom je tot je recht*’ (‘By talking you can get justice’). At the insistence of the KRC, a new version of the information booklet released for that campaign was produced for children aged 10-14. The government has stated that it would be willing to consider a multi-year information project on the subject of children’s rights. The annual Children’s Rights Festival is being expanded and is partly financed with government funding.

Consultations between the government, the judiciary and the KRC have been taking place since 2001 on producing a workbook on children’s rights to give judges more information on the various international treaties relating to children, and the ramifications of those treaties for Dutch case law.

#### *Information services, information sources and the role of the media*

The Internet offers information providers wishing to distribute independent information to children the option to utilize digital information sources and channels. Although a factor that must be kept in mind is that not every child, by any means, has Internet access. Moreover, the Internet is certainly not always a substitute for the existing channels used to provide information to children. ‘Physical’ services and existing forms of communication are often irreplaceable and for that reason alone should be retained.

#### *Protection against harmful material*

Partly inspired by international arrangements, a new system has been produced to assess and rate the content of media: the ‘*Kijkwijzer*,’ a rating system introduced on 1 June 2001. Upon violation of the applicable rules, the parties responsible can be fined by an independent committee. The initial experiences have been positive. Through wide publicity, large segments of Dutch society have quickly become aware of the *Kijkwijzer*. The Ministry of Education, the Ministry of Health, Welfare and Sport, and the Ministry of Justice have arranged to conduct an independent evaluation after two years.

### ***Concerns of the Dutch NGO Coalition for Children’s Rights***

#### *Information on the CRC*

Providing children with information on the Convention is an ongoing process. The Netherlands has no vision for establishing frameworks to create and secure the pursuit of this process.

No age groups whatsoever are approached in any structured way with regard to the subject of children’s rights, and it is not a standard element of the required curriculum in Dutch education.

To distribute information about the Convention across wide strata of the population, existing information points such as public libraries should be used. However, in the Netherlands, no communication plan for the longer term has been produced, nor has the Platform for Human Rights Education been approached to disseminate information and material concerning the Convention and its contents within the educational system.

Many relevant target groups, such as educational employees, welfare workers and youth service professionals have never been approached by the government specifically with regard to the Convention, while these people are, in part, the very ones implementing children’s rights in practice.

### *Information services, information sources and the role of the media*

It appears that Dutch children have ever fewer opportunities to obtain free, independent and professional information and advice. There is a high chance that this situation will create a knowledge deficit among children who already find themselves at a disadvantage, whether socio-economic or socio-emotional, and who depend on these information services for many things including their participation in society.

The preventative function of some services, especially in the areas of youth services and health care, is apparently often seen as subordinate to the other functions of these services. For example, the new Youth Care Act, still in draft form, does not at present provide for the functions of information and advice as independent tasks within the new Youth Care Office. These types of function are the information and advising roles as modelled by the Youth Information Points (JIPs) and the children's legal advice bureaux, in which the young people themselves are the ones requesting help directly. Thus, the act exhibits no reinforcement of prevention or the position of the general and existing services, not even the children's help line. Coupled with the related change in the funding situation, this means that the JIPs are currently threatened with closing down or, under the new Youth Care Act, will presumably begin performing tasks no longer relating (at least not entirely) to the provision of information and advice to young people. In any event, the latter means that their independence and character is in jeopardy. It is a genuine concern whether other international arrangements and directives, such as those within the European Union and the Council of Europe (consider, for example, the European Charter for Youth Information presented by the European Youth Information and Counselling Agency, or ERYICA) are still secure.

With regard to the above, the municipalities of the Netherlands are failing to fully live up to their responsibilities, neither their existing ones nor their new ones. Cutbacks of general and preventative services are a real fear.

### *Protection against harmful information*

Information available through electronic media such as the Internet is, at present, outside the scope of the *Kijkwijzer*, although a great deal of potentially harmful material is supplied through this medium. For the *Kijkwijzer* to work effectively, compliance with the new arrangements is important.

### ***Recommendations to the Dutch government***

#### *Information on the CRC*

- Take responsibility for providing information on children's rights, and support an integral information project for children of various target groups.
- Efforts to disseminate knowledge of the Convention must be ongoing.
- Provide clarity on the responsibility and division of labour with regard to this subject.
- Give extra attention to specific information for parents and professionals working with children.
- Include knowledge of the Convention on the Rights of the Child and human rights in general as a required element of the educational programmes of vocational training.

#### *Information services, information sources and the role of the media*

- Provide free library membership and access to information, including book loans, for children up to eighteen years of age.
- Stimulate cooperation between libraries and the educational system on learning to use new media (media education).
- Make new, digital media widely available.
- Provide a stimulus for interesting web sites for children.

- The provision of independent information and advice must remain an important government task, for which international directives and arrangements can serve as a basis.
- Better recognise the preventative value of information, especially in the areas of youth services and youth health care.

*Protection against harmful information*

- Build evaluation points into the introduced system of self-regulation to prevent the harmful effects of media on children.
- Strive for better quality control of digital media.

## **X 1999 Recommendations to the Netherlands by the UN Committee**

### ***Introduction***

In October 1999, the UN Committee on the Rights of the Child formulated 25 recommendations to the Dutch government for promoting the implementation of the Convention on the Rights of the Child in the Netherlands. The Committee made these recommendations in response to a discussion with a Dutch government delegation on 4 and 5 October. The recommendations can be found in UN Document CRC/C/15/Add.114. Paragraphs 1 to 6 inclusive of this document contain remarks by the committee, and thus the first recommendation is found under number 7. A response by the Dutch government to the recommendations was published on 21 October 1999. Since 1999, there have been developments in a large number of policy areas relating to the recommendations. All the recommendations are given below, along with the response by the Dutch government and the developments that took place from 1999 to 2002 inclusive. Finally, the recommendations of the Dutch NGO Coalition for Children's Rights are indicated by policy area.

### ***Recommendation 7 of the UN Committee on the Rights of the Child, 1999***

#### ***Reservations***

*The Netherlands has three reservations (regarding Articles 26, 37 and 40) and has made a number of interpretive statements to the Convention on the Rights of the Child.*

*The three reservations are:*

- **Article 26** \* *no independent right of children to social insurance is accepted; social insurance for children is in many cases a right of the parents.*
- **Article 37** \* *it must be possible to apply adult criminal law to children sixteen years of age and older; this is in accordance with current criminal law.*
- **Article 40** \* *for minor offences it must be possible to resolve a case without counsel and without appeal.*

*The interpretive statements regarding certain articles:*

- **Article 14** \* *freedom of religion or conviction means that a child can make an independent choice, as soon as the child is capable in terms of age or maturity.*
- **Article 22** \* *a refugee is a refugee as described in the Geneva Convention on the Status of Refugees.*
  - \* *conditions may be set on the admission of refugee children.*
  - \* *an asylum-seeking child may, if necessary, be transferred to the country considered principally responsible for the processing of the asylum request.*
- **Article 38** \* *the age of conscription for children into the army must be eighteen years and not fifteen, as stated in the Convention.*

*In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the Dutch government to consider withdrawing all of its reservations.*

#### **Response of the Dutch government, 1999**

The Dutch government examines at regular intervals whether the reservations can be withdrawn.

## Developments

No reservations have been withdrawn.

### Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Withdraw the reservations; however, with regard to the reservation on Article 37 (adult criminal law may under certain circumstances be applied to 16 and 17-year-olds), withdrawal may not lead to an increase in the maximum punishments for 16 and 17-year-olds under juvenile criminal law.

