



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## **Combined fifth and sixth periodic reports submitted by the Netherlands under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 3 November 2020]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report are available on the Committee's web page.



## I. New developments

### Reply to paragraph 2 of the list of issues prior to reporting CRC/C/NLD/QPR/5-6

1. Since the Youth Act (2015), municipalities are responsible for youth care, child protection measures and youth probation services. The Act was evaluated in 2018.<sup>1</sup>
2. Four action programmes were launched in 2018 to improve young people's chances of growing up healthy and safe: 'Solid Start Programme' (*Kansrijke Start*),<sup>2</sup> 'Youth Care Programme' (*Zorg voor de Jeugd*),<sup>3</sup> 'Violence Does not Have a Place in the Home Programme' (*Geweld hoort nergens Thuis*)<sup>4</sup> and 'Divorce without damage' (*Scheiden zonder schade*).<sup>5</sup> Municipalities, youth care providers, professionals and client organisations work closely together on these.
3. In March 2020, proposals were announced to improve the organisation of youth care.<sup>6</sup> Amendments to the Youth Act are proposed to strengthen regional cooperation and to impose additional rules regarding access, governance and supervisory mechanisms.
4. In March 2020, cooperation was announced between the Immigration and Naturalisation Service (IND), Repatriation and Departure Service (DT&V) and Child Protection Board, focusing on children involved in immigration procedures.<sup>7</sup> These organisations work together on child protection measures, guardianship, parental responsibility and access arrangements, children to whom the Dublin Regulation applies and minor foreign nationals involved in criminal proceedings.

### Impact of COVID-19

5. The corona crisis has had serious consequences for children and families, particularly the most vulnerable. These include unemployment, loss of income, debt and tensions within families, increasing the risk of domestic violence. In the Caribbean part of the Kingdom, the impact on tourism presents an enormous challenge.
6. In close cooperation, the four countries of the Kingdom are making every effort to cope with the impact of the crisis. Substantial stimulus programmes have been implemented.
7. The four countries of the Kingdom continue to focus on respecting children's rights, following the Committee's letter of 8 April 2020.
8. Extra measures have been put in place. A new campaign against domestic violence has been launched. Victims can report this at their pharmacy using a code word. Accessing the Veilig Thuis ('Safe at Home') domestic violence advice and reporting centre has become easier through a chat function.
9. Visiting rules in youth care have been modified and protocols for working safely have been developed. The aim of municipalities and youth care providers is to ensure continuity of care.
10. The Dutch government attaches great importance to listening to youth. Youngsters have submitted proposals in schools, neighbourhoods, municipalities and nationwide in the National Youth Council for tackling the consequences of the crisis.

<sup>1</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2018/01/30/rapport-eerste-evaluatie-jeugdwet> (Dutch).

<sup>2</sup> Annexe 2, *Solid Start the Action Programme*.

<sup>3</sup> Annexe 3, *Action Programme Youth Care*.

<sup>4</sup> Annexe 4, *Violence Does Not Have a Place in the Home*.

<sup>5</sup> Annexe 5, *Divorce Without Damage Programme*.

<sup>6</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/03/20/kamerbrief-over-perspectief-voor-de-jeugd> (Dutch).

<sup>7</sup> [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2020Z04679&did=2020D09823](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2020Z04679&did=2020D09823) (Dutch).

### Reply to paragraph 3

11. The House of Representatives has adopted a motion<sup>8</sup> to assess all new policy on its contribution to the Sustainable Development Goals (SDGs).
12. Statistics Netherlands (CBS) annually publishes the ‘Monitor of Well-being & Sustainable Development Goals’, also addressing children’s rights.
13. ‘The SDGs in the Dutch context’, published annually, outlines the steps taken to achieve the SDGs.
14. The national policy objectives of the Coalition Agreement are aligned with the SDGs.

## II. Rights under the Convention and its Optional Protocols

### Reply to paragraph 4

15. The reservation to article 26 in no way denies children’s right to benefit from social security. In the Netherlands every child benefits through payments made to parents. The Participation Act offers vulnerable children a safety net by supplementing social assistance to the level of the guaranteed minimum benefit income. Benefits and obligations under the Work and Social Assistance Act are granted by local government and tailored to individual circumstances. Although children normally do not have an independent right to social assistance, in individual situations of urgent need, deviation from this is possible.<sup>9</sup>
16. See the response under 31 for reservations to articles 37c and 40.
17. With regard to the interpretation of article 14, statements made in the previous report remain valid.
18. See the responses under 27 and 28 for the interpretative statement on article 22.
19. With regard to the interpretation of article 38, statements made in the previous report remain valid as do the provisions of section 1a of the Civil Servants (Defence) Act.
20. The National Action Plan on Human Rights describes how the Netherlands reviews its policy and legislation for compatibility with human rights treaties, including the Convention on the Rights of the Child (see Chapter 2).<sup>10</sup>
21. For the implementation of the Convention in the Caribbean parts of the Kingdom, see the responses under 5 and 6 and the part on Part III of this report, and the responses submitted by Aruba, Curaçao and St Maarten in this report.

