

STATEMENT | UPR Pre-session on the Netherlands | Geneva, August 29, 2022 |  
Delivered by: the Dutch NGO Coalition for Children's Rights

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Thank you chair, distinguished delegates,

This statement is delivered on behalf of the Dutch NGO Coalition for Children's Rights. Through the Coalition, organisations join forces to protect the interests of the child and follow the implementation of children's rights in Dutch law, policy and practice. Key members of the Coalition are Defence for Children, Kinderpostzegels, the National Youth Council, Save the Children, Terre des Hommes and UNICEF The Netherlands.

The Coalition was established in 1995, when the Netherlands ratified the Convention on the Rights of the Child.

We thank for the opportunity to speak at this meeting.

This statement addresses four issues: international norms and reservations; asylum-seeking children; sexual exploitation and trafficking of children; and juvenile justice.

## International norms and reservations

The Netherlands received 14 recommendations concerning the third Optional Protocol on a Communications Procedure and concerning the reservations to three articles of Child Rights Convention. The Netherlands took note of these recommendations.

The government is not intending to withdraw the reservation to article 26. Thus, children are not personally entitled to social security rights, which hinders improving the situation of children living in poverty. Research has identified 8 groups of children excluded from social security.

Children in the Netherlands can **not** put forward their complaint of a rights violation under the Convention since the third Optional Protocol has not been ratified. The Council of State recently provided its analysis and recommendations to the government.

We recommend the Government to:

- Withdraw the reservations to articles 26, 37 sub c and 40; and
- To ratify the third Optional Protocol.

## Children in asylum procedures

There were no previous recommendations in the former UPR on the best interests of the child in asylum procedures. This is an important consideration for an asylum procedure compliant with the Child Rights Convention.

The government fails to organize sufficient, safe and child-friendly reception for asylum seeking children. In the past weeks, children were sleeping in open air or on chairs in the overcrowded registration centre in Ter Apel. There are large backlogs in asylum procedures, prolonging the length of stay under circumstances that are **not** in the best interest of the child: such as living in mass shelters, frequent relocations and a systemic

lack of psychosocial support increases the risk of childhood trauma and developmental damage. Manifold relocations hinder children's access to education and healthcare.

We recommend the Government to:

- Incorporate the best interests of the child into immigration law by adding the proposed amendment into the Aliens Act 2000; and
- To prevent relocations of asylum-seeking children and realize small-scale and permanent locations.

## Sexual exploitation and trafficking of children

Previous recommendations made by Panama, Morocco, Uruguay, Tunisia and Indonesia call for continuation and strengthening of efforts to protect and rehabilitate child victims of sexual exploitation and trafficking. All were supported by the Netherlands.

The government programme "Combatting Human Trafficking Together", continues, now including online and criminal exploitation. However, coordination and practical implementation of instruments to stop child exploitation lack behind. The visibility of child trafficking victims is decreasing and revictimization levels are high. Children often do not have access to appropriate support in time, and support depends on their municipality and residence status.

We recommend the Government to:

- Strengthen efforts to improve insights into child trafficking and exploitation, promote coordination and deploy available instruments; and
- To prioritise early provision of care and make specialised youth care accessible to all victims.

## Juvenile justice

In the third UPR-cycle, the Netherlands received 3 recommendations from Zambia, Botswana and Egypt, related to juvenile justice. These were not supported. Children can still be detained with adults and the age of criminal responsibility is still 12 years. The State has confirmed its reservations to articles 37(c) and 40 of the UNCRC, in a letter to Parliament recently. Thus, 16 and 17 year olds, can still be tried according to adult criminal law, and the right to a lawyer (free of charge) for minors can be restricted. In 2018, the state promised new legislation on the testing and storage of DNA from convicted children, which has **not yet** been realized.

We recommend the Government to:

- Guarantee a child-oriented procedure and the right to free legal aid;
- To ensure that children are never detained together with adults and always in a child-friendly environment; and
- To reconsider the routine practice of the testing and storage of DNA in respect of children and realize the legislation.

Thank you for your attention.