### ***Recommendation 8 of the UN Committee on the Rights of the Child, 1999***

#### ***Role of non-governmental organizations (NGOs)***

*Cooperation with and the involvement of non-governmental organizations in the implementation of the Convention, including the preparation of the report, remain limited. The Committee encourages the Dutch Government to consider a more systematic approach to involve NGOs, and society in general, throughout all stages of the implementation of the Convention.*

### Response of the Dutch government, 1999

The Dutch government will study the way in which Dutch NGOs can be more systematically involved in the implementation of the Convention, but the government and NGOs have different responsibilities.

## Developments

In recent years, there has been regular consultation between the government and NGOs on the various sub-areas of children's rights. Since 28 June 2000, a structural meeting takes place every six months between the Interdepartmental Working Group on Children's Rights and the Dutch NGO Coalition for Children's Rights, the latter representing the Dutch NGOs involved with children's rights. Members of the Ministry of Health, Welfare and Sport, the Ministry of Education, Culture and Science, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Social Affairs and Employment participate in the meeting. For the Dutch NGO Coalition for Children's Rights, attendees are Unicef Netherlands, Defence for Children International Netherlands, the Netherlands National Association for Child and Youth Legal Advice Centres, the Netherlands Youth Group, Plan the Netherlands, The National Youth Council, Save the Children and the Netherlands Institute for Care and Welfare (advisory member). The meeting focuses mainly on the KRC's activities to promote the Convention and children's rights in the Netherlands.

Other areas in which consultation takes place between government and NGOs include combating the sexual exploitation of children (NAPS), the preparation of the UN General Assembly Special Session on Children, child labour (ILO 182) and the Dutch government's development policy.

### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Expand the half-yearly meeting between the Dutch NGO Coalition for Children's Rights and the Interdepartmental Working Group to include the implications of the Convention on the Rights of the Child for youth policy.
- Organize more consultation between government and NGOs at the municipal and provincial levels.

***Recommendation 9 of the UN Committee on the Rights of the Child, 1999***

***Information on children's rights***

*The Dutch government should develop a systematic programme for the dissemination of information regarding the implementation of the Convention among children and parents in society and all sectors of government. The Dutch government should provide training programmes for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers.*

Response of the Dutch government, 1999

The Dutch government is willing to study, together with interested NGOs, how best to manage the dissemination of information regarding the content of the Convention. However, parties other than the government also have a responsibility in this, with or without governmental support.

The government will see to it that professional parties receive information on and become aware of children's rights, insofar as this is not already happening. Students of the *Pedagogische Academie Basisonderwijs* (primary school teacher training college) already take courses in children's rights and issues directly relating thereto.

More information on this subject can be found in Chapter IX, Youth information.

***Recommendation 10 of the UN Committee on the Rights of the Child, 1999***

***National Action Plan***

*The Dutch government should adopt a comprehensive national plan of action to implement the Convention, and give increased attention to intersectoral coordination and cooperation at and between the central, provincial and municipal levels of government.*

Response of the Dutch government, 1999

The new administrative agreement signed by the central government and the provincial and municipal authorities on 4 March 1999 places heavy emphasis on the social infrastructure, particularly with regard to young people.

Developments

There is still no action plan on the implementation of the Convention. No integral policy document on Youth Policy has been produced since the beginning of the 1990s. In the New Style Administrative Agreement (*Bestuursakkoord nieuwe stijl*, BANS) 'Jeugdbeleid in *Ba(la)ns II*, ' (Youth policy in Balance/BANS') arrangements have been made on a youth policy to be implemented jointly by the central government, the provinces and the municipalities. The Convention is not explicitly used as a guide. Additionally, elements of some policy measures and action plans have been developed based on sections of the Convention, such as a national action plan on child sexual abuse (NAPS).

Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Create a National Action Plan to promote the implementation of the Convention on the Rights of the Child. This must take the form of an integral policy document on youth policy devoting attention to horizontal and vertical coordination.

***Recommendation 11 of the UN Committee on the Rights of the Child, 1999***

***Decentralisation of youth policy***

*The Dutch government is encouraged to provide support to local authorities for implementation of the Convention.*

Response of the Dutch government, 1999

From 1999-2002, the Association of Netherlands Municipalities has been conducting a project on local youth policy. The project is subsidized by the Ministry of Health, Welfare and Sport. The object of the project is to have as many municipalities as possible conducting an active local youth policy by the end of 2002.

The activities of the local preventative youth policy project, which ran from 1995-1998, were implemented in 1999. The key elements of this project are the exchange of information between local governments, information services and support.

Developments

Youth policy is the responsibility of local government. Arrangements between the various governmental levels are recorded in the Administrative Agreement referred to under Recommendation 10.

Many policy efforts relating to young people are of a project based (temporary) nature, in response to incidents and geared towards risk groups. The combination of presence and accessibility of general services (social infrastructure) in young people's free time leaves something to be desired. Although the attention to assistance services (such as child care) has increased, the degree to which these services are cohesively developed in relation to youth policy in general is still insufficient. The goal is to provide intersectoral works based on children, young people and their parents. Cultural differences, legislation and differing educational requirements and collective bargaining agreements do, however, form barriers to this cooperation. The fragmentation of national youth policy interferes with an integral approach. With a few exceptions, the Convention on the Rights of the Child is not the guiding principle for municipal youth policy.

A 1999 study by the Social and Cultural Planning Office indicates that:

- 40% of municipalities have either no youth policy or one formulated only in very general terms. This is particularly the case in the less urban areas;
- the coordination within the municipality could be improved;
- the efforts to involve young people with the policy are limited and often very traditional;
- municipal youth policy is oriented both toward the optimal development of all young people and the prevention and management of problems (of and by young people);
- most municipalities have a reasonably well-developed range of general youth services.

Until 2003, the Association of Netherlands Municipalities conducted the Local Youth Policy Project, which attempted to contribute to the development of municipal youth policy with information services, regional advisers and expert meetings.

In 2001, in a study commissioned by the National Youth Council, youth inspection teams examined local youth policy in eight municipalities and the young people on the teams presented suggestions for policy improvements to the local officials involved in the study.

A number of Dutch NGOs seized the opportunity of the local elections of March 2002 to call on the newly elected leaders of the municipal councils to conduct an active local youth policy on the basis of the Convention on the Rights of the Child during the upcoming council period. The KRC cannot say that nothing relating to the Convention on the Rights of the Child is happening at the local level, but local government has no functioning continuous monitoring

system. The national government has incomplete insight into the way in which provinces and municipalities are living up to the responsibility entrusted to them for fulfilling elements of the Convention on the Rights of the Child. Municipalities and provinces that conduct an active youth policy in practice do not generally indicate that they do this partly out of their responsibility to contribute to the implementation of the Convention on the Rights of the Child (there are exceptions at the municipal level, and at the provincial level such as the municipality of Rotterdam and the province of Zuid-Holland).

In January 2003, the government commenced Operation JONG. The goal of Operation JONG is to bring about a more coherent youth policy, identify and remedy pressure points and create better mutual cohesion. The Ministry of Health, Welfare and Sport, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education, Culture and Science and the Ministry of Social Affairs all collaborate in JONG.

#### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Provide clarity on the municipalities' responsibility in relation to the government's obligations under the Convention.
- Actively stimulate and support municipalities in the implementation of the Convention in the form of local youth policy.
- Formulate a general policy framework against which the national government can review local youth policy.