### Reply to paragraph 5

22. New action plans have been launched in the four countries of the Kingdom and the Caribbean Netherlands (see the response under 2).
23. In 2018 Aruba introduced the Social Crisis Plan (SCP), aimed at strengthening the position of vulnerable families and combating violence against children.
24. In Curaçao all relevant organisations have worked together since 2018 in a new children’s rights platform.
25. Since 2017, alleviating the traumatic consequences of hurricane Irma has been a priority of the approach to children’s rights in St Maarten, St Eustatius and Saba.

<sup>8</sup> <https://www.tweedekamer.nl/kamerstukken/detail?id=2019Z23540&did=2019D48737> (Dutch).

<sup>9</sup> ECLI:NL:CRVB:2005:AT3468; ECLI:NL:CRVB:2006:AV0197 (Dutch).

<sup>10</sup> Annexe 6, *National Action Plan on Human Rights* (incl. annex).

26. In recent years there has been a greater focus in the Caribbean Netherlands on child rights education and youth participation. Youth care and efforts to combat child abuse have improved.

27. All programmes are linked to budgets and monitoring systems. Periodic progress reports are submitted to parliaments.

### **Reply to paragraph 6**

28. The *Intercountry Task Force for Children's Rights* was set up on 4 April 2014 at the Kingdom-wide Conference in Aruba. It consists of official representatives from the four countries of the Kingdom and the three public bodies of the Caribbean Netherlands and meets monthly. The Task Force's tasks include developing a shared vision, cooperation, knowledge sharing, monitoring and advising political authorities.

29. On 20 November 2018 the countries and public bodies strengthened their cooperation by signing a Memorandum of Understanding on the Rights of the Child with six priorities:

- (a) Promote prevention and encourage positive parenting;
- (b) Prevent and reduce child abuse;
- (c) Develop 'safety nets' with the local community;
- (d) Promote youth participation;
- (e) Ensure availability of professional help and support for children and families (youth care);
- (f) Provide assistance for vulnerable children, including migrant and disabled children.

30. The Task Force holds an annual intercountry positive parenting conference for parents, youth-care professionals, policymakers and public administrators. Working with organisations such as UNICEF, the Task Force promotes steps to strengthen 'safety nets' around children, raise awareness of children's rights and increase youth participation.

### **Equal access to youth care**

31. Under the 2015 Youth Act municipalities have a responsibility to ensure children receive the care and support they need. The Act sets out requirements relating to access, the provision and quality of youth care and the implementation of child protection measures. The Health and Youth Care Inspectorate (IGJ) is responsible for supervision. Families can lodge an objection or appeal. The municipal council determines whether the municipal executive is implementing the Youth Act correctly.

### **Reply to paragraph 7**

32. Municipalities annually receive almost €4 billion for the implementation of the Youth Act. For 2019, 2020 and 2021, an additional €1 billion was made available. In 2020 the government will assess, together with municipalities, whether extra structural funds will be needed from 2022.

33. Central government provides municipalities and schools with the funds necessary to ensure that every child has a place within the education system by providing for sufficient early childhood education, smaller classes, and improving language deficits.

34. In 2014 the Appropriate Education Act came into force, aiming to provide pupils who need extra support with a suitable learning place. The 152 consortia in primary and secondary education receive funds from central government for this. Schools and local government hold consultations on aligning education and youth care. The Inspectorate of Education (IvhO) is

responsible for supervision. The Netherlands Initiative for Education Research (NRO) issued its final report of an evaluation of the Act mid-2020.<sup>11</sup>

35. To promote more inclusive education the Ministry of Education, Culture and Science has introduced experimental legislation to support mainstream and special schools cooperating more closely.

36. See the response under 15 on funding for youth participation.

### Reply to paragraph 8

37. The Ministry of Health, Welfare and Sport, the Ministry of Justice and Security, the Association of Netherlands Municipalities and Statistics Netherlands have set up a framework of continuous monitoring and a high quality database. All youth care providers and certified institutions supply data to Statistics Netherlands, which subsequently publishes statistics and reports. This enables parties to compile relevant policy information, including information on child abuse. Figures are published every six months.<sup>12</sup>

38. The Youth Monitor<sup>13</sup> provides updates on youth developments in the Netherlands. It focuses on young people and families, health and welfare, education, labour and safety, and justice.

