

ACCEPTANCE OF INTERNATIONAL NORMS AND RESERVATIONS

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

In the Third cycle, the Netherlands received 14 recommendations directly related to the acceptance of international norms and reservations made to the Convention on the Rights of the Child. Eleven recommendations concern the ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure and three recommendations concern the reservations to articles 26, 37(c) and 40. The Netherlands took note of all recommendations.

In March 2022, the UN Committee on the Rights of the Child published its [Concluding Observations](#). It recommended the Netherlands, once again, to withdraw its reservations to Articles 26, 37(c) and 40, referring back to its recommendations from 1999, 2004, 2009 and 2015. The Committee also recommended the Netherlands to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Regarding the reservations to Articles 37(c) and 40, please see the Factsheet on Children and youth in the criminal justice system.

NATIONAL FRAMEWORK

In 2021, ministries have engaged in a dialogue with several NGO's regarding the withdrawal to Article 26. However, no tangible steps have been taken towards the withdrawal.

Recent research has identified at least 8 groups of children excluded from social security, like homeless children and children of parents with limited cognitive abilities or illiteracy. Moreover, the childcare benefits affair, in which approximately 26.000 parents became victims of false suspicions of fraud, painfully revealed that the argument that 'In the Netherlands, every child benefits from payments to their parents' does not hold truth. In the childcare benefits affair, thousands of families were excluded, discriminated against and pushed into poverty due to the inaccessibility and complexity of the Dutch benefit system, which has the aim to supplement the income of economically vulnerable families.

The third Optional Protocol on a Communications Procedure has not been ratified yet. Therefore, children cannot put forward their complaint of a rights violation under the Convention. The Council of State provided in June its analysis and recommendations to the government.

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on the Rights of the Child*

CHALLENGES

1

Children are not personally entitled to social security rights.

2

Children cannot put forward their complaint of a rights violation under the Convention on the Rights of the Child when their legal remedies at national level have been exhausted.

IMPACTS

Due to the reservation to article 26, children are not personally entitled to social security rights, which hinders improving the situation of children living in poverty. Furthermore, research has identified at least 8 groups of children excluded from social security.

Because the Netherlands has not ratified the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, children cannot put forward their complaint of a rights violation under the Convention when their legal remedies at the national level have been exhausted.

RECOMMENDATIONS

- Withdraw the reservations to articles 26, 37 sub c and 40 to the Convention on the Rights of the Child.
- Ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

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QUESTIONS

- When will the government take a decision on the ratification of the third Optional Protocol under the Convention on the Rights of the Child on a communications procedure?
- Does the government intend to withdraw the reservation to article 26, now that it has been evidenced by recent research that this reservation has a discriminatory effect on 8 groups of children, who are excluded from social security rights?
- Does the government intend to withdraw the reservations to articles 26, 37 sub c and 40 to the Convention on the Rights of the Child?

Sources

- [Joint Submission to the Human Rights Council by the Dutch NGO Coalition on Children's Rights \(2022\)](#)
- [Fifth NGO report of the Dutch NGO Coalition for Children's Rights to the UN Committee on the Rights of the Child \(2021\)](#)

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