#### ***Recommendation 12 of the UN Committee on the Rights of the Child, 1999 Ombudsman for children***

*The Dutch government is encouraged to consider the establishment of a fully independent ombudsman for children to monitor and assess the full implementation of the Convention.*

#### Response of the Dutch government, 1999

The Dutch government believes that the existing national ombudsman is already competent in some areas and the National Association for Child and Youth Legal Advice Centres fulfils some of the role of an ombudsman. The creation of a separate position of an ombudsman for children is not being considered because such a position would add nothing. There is a running project, the 'Kom Op-project,' subsidized by the Foundation for children's welfare stamps Netherlands (*Stichting Kinderpostzegels Nederland*), investigating whether local and regional services could be offered to young people wishing to defend their rights.

#### Developments

In response to a motion by the Lower House of Parliament, a study of the usefulness of an ombudsman for children and the duties this ombudsman would fulfil was conducted in 2001. Based on this study, the State Secretary of Justice and the State Secretary of Health, Welfare and Sport proposed the establishment of a nationally operating independent children's ombudsman agency. The primary task of the ombudsman for children is the promotion of the full implementation of the Convention on the Rights of the Child, and its duties would consist of:

1. annual reporting on the implementation of the CRC and information on its nature and content;
2. registration of and investigation into complaints concerning the violation of the rights of the child as set out in the CRC;

3. monitoring the implementation of the CRC, and (on that basis) reporting to public and governmental bodies on that implementation;
4. provision of solicited and unsolicited advice to public and governmental bodies on the implementation of the CRC.

On 6 December 2001, the political parties *Partij van de Arbeid* (Labour Party) and *D66* (Democrats '66) submitted a legislative proposal on the appointment of an ombudsman for children. The duties of the ombudsman for children would consist of:

1. monitoring the implementation of the CRC;
2. provision of solicited and unsolicited advice on legislation and policy affecting the position of minors;
3. assessment of complaints, if the existing complaint system is exhausted or in cases with no complaint option.

On 15 November 2002, at the initiative of the Ministry of Health, Welfare and Sport, an expert meeting was held in which children's ombudsmen from a number of European countries exchanged experiences on the field in the Netherlands.

Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Establish a children's ombudsman within a statutory framework.

***Recommendation 13 of the UN Committee on the Rights of the Child, 1999***

***Specification of budget for youth affairs***

*The Dutch government is obliged to ensure the visibility of the impact of budgetary allocations and macroeconomic policies on the implementation of children's rights and to collect information in this regard.*

Response of the Dutch government, 1999

Due to the decentralized nature of governmental administration and the fact that no specific target groups are identified within budgetary policy, this recommendation cannot be met.

Developments

This recommendation has not been met and no steps have been taken in this regard.

Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Clarify what portion of the total national budget is spent on children. A cooperative venture of the Central Bureau of Statistics (CBS), Social Planning Bureau (SPB) and the Netherlands Bureau for Economic Policy Analysis (*Centraal Planbureau*, CPB) could develop a model for use at the central level.

***Recommendation 14 of the UN Committee on the Rights of the Child, 1999***

***Participation of children***

*Youth participation must be taken seriously. People working with children must learn how to talk to children and how they can respect a child's opinion in taking decisions, with particular emphasis on involving and reaching vulnerable groups, such as children of ethnic minorities. More attention should be given to the promotion of child participation in primary schools.*

#### Response of the Dutch government, 1999

The Dutch government considers youth participation to be an area of vital importance, which is why a policy document on this subject will be published in December 1999. In a number of municipalities, youth municipal councils have been appointed and the National Youth Debate is held once per year. The National Youth Debate is organized primarily to draw public attention to youth policy and youth participation, but the National Youth Debate alone is not enough. The government strives for continuing dialogue.

More information on this subject can be found in Chapter VIII, Youth participation.

#### ***Recommendation 15 of the UN Committee on the Rights of the Child, 1999***

##### ***Intercountry adoption and child abduction***

*The Dutch government should consider concluding bilateral agreements with States that are not parties to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction.*

#### Response of the Dutch government, 1999

The government is against concluding bilateral agreements on adoption and child abduction. The government prefers to conclude multilateral conventions.

#### Developments

The Netherlands maintains its position. Abductions by parents of children to primarily Islamic countries (such as Egypt and Morocco) are particularly problematic because these countries are not parties to the Hague Convention on International Child Abduction. These abductions occur with increasing frequency. In a letter of 9 October 2000, the Minister of Justice outlined his vision of the functioning of the convention on abduction, after members of the Lower House had previously submitted written questions on 24 February 2000. In his letter, the Minister noted that complaints regarding functioning of the Central Authority have at all times been declared unfounded.

In October 2002, a report was released with the stories of parents of abducted and nearly abducted children. As a result of this report, relations between the government and the relevant organizations has improved.

#### Recommendations of the Dutch NGO Coalition for Children's to the Dutch government

- Conclude bilateral agreements with states that are not parties to the Hague Conventions, especially those where children are frequently abducted.
- Create a fund for legal aid for abduction cases.

The Dutch NGO Coalition for Children's Rights takes the opportunity to point out to the Committee that there are problems with the implementation of the Hague Convention on Child Abduction. Application of the treaty and recovery does in some cases appear to harm the best interests of the child, particularly in cases in which, upon or after the return of the child, the child is separated from the care-providing parent.

#### ***Recommendation 16 of the UN Committee on the Rights of the Child, 1999***

##### ***Youth care waiting lists***

*The Dutch government must increase the number of places available in residential facilities, while giving increased attention to alternatives to placement in residential facilities.*

#### Response of the Dutch government, 1999

The government shares the Committee's concern on the sometimes long waiting periods and waiting lists. Extra funding will be devoted to youth care, Advice and Reporting Centres for Child Abuse and Neglect and to reducing waiting lists. As from 2000, an extra 40 million Dutch guilders (EUR 18,151,208) per year will be available for youth care, to be spent primarily on waiting list reduction. Extra funds have also been made available for the creation of 120 extra places in youth residential facilities. A training programme, as provided for in an act on youth residential facilities, is also intended to reduce the pressure on these facilities. Extra initiatives relating to foster care are provided as an element of the Foster Care Innovation Project, which was initiated in 1998.

More information on this subject can be found in Chapter III, Youth Care.

#### ***Recommendation 17 of the UN Committee on the Rights of the Child, 1999***

##### ***Child abuse***

*The Dutch government must implement a new system of reporting child abuse based on the position paper of the Ministries of Justice and Public Health, Welfare and Sports. The Dutch government must prohibit the use of all forms of mental and physical violence against children within the family.*

#### Response of the Dutch government, 1999

The government acknowledges the necessity of protecting children from all forms of child abuse. A national network of Advice and Reporting Centres for Child Abuse and Neglect has been established. Within the budget restrictions, the network attempts to achieve the goals set by the Ministry of Justice and the Ministry of Health, Welfare and Sport. Every province has an Advice and Reporting Centre for Child Abuse and Neglect. The publicity surrounding this network has meant that the number of reported cases of child abuse has increased, and this is not without its effect on the care system, which must act in all cases of child abuse. Cooperation between the centres, the youth care services and the Child Protection Board must allow for quick and decisive action. Any problems arising are dealt with at the regional level. Domestic violence against children is a crime and offenders can be prosecuted. An investigation into the need for supplemental legislation will be conducted.

More information on this subject can be found in Chapter II, Abuse and exploitation of children.

#### ***Recommendation 18 of the UN Committee on the Rights of the Child, 1999***

##### ***Female genital mutilation***

*The Dutch government must intensify its efforts against traditional practices such as female genital mutilation. The dual criminality principle for cases of female genital mutilation must be revoked.*

#### Response of the Dutch government, 1999

The government will examine the potential for legislation providing young girls with more protection against female genital mutilation. Furnishing evidence for something that someone has done abroad is very difficult.

#### Developments

The Netherlands has no legislation specifically addressing female circumcision. Female circumcision is prohibited under the general provisions on abuse in the Dutch Penal Code.

Dutch policy focuses on prevention, principally on the education of refugees and asylum seekers (not only women, but men and young people as well). Criminal prosecution is a final step. The Lower House of Parliament has spoken of making it possible to hold parents and parties suspected of female circumcision in pre-trial detention.

At the international level, the Netherlands strongly supported a UN resolution calling on countries to stamp out female circumcision. This resolution was adopted by the General Assembly of the United Nations on 21 October 1999. The government subsidizes activities intended to combat female circumcision in the countries of origin. National campaigns and educational activities in Mali, Burkina Faso and Ethiopia are supported financially.

There have been indications from the Somali community in the Netherlands that young girls in the Netherlands are being circumcised. The Federation of Somali Associations in the Netherlands and the Pharos Refugees and Health Centre of Expertise are involved in the project 'Female circumcision in the Netherlands: from policy to practice.' The goal is to actively initiate change processes in the target group of Somalis by means of recruiting and training key figures and educators of the native language and culture to conduct a series of informative meetings. The Female Genital Mutilation Platform calls for the prevention of female circumcision, with a major role for the Advice and Reporting Centres for Child Abuse and Neglect, the police and health care personnel, amongst others. Guidelines must be created on how institutions should deal with indications of or information on female circumcision. Pharos will provide material to health care professional groups. Financial support will be provided by the Ministry of Health, Welfare and Sport.

#### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Continue activities in the areas of prevention and education on female circumcision.
- Foster expertise in the health care sector, Advice and Reporting Centres for Child Abuse and Neglect, the youth department of the police and the vice squad.

#### ***Recommendation 19 of the UN Committee on the Rights of the Child, 1999*** ***Medical advice and treatment***

*The Dutch government must take adequate measures to ensure that medical advice and treatment remain confidential for children of appropriate age and maturity.*

#### Response of the Dutch government, 1999

Anonymous testing for AIDS/HIV is paid for in various ways, including government funding.

#### Developments

The *Rutgershuizen*, advice centres where young people could obtain free medical counselling without requiring parental notification, were closed in 2001. In some cities, this work has been privatized.

Too little attention is given in the teaching of medical students to the identification of child abuse.

The child and baby health centres are being relocated out of residential suburbs. A study has shown that the accessibility of these health centres remains adequate.

In the youth care sector, more time and attention must be set aside for the treatment of immigrant children. Due to language issues, a standard consultation of 20 minutes is not sufficient.

Within the youth care system, the transition from the age group 0-4 to the age group 4-9 is not well regulated. General practitioners are withdrawing from the neighbourhoods where many immigrant children live.

The number of abortions in the Netherlands, particularly among immigrant girls, is on the increase.

#### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Invest in sex education for various target groups.
- Give more time and attention to the treatment of immigrant children within the youth care sector.

#### ***Recommendation 20 of the UN Committee on the Rights of the Child, 1999*** ***Breastfeeding***

*The Dutch government must undertake breastfeeding promotion campaigns.*

#### Response of the Dutch government, 1999

The Ministry of Health, Welfare and Sport will examine how it can improve the situation. It will consult with NGOs and will ask the Netherlands Nutrition Centre to present a National Action Plan.

#### Developments

The Dutch government determined that breastfeeding needs an extra stimulus, and as a result the Nutrition Centre was commissioned at the end of 1999 to focus more actively on promoting breastfeeding in collaboration with social workers and volunteer organizations. After an exploratory survey, the Nutrition Centre has been working on a Breastfeeding Master Plan since January 2002. Existing and new activities must be given a place in this plan. The Ministry of Health, Welfare and Sport has decided to continue the Baby Friendly Hospital Initiative (BFHI) as a part of this Master Plan. An independent five-year subsidy for this initiative has already been granted to the Care for Breastfeeding Foundation, which will be channelled through the Nutrition Centre. The Care for Breastfeeding Foundation trains maternity care organizations and young child and baby health centres for help in implementing the WHO/UNICEF policy on promoting breastfeeding.

#### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Provide sufficient and ongoing financial support for the Breastfeeding Master Plan, so that it does not remain just a plan.
- Promote the implementation of legislation regarding breastfeeding in the workplace, in particular by referring employers to this legislation and their responsibilities under it.

#### ***Recommendation 21 of the UN Committee on the Rights of the Child, 1999*** ***Human rights education***

*The Dutch government should consider introducing human rights issues into school curricula at earlier ages and to ensure that the Convention on the Rights of the Child and its provisions are adequately covered in the existing curricula for older children and in new curricula for primary school pupils.*

#### Response of the Dutch government, 1999

The organization and content of both primary and secondary education is the prerogative of schools and educators. The Ministry of Education produces guidelines on objectives to be met. One of these objectives is an awareness of human rights. In certain areas, specific attention is given to how the rights of the child can be implemented at school, for example

through the promotion of intercultural education and a special project, 'The Safe School'. Specific teaching material on human rights is also available.

### Developments

In 2000, the Teaching Plan Development Foundation (*Stichting Leerplan Ontwikkeling*) recommended to the Ministry of Education that human rights education be made required core curriculum material in schools. This recommendation has not yet been adopted. Some organizations in the private sector produce teaching packets on human rights and children's rights. In 2002, a CD-ROM on human rights was released for use in the older year groups in primary schools, and in secondary schools. One of the courses in which this CD-ROM will be used is social studies. In the run-up to the annual Children's Rights Festival, schools and community centres will devote attention to children's rights.

### Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Include knowledge of human rights and the CRC as a fixed element of the core curriculum of primary and secondary education.
- The right to information as described in the CRC should, in part, be the guideline for the further application of the Internet and computers in education.
- Disadvantaged children require extra attention with regard to digital education.

### ***Recommendation 22 of the UN Committee on the Rights of the Child, 1999***

#### ***Bullying in schools***

*The Dutch government should continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to strengthen structures to enable children to participate in adequately addressing and resolving this problem.*

### Response of the Dutch government, 1999

A new study of violence in secondary schools, including bullying, will be conducted in 2000. The project 'The Safe School' is the basis for improving safety at primary and secondary schools. A brochure has been developed on the 'bully test' and the national protocol against bullying (not required). The brochure was sent to all schools in 1999.

### Developments

The project 'The Safe School' is still running. The 'Youth, School & Security Scientific Information Centre' (*Transferpunt Jongeren, School & Veiligheid*) gives schools advice on bullying and safety. A study commissioned by the Ministry of Education and carried out in October 1999 among a representative group of 354 headmasters and 112 teachers in primary school year groups 6, 7 and 8 found that:

- four out of ten teachers have observed severe forms of bullying in class;
- there are more bullies than victims of bullying; this shows that bullying takes place in groups;
- according to teachers, approximately 7 out of 100 children engage in severe bullying.

According to studies conducted for the Ministry of Education, 69.3% of schools pursue an anti-bullying policy in some form. However, the effectiveness of the measures taken is unclear. There are still too many complaints from parents and children about bullying. The project 'Children bullying Children' started in 1997. This project is an element of the project 'Concerns about your child' subsidized by the Ministry of Health, Welfare and Sport.

Information for children, parents and teachers can be found on web sites such as [www.pestweb.nl](http://www.pestweb.nl), [www.sjn.nl/pesten](http://www.sjn.nl/pesten) and [www.pesten.net](http://www.pesten.net).

Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Develop an Action Plan based on a study of bullying in schools.

***Recommendation 23 of the UN Committee on the Rights of the Child, 1999***

***Underage asylum seekers and refugees***

*The Dutch government must take measures so as to provide immediate counselling and prompt and full access to education and other services for underage refugees and asylum seeking children. The Dutch government must also take effective measures for the integration of these children into its society.*

Response of the Dutch government, 1999

The Dutch government heartily endorses this recommendation.

More information on this subject can be found in Chapter V, Alien policy and children's rights.

***Recommendation 24 of the UN Committee on the Rights of the Child, 1999***

***Recruitment of minors into the armed forces***

*The Dutch government should consider raising the age of recruitment into the armed forces to 18 years.*

Response of the Dutch government, 1999

For 'recruitment-technical' reasons, the Dutch government is not planning to increase the age at which young people may voluntarily enlist in the armed forces to eighteen years.

Developments

In January 2000, a UN meeting was held on an Optional Protocol on the recruitment of child soldiers. During this meeting, the Dutch government did not adhere to a parliamentary motion (17 December 1999) calling for the age limit for voluntary recruitment to be raised to eighteen years. The Ministry of Defence remains wary of raising the voluntary recruitment age to eighteen years because there is a fear that this would make it impossible to enlist enough recruits.

On 22 February 2000, the Lower House of Parliament adopted a motion that once more called for the age for young people to be able to actually enter the armed forces to be raised to eighteen within two years.

The State Secretary sent two letters to the Lower House of Parliament, on 11 January 2002 and 1 March 2002, reiterating his dilemmas in implementing the motion. He suggested two possible solutions, whereby at age seventeen young people could begin training but not yet be serving in the armed forces. In a letter of 28 May 2002 to the Lower House, the State Secretary made it clear that he preferred the 'aspiring soldier' model. In this model, seventeen-year-olds are recruited with restrictions: they follow a regular basic training programme after which they are placed in a position in a unit, with restrictions on their performance of the function.

In a new motion on 25 June 2002, the Lower House gave its consent to a statutory regulation on the status of 'aspiring soldier,' adding that the regulation should explicitly include the consent of the parents as a guarantee. This regulation shows that setting a clear example for

dealing with the global problem of child soldiers ('straight 18') is secondary to the recruitment problems of the Dutch armed forces.

Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Increase the minimum age for recruitment into the armed forces to eighteen, and ratify the protocol with that age.

***Recommendation 25 of the UN Committee on the Rights of the Child, 1999***

***Complaints procedure in the Youth Custodial Institutions Act***

*The Committee welcomes the information provided on the improvements that the Youth Custodial Institutions Act will introduce to deal with complaints regarding ill-treatment as quickly as possible. Nonetheless, the Committee recommends that due attention be given to ensuring that efforts to settle such complaints promptly through a mediation procedure will not result in less than thorough investigations.*

Response of the Dutch government, 1999

The government very carefully investigates all complaints about the treatment in youth care institutions. The complaints procedure in the Youth Assistance Act has been expanded with an active role for an intermediary responsible for a thorough investigation of the facts.

More information on this subject can be found in Chapter VII, Juvenile justice and Chapter III, Youth care.

***Recommendation 26 of the UN Committee on the Rights of the Child, 1999***

***Psychological and psychiatric treatment for juvenile delinquents***

*The Committee is concerned about the delays faced by juvenile offenders in need of psychological and psychiatric treatment (PIJ order). The Dutch government must increase the availability of places in institutions in order to provide these juvenile offenders with timely and appropriate treatment.*

Response of the Dutch government, 1999

The government is doing everything it can to keep waiting lists as short as possible. Extra capacity for children with mental disabilities has been created. Immediate intake is always possible in emergency situations.

More information on this subject can be found in Chapter III, Youth care.

***Recommendation 27 of the UN Committee on the Rights of the Child, 1999***

***Sexual abuse and prevention***

*The Dutch government must continue to strengthen its legislation on the protection of children from commercial sexual exploitation. The 'complaint requirement' for prosecution of sexual offences committed against children over 12 must be modified. The Dutch government should also consider reviewing the 'dual criminality' requirement in legislation establishing extraterritorial jurisdiction for cases of sexual abuse of children.*

*The government must develop a National Action Plan to prevent and combat the commercial exploitation of children.*

Response of the Dutch government, 1999

The Dutch government believes that the complaints requirement will no longer be necessary as soon as it becomes obligatory that, during the investigation, the minor be given the

opportunity to give his or her view of what happened. The elimination of the 'dual criminality' principle can only be considered when there is more agreement at the international level on the degree and scope of the protection under criminal law against the sexual abuse of children. If the dual criminality principle is eliminated, furnishing evidence will remain a problem if the crime is not recognized as such in the country in which it takes place.

The National Action Plan will be completed in February 2000.

More information on this subject can be found in Chapter II, Abuse and exploitation of children.

***Recommendation 28 of the UN Committee on the Rights of the Child, 1999***

***Abuse of unaccompanied asylum seeking minors***

*The Dutch government must give prompt and serious attention to problem of child prostitution and the abuse of unaccompanied asylum seeking minors. The Dutch government must ensure that children are not used for prostitution and that asylum procedures, while fully respecting the rights of unaccompanied asylum seeking minors, effectively protect them against involvement in human trafficking for sexual exploitation.*

Response of the Dutch government, 1999

A number of activities have been undertaken to protect young asylum seekers. The investigation and prosecution of human sale and trafficking offenders has been intensified. Minors in the risk groups are being informed.

More information on this subject can be found in Chapter II, Abuse and exploitation of children.

***Recommendation 29 of the UN Committee on the Rights of the Child, 1999***

***Education of children of ethnic minorities***

*The Dutch government must regularly review its efforts in relation to the education of children of ethnic minorities, and to consider the possibility of providing further assistance to children at risk and the need to provide assistance to families from ethnic minorities with socio-economic problems.*

Response of the Dutch government, 1999

Schoolchildren from the three largest ethnic minorities whose school performance was poor in comparison to Dutch schoolchildren are now doing better in school. Their performance is continuously evaluated and policy is adjusted where necessary. Schools receive extra financial support for schoolchildren from minority groups.

Developments

Of the approximately 1.6 million children in primary schools, approximately 450,000 belong to the target group with poorer performance. The majority of those, approximately 250,000, are Dutch schoolchildren in problem situations. The remaining 200,000 are schoolchildren with immigrant backgrounds.

On 1 August 2002, the second phase of the Municipal Education Compensatory Policy became effective. In the national policy framework for this period, objectives have been formed to measure the expected success:

- the reduction of the language gap of target group schoolchildren by 25% in 2006 in comparison to schoolchildren not belonging to the specific target group;

- a better starting position in primary school by at least half of the target group through participation in quality pre-school and early school education programmes (0-6 years);
- a 30% reduction in early school leaving;
- a 4% increase in participation by immigrant schoolchildren in higher general secondary education and pre-university education.

Education does not just take place in school. In cooperation with other institutions in sports and culture and socio-cultural work, children are offered extra learning activities that also affect formal learning in school. In many municipalities, cooperative links between education and after-school institutions have been established, often referred to as ‘community school’ (*Brede School*) It is important to offer a balance of education, care and recreation to all children, with extra efforts for children most at risk of falling through the cracks of the school system. Because these programmes are often financed in limited term projects, it is difficult for institutions and schools to provide children and parents with a comprehensive range of services.

#### Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Develop an integral approach to the structured financing of community schools (*Brede School*).

#### ***Recommendation 30 of the UN Committee on the Rights of the Child, 1999***

##### ***Juvenile justice***

*The Dutch government must ensure that, under the existing law, no child under the age of 16 at the time of committing a crime is tried under adult criminal law, and take legislative steps to ensure that a life sentence cannot be imposed on children who are tried under adult criminal law.*

#### Response of the Dutch government, 1999

Adult criminal law is never applied in criminal cases involving 12 to 15-year-olds. It is only possible in cases involving 16 to 17-year-olds. It is up to the court to determine if suspects between 16 and 20 years are prosecuted under juvenile criminal law or adult criminal law. The suspect’s person and the seriousness of the circumstances of the crime are relevant. Thus far, no minor has ever received a life sentence.

More information on this subject can be found in Chapter VII, Juvenile justice.

#### ***Recommendation 31 of the UN Committee on the Rights of the Child, 1999***

##### ***Publication of initial report and recommendations***

*In the light of article 44, sub-clause 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the Dutch government be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.*

#### Response of the Dutch government, 1999

The Ministry of Foreign Affairs will put the report and written replies to the initial questions on its web site.

### Developments

The Ministry of Foreign Affairs translated the 1999 recommendations of the Committee and placed them on its web site for a few months in 2000-2001.

The text of the second (periodic) report submitted to the Committee in 2002 was read in draft version and commented on by the Dutch NGO Coalition for Children's Rights. This report is available in both Dutch and English.

### Recommendation of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Issue a public version and a child-friendly version of the government's periodic report and the concluding observations by the UN Committee on the Rights of the Child.

## **XI Conclusion**

The Netherlands is a good country to grow up in, but not for every child. In this NGO report, the Dutch NGO Coalition for Children's Rights (KRC) outlines where the problems lie and how people can work together towards solutions.

### ***Implementation***

Since the ratification of the Convention on the Rights of the Child by the Netherlands, Dutch society has become more and more aware of the provisions and scope of the Convention. The government is working towards the practical application of the international provisions in the Netherlands. Despite this, the Convention is rarely mentioned in policy documents on youth policy, although the Child Protection Board, as an official subdivision of the Ministry of Justice, does base its child protection policy on the Convention.

Until there is a governmental institution explicitly charged with monitoring compliance with the Convention, that task will fall to NGOs. The debate on the establishment of an ombudsman for children, which could take on this role, continues. Implementation of the Convention is a task for society as a whole, but only if society is aware of it. A repeat of the information campaign of 1996 would not be a bad idea.

Since mid-June 2000, substantive discussions are held twice-yearly between the Interdepartmental Working Group on Children's Rights and the Dutch NGO Coalition for Children's Rights. The meeting focuses primarily on activities to promote the Convention and children's rights in the Netherlands. Additionally, consultation between the government and NGOs takes place on areas such as the National Action Plan against Sexual Abuse of Children (NAPS), the preparations for the UN General Assembly Special Session on Children, child labour (ILO Convention 182) and the Dutch government's development policy.

### ***Abuse and exploitation of children***

An estimated 50,000 to 80,000 children in the Netherlands are severely abused, physically and/or sexually, or neglected each year. In recent years, increasing attention has been given to themes linked to child abuse, such as domestic violence, street violence, youth criminality and the sexual abuse and sexual exploitation of children.

The former Child Abuse Medical Counsellor Offices (*Bureaus Vertrouwensarts*) and the 'first line' function of the Child Protection Board (*Raad voor de Kinderbescherming*) were remoulded into a network of Advice and Reporting Centres for Child Abuse and Neglect with national coverage.

The KRC continues to be concerned about the prevention and tackling of child abuse. There are not enough assistance programmes tailored to the problem. There is a lack of expertise and there are waiting lists, which can lead to waiting periods of a year before a child receives the proper treatment.

In 2000, the National Action Plan against Sexual Abuse of Children (NAPS) was adopted. This plan initiated and stimulated projects. The legislation against sexual exploitation has been strengthened, and it will be strengthened further still. What is lacking, however, is capacity for enforcement and expertise among the police and the judiciary in implementing the legislation. In this NGO report, the KRC makes a number of recommendations to combat child abuse and to approach the treatment of victims more effectively.

### ***Youth care***

The KRC has concerns about youth care. Much energy is being expended on better regulation of care in the form of a new statutory system. The most important development has been the development of the Youth Care Offices (*Bureaus Jeugdzorg* or BJZ): Each province and/or major urban area is allocated one Youth Care Office that functions as an access point for *all* youth care in the province or region. The new Youth Care Act, as presented to Parliament at the end of 2001, received a good deal of criticism, even from the country's highest advisory body, the Council of State. The Council of State questions whether this act will indeed solve the problems in youth care.

The KRC feels that little attention has been given to prevention in the problems of child rearing and growing up. More and more forms of forced assistance are being imposed in the form of family supervision orders, while the effectiveness of this form of intervention is being debated. Increasing numbers of young people are subject to compulsory placement outside of the home. There are long waiting lists and, where extra financial resources are available, it is still difficult to attract sufficiently qualified employees.

Youth care must be made a political priority. Youth care must be based on an essential concept of child rearing and growing up: the structure must follow the content.

### ***Children and poverty***

The KRC has serious concerns over the fact that so many children and young people do not have a share of the wealth in the Netherlands. This is often a transgenerational problem: the children come from families that have lived in poverty for a long time. The poverty problem has received more attention since the middle of the 1990s. The recent study 'Children in poverty' (2001) concludes that a family that gets by on an income at or around the social minimum may suffer severe deficiencies in the fulfilment of its material and societal needs.

The KRC advises the government to increase the minimum wage for families with children, to give concrete discounts on recreational activities for children from families living at the minimum income level, and to take extra measures in the areas of education, health care and welfare.

### ***Aliens policy and children's rights***

Dutch aliens policy has been tightened in recent years; the government intends to drastically reduce the influx of asylum seekers. The new Aliens Act 2000 became effective on 1 April 2001. Because the influx of unaccompanied asylum seeking minors continued to rise, a stricter policy regarding these immigrants was enacted in 2001. The goal is for 80% of minor aliens to leave the Netherlands as quickly as possible.

The unique unaccompanied asylum seeking minor aliens policy that was characterised by a special procedure for asylum seeking minors is being increasingly meddled with.

The KRC fears that the return policy will translate into the end of aid for unaccompanied asylum seeking minors. More time must be invested in the individual child in order to bring about an effective return to the country of origin in the best interests of the child. Under the aliens policy, families with children are still being locked up in the *Grenshospitium*. However, under the Convention on the Rights of the Child, depriving children of liberty is only permissible if there is no other possible solution. Children not in the asylum procedure and without a residence permit are given no shelter and receive no social assistance. The KRC finds it disturbing that the Dutch government views the child first as an alien and only in the second place as a child. The KRC wishes to stress that Dutch aliens policy must not be in

conflict with the Convention on the Rights of the Child. The best interests of the child, elaborated and defined in detail, must play the decisive role in the determination and enforcement of aliens policy.

### ***Children and public space***

For many children, playing outside is an important way to unwind and to develop. There should be enough outdoor space that is safe enough for children to get to on their own. Obstacles for the good use of outdoor space by children and young people include the high density of people, bicycles and cars. Outdoor areas that are *available, accessible* and *enjoyable* are disappearing.

The KRC advises the government to coordinate the local youth policy and the town and country planning policy, so that the interests of young people are addressed earlier in the planning process. More and better outdoor space for young people in all development and redevelopment plans must be given a much higher priority than is currently the case.

### ***Juvenile justice***

Tackling youth criminality is high on the political agenda. Young people are committing more serious crimes at younger ages. Many more young people are entering closed institutions. The number of placements under criminal law has now exceeded the number of placements under civil law. There are long waiting lists for placement in juvenile institutions (up to a year), and there is an extreme personnel shortage in the sector.

To deal with petty crime among twelve-and-unders, the STOP procedure, derived from the HALT procedure for 12 to 18-year-olds, has been introduced, although there is no statutory basis for the STOP procedure.

The KRC is concerned about the trend of more and longer sentences for juvenile delinquents. The KRC also has doubts about whether the 'last resort' criterion of the Convention on the Rights of the Child is being applied properly. For certain offences, pre-trial detention is the rule and not an individual consideration. The KRC calls for an emphasis on the redress-based approach in the administration of juvenile justice.

### ***Youth participation***

Since the ratification of the Convention on the Rights of the Child, the Dutch government has actively worked to increase the political participation of children. Youth participation is very much a political and social point of interest. Youth municipal councils have been established, youth inspection teams have been formed and a National Youth Council was recently established, which can advise and assist the government. When things change in the neighbourhood, young people are being consulted more and more.

However, there are a number of developments of concern to NGOs. Participation in youth participation projects appears to be an activity usually reserved for better-educated Dutch young people. Children under twelve, and immigrant and lesser-educated youth are underrepresented. There is no clear vision of youth participation. A general cohesive vision of youth participation should be developed in collaboration with NGOs. An action plan must be linked to this vision that includes participation training.

### ***Youth information***

A survey of children carried out by the KRC in 2001 revealed that most children know of the existence of children's rights. Politicians and the relevant professional groups are gradually

becoming aware of the existence of an international convention on the rights of the child, but not everyone knows exactly what it contains or how it is to be dealt with. There is a lack of courses and information material for professionals working with children. The 1996 national public relations campaign 'Met praten kom je tot je recht' ('By talking you can do yourself justice') was not repeated. In 2002, a new information booklet for children aged twelve and older has been published. The government and NGOs are also discussing a multi-year information project on the subject of children's rights, which would involve the production of educational material for children and courses on children's rights for the relevant professional groups.

Dutch children have ever fewer opportunities to obtain free, independent and professional information and advice. New sources of information such as the Internet and digital media are on the increase, but not all children have access to these new sources. The KRC advises the government to make library membership free for children under the age of eighteen. The preventative value of information, especially in the areas of youth services and youth health care, must also be recognised.

## **XII Overview of recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government**

### ***Abuse and exploitation of children***

- Provide educational programmes to all (expectant) parents, giving extra attention to high-risk families.
- Improve the early identification of child abuse through continuity-based investments in public information campaigns and training programmes for all professionals working with children.
- Provide a nationwide network for specialised diagnoses in complex cases of child abuse.
- Create a low-threshold integral assistance programme in all regions, tailored to the specific assistance needs of neglected, physically or sexually abused and sexually exploited children, their parents, their siblings and the abusers.
- Take immediate steps to reduce the waiting lists for treatment of child abuse. These waiting lists obstruct prevention, identification, reporting, diagnosis, assistance and protection.
- Include a provision in the Dutch Civil Code (in the core provisions on the relationships between members of society) establishing that children have the right to a respectful upbringing in which there is no place for violence (in the same sense as the no spanking laws in Sweden and other countries).
- The reporting of child abuse or suspicions of child abuse must become a *legal obligation* for everyone working with and for children on a professional basis, and a *civic duty* for all members of society who witness or seriously suspect child abuse in their surroundings.
- Evaluate the results of NAPS and investigate the potential for a follow-up principally focused on preventing and combating the commercial sexual exploitation of minors.

### ***Youth care***

- Make youth care a political priority. All political parties are still referring to the trio of '*Education, care and security*' ('Onderwijs, zorg en veiligheid'). Youth care must be included in this, and relates to all three.
- Organise youth care based on an intrinsic concept of upbringing and growing up: the structure must follow the content. In the new legal system, the organisation of youth care is based on an administrative policy concept. It is too focused on the responsibilities of management bodies and institutions.
- Further develop the impetus for youth care in a substantive way. Acknowledge the right to youth care as a fundamental social right, on the basis of the Convention on the Rights of the Child.
- Stop the increase in forms of intervention such as family supervision and reduce the number of placements of juveniles in closed institutions.
- Give the same statutory and financial basis to prevention of problems in child-rearing and growing up as are currently given to the treatment of those problems.
- The responsibilities and capacities of the Youth Care Offices in delivering a coherent care package to clients (both parents and children) must be better regulated on the basis of clear quality requirements and with adequate monitoring of compliance.
- The attention to demand-oriented methods must focus more on the needs of the children in question. A dialogue between the social worker and the juvenile client must be generated, in which the objectives to be achieved and the desired results are

identified. Institutions must become more flexible. Assistance must be tailored and available in all possible combinations in order to provide for the client's assistance needs.

- On the basis of research into the assistance that really works for children, make choices on the forms of assistance that should be introduced or continued to be used. There must be leeway to develop and evaluate new methods, and in particular new methods that systematically involve the parents in the assistance provided to their children. Investments in short-term intensive assistance must be given preference over investments in long-term extensive assistance.
- At all times, the guiding principle of youth care should be to give the client the right form of assistance as quickly as possible. Therefore, procedures for the primary process must be made as simple as possible. Alternative forms of treatment/group treatment and waiting period management must counteract the negative effects of the waiting period.
- Improve the juvenile client's legal position and information supply.

### ***Children and poverty***

- Structurally increase the current minimum wage for families with children: EURO 700 per year per household and EURO 135 per year per child. The current minimum level, which at one time was based on a family with children, is no longer sufficient to cover the costs of children at a reasonable level.
- Give concrete discounts on certain activities such as sports and culture to children from families living at the minimum income level.
- For children at and below the poverty line, other extra measures are also necessary in the areas of education, health care and welfare.

### ***Aliens policy and children's rights***

- Dutch aliens policy must not conflict with the CRC. In establishing and enforcing the aliens policy, the best interests of the child, elaborated and defined in detail, must play a decisive role.

#### ***A. Unaccompanied asylum seeking minors***

##### ***Admission***

- Do not process the asylum requests of minors within 48 hours at the application centre. They should first be afforded some time to rest in order to acclimatise.
- The children must be properly prepared for their asylum interviews.
- During the asylum interviews, a counsellor who can adequately support the child must be present.
- Interpret children's opinions consistently in the asylum procedure.
- Only interview under-twelves about their reasons for seeking asylum if they are unaccompanied asylum seeking minors requesting asylum completely independently. If not, limit the interview to the oldest sibling, with the option for the guardian to contribute information on behalf of the young child.
- Children should be interviewed by specialised staff who can take into account the mental and physical development of the child.
- Investigate the quality of the care provided by the supervisors of supervised unaccompanied asylum seeking minors.
- Process supervised unaccompanied asylum seeking minors under the unaccompanied asylum seeking minor policy, despite the fact that they have supervisors.

##### ***Age examination***

- Set up an external commission to oversee the ethical and scientific standards of the age examination.
- Discontinue the collarbone method of age examination insofar as it is used to reach any conclusion other than the determination that, if the collarbone is fused at the time of bone measurement, the subject is older than 20 years.

*Ruling*

- Investigate a basis for refugee status geared to children.

*Reception*

- Assistance provided at unaccompanied asylum seeking minor campuses must be brought into line with national and international standards.
- In the return model, sufficient and adequate counselling with respect for the individual is of vital importance.
- The reception of unaccompanied asylum seeking minors must at least meet the quality standards set out in the Youth Assistance Act (to be replaced by the Youth Care Act on January 1, 2004).

*Return*

- Investigate the options for return, in cooperation with the child, before sending the child back.

**B. Family reunification**

- Adjust the high fees.
- Extend the follow-on travel period for family reunification.
- Drop the family relationship criteria and extend the right to be reunited with the parents in principle to all children, regardless of age. The best interests of the child must be taken into account.
- Apply the hardship clause for the waiver of the 'authorisation for temporary stay' requirement more often.
- Correct the translation of Article 10, CRC.

**C. Children without residence permit**

- Allow minors living in the Netherlands - regardless of status - to use the same services as Dutch children.
- The government must be more forthcoming on the right to education of children without residence permit.
- The right to youth care must be maintained for all children (including unaccompanied asylum seeking minors, children without residence permit and children in the asylum centres).

**D. Claim to residence**

- Children born in the Netherlands and children who are integrated in Dutch society should have an independent claim to residence permit.
- If a child may stay, so may the parents.

**E. Other issues**

*Interviewing children with parent(s)*

- All children travelling with parent(s) must be interviewed about their situation if they so desire.

#### *Deprivation of liberty*

- Cease depriving minors of their liberty in the border hostel (*Grenshospitium*). Alternatives must be sought.

#### *Children in Asylum Seekers Residence Centres*

- Residence of children with parents and unaccompanied asylum seeking minors in Asylum Seekers Residence Centres must be brief and take place under better conditions.

#### *The financial position of children of asylum seekers*

- Asylum seekers must be given financial resources in accordance with the norm identified by NIBUD, so that they can provide their children with adequate nutrition.

### ***Children and public space***

- Coordinate the local youth policy and the spatial planning policy, so that the interests of young people are addressed earlier in the planning process. This requires balanced attention to the needs of the various age groups.
- Combine and increase knowledge on the social/space conditions under which young people in the Netherlands grow up, with explicit emphasis on public property and the access thereto.
- Give a much higher priority to more and better outdoor space for young people in all development/redevelopment plans than is currently the case. The actual realization of more and better space for young people must come from the local authorities. A Playground Act and a Stimulus Plan for Space for Youth can help local authorities to better create living and leisure space for young people.

### ***Juvenile justice***

- There must be no gradual lowering of the age of criminal responsibility. The STOP response is a preventative measure offered to parents and must not be used by policymakers as a penal instrument.
- The duration of juvenile criminal proceedings must be drastically reduced. Time is quality.
- A precision monitoring system for children in closed institutions must be developed.
- Criminal and civil law placements in closed institutions must be separated.
- Invest more in personnel and other facilities in closed institutions.
- Restorative justice-based projects as a response to offences by minors must be actively promoted.
- Integrally apply the ‘last resort’ criteria of the Convention on the Rights of the Child.

### ***Youth participation***

- In collaboration with the NGOs, develop a general cohesive vision of youth participation with a corresponding action plan. In this action plan, address:
  - The role of adults (attitude and practice of getting young people involved) and the participation of specific groups of young people (e.g., vulnerable young people).
  - Flexible forms of youth participation focused on concrete results.
  - Providing youth participation training to policymakers/managers and teachers.

### ***Youth information***

### *Information on the CRC*

- Take responsibility for providing information on children's rights, and support an integral information project for children of various target groups.
- Efforts to disseminate knowledge of the Convention must be ongoing.
- Provide clarity on the responsibility and division of labour with regard to this subject.
- Give extra attention to specific information for parents and professionals working with children.
- Include knowledge of the Convention on the Rights of the Child and human rights in general as a required element of the educational programmes of vocational training.

### *Information services, information sources and the role of the media*

- Provide free library membership and access to information, including book loans, for children up to eighteen years of age.
- Stimulate cooperation between libraries and the educational system on learning to use new media (media education).
- Make new, digital media widely available.
- Provide a stimulus for interesting web sites for children.
- The provision of independent information and advice must remain an important government task, for which international directives and arrangements can serve as a basis.
- Better recognise the preventative value of information, especially in the areas of youth services and youth health care.

### *Protection against harmful information*

- Build evaluation points into the introduced system of self-regulation to prevent the harmful effects of media on children.
- Strive for better quality control of digital media.

### ***In response to the 1999 recommendations of the UN Committee to the Netherlands***

- Withdraw the reservations. However, with regard to the reservation on Article 37 (adult criminal law may under certain circumstances be applied to 16 and 17-year-olds), withdrawal may not lead to an increase in the maximum punishments for 16 and 17-year-olds under juvenile criminal law.
- Expand the half-yearly meeting between the Dutch NGO Coalition for Children's Rights and the Interdepartmental Working Group to include the implications of the Convention on the Rights of the Child for youth policy.
- Organize more consultation between government and NGOs at the municipal and provincial levels.
- Create a National Action Plan to promote the implementation of the Convention on the Rights of the Child. This must take the form of an integral policy document on youth policy devoting attention to horizontal and vertical coordination.
- Provide clarity on the municipalities' responsibility in relation to the government's obligations under the Convention.
- Actively stimulate and support municipalities in the implementation of the Convention in the form of local youth policy.
- Formulate a general policy framework against which the national government can review local youth policy.
- Establish a children's ombudsman.
- Clarify what portion of the total national budget is spent on children. A cooperative venture of the Central Bureau of Statistics (CBS), Social Planning Bureau (SPB) and

the Netherlands Bureau for Economic Policy Analysis (*Centraal Planbureau*, CPB) could develop a model for use at the central level.

- Conclude bilateral agreements with states that are not parties to the two Hague conventions, especially those countries to which children are frequently abducted.
- Create a fund for legal aid for abduction cases.
- Continue activities in the areas of prevention and education on female circumcision.
- Foster expertise in the health care sector, Advice and Reporting Centres for Child Abuse and Neglect, the juvenile police and the vice squad.
- Invest in sex education for various target groups.
- Give more time and attention to the treatment of immigrant children within the youth care sector.
- Provide sufficient and ongoing financial support for the Breastfeeding Master Plan, so that it does not remain just a plan.
- Promote the implementation of legislation regarding breastfeeding in the workplace, in particular by referring employers to this legislation and their responsibilities under it.
- Include knowledge of human rights and the CRC as a fixed element of the core curriculum of primary and secondary education.
- The right to information as described in the CRC should, in part, be the guideline for the further application of the Internet and computers in education.
- Disadvantaged children require extra attention with regard to digital education.
- Develop an Action Plan based on a study of bullying in schools.
- Increase the minimum age for recruitment into the armed forces to eighteen, and ratify the protocol with that age.
- Develop an integral approach to the education of minority children that will allow community school projects to be structurally financed.
- Issue a public version and a child-friendly version of the government's periodic report and the response by the UN Committee on the Rights of the Child.

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## **PUBLISHER'S IMPRINT**

*Growing up in the Low Countries: Children's Rights in the Netherlands*

The second report of the Dutch NGO Coalition for Children's Rights on the implementation of the Convention on the Rights of the Child in the Netherlands.

This is a publication of the Dutch coalition of non-governmental organizations involved in the rights of the child.

The Dutch NGO Coalition for Children's Rights consists of:

- Defence for Children International Netherlands
- UNICEF Netherlands
- National Association for Child and Youth Legal Advice Centers
- Netherlands Youth Group
- Save the Children Netherlands
- Plan Netherlands
- National Youth Council
- Netherlands Institute for Care and Welfare Youth (advisory member)

The objectives of the Dutch NGO Coalition for Children's Rights are:

- To promote cooperation between organizations involved in the rights of the child
- To promote education on the Convention on the Rights of the Child
- To monitor and report on the implementation of the Convention on the Rights of the Child in and from the Netherlands

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