### Reply to paragraph 9

#### Awareness raising

39. *Generatie Ja... en?* (Generation So What?) is a social media campaign challenging stereotypes of gender-based violence.

40. The campaign *#kweetnie* opens up discussion about sexual orientation and gender identity, with a special focus on religious and transgender young people. It refers young people seeking help to an online platform (Iedereenisanders.nl) powered by the national expertise centre Movisie, the LGBTI organisation COC and the suicide prevention helpline 113Zelfmoordpreventie.

41. See the responses under 2, 15, 18, 23 and 30 for information on campaigns and training of professionals.

#### Focus on children's rights in the curriculum

42. The School and Safety Foundation supports schools through free teaching materials and activities, for example the annual Anti-Bullying Week.

43. In the framework of curriculum reforms the citizenship development team addresses human and children's rights. Democratic rights and values as laid down in the Constitution, the treaties of the European Union and the Council of Europe, the Universal Declaration of Human Rights and the Convention on the Rights of the Child must form the basis for children's activities and learning.

44. 125 teachers and school managers, and 84 schools worked with trade unions, academics, higher education, pupils, parents, teacher training colleges, civil society organisations and the business sector in the curriculum reform process.

<sup>11</sup> <https://evaluatiepassendonderwijs.nl/publicaties/eindrapport-evaluatie-passend-onderwijs/> (Dutch).

<sup>12</sup> <https://www.waarstaatjegemeente.nl/>  
<https://opendata.cbs.nl/statline/#/CBS/en/navigatieScherm/zoeken?searchKeywords=kern%20jeugd>  
 and <https://www.zonmw.nl/nl/onderzoek-resultaten/jeugd/programmas/programma-detail/zorg-voor-jeugd/> (Dutch).

<sup>13</sup> <https://jeugdmonitor.cbs.nl/en/>.

### **National campaign against domestic violence and child abuse**

45. A national campaign about domestic violence and child abuse runs from 2019 until the end of 2021, calling on family, friends and neighbours to act on suspicions of domestic violence and child abuse.

46. A base-line measurement was established and an evaluation will take place after 2022. Until then, the campaign's effectiveness will be monitored.

### **Reply to paragraph 10**

47. See the separate responses of Curaçao and St Maarten.

### **Reply to paragraph 11**

48. The Netherlands has developed policy on international corporate social responsibility (ICSR) aimed at promoting the application of the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, both including children's rights. Encouraging application includes participation in voluntary agreements on ICSR. Current ICSR policy is now being evaluated, as is the National Action Plan on Business and Human Rights. See the response under 29 for obligations and efforts to combat child labour.

### **Reply to paragraph 12**

#### **Better access to youth care**

49. The Netherlands is working to improve access to youth care by improving the quality and effectiveness of local teams by fulfilling five basic functions:<sup>14</sup>

(a) Ascertain whether a person's living environment is safe and apply the domestic violence and child abuse protocol (see the response under 18).

(b) Be present where the target group is to timely identify needs. Establish contact with the neighbourhood and proactively engage in outreach. Invest in prevention.

(c) Provide easy to find and accessible support, perform triage effectively.

(d) Keeping a broad perspective by clarifying needs, making a plan with the family, offering support, making clear agreements, staying in touch and remaining approachable.

(e) Develop, share and discuss insights to learn from and to improve.

50. The care and education systems need to adapt to children's individual needs to ensure children with disabilities can develop in the best possible way.

#### **Anti-discrimination services**

51. Under the Municipal Anti-Discrimination Services Act, municipalities are obliged to set up an anti-discrimination service, which registers complaints and provides support to victims.

52. Local authorities have a major responsibility in tackling discrimination. Central government facilitates municipalities in combating discrimination and encouraging inclusivity (for example, by publishing a guide to tackling discrimination and organising master classes for smaller municipalities in 2019).

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<sup>14</sup> <https://www.voordejeugd.nl/projecten/kpmg-onderzoekt-basisfuncties-lokale-teams/> (Dutch).

### Reply to paragraph 13

53. Dutch youth policy is based on the best interests of the child.
54. Under the Youth Act, municipalities are obliged to actively involve young people and families in shaping youth policy. See the response under 2 for the action programmes aimed at improving youth growing up healthy and safe.
55. Youth professionals are trained to always act in the child's best interests. The responses on child victims, education, residential youth care, asylum, poverty and discrimination explain this in further detail.
56. See the response under 15 on youth participation.

### Reply to paragraph 14

57. Between 2015 and 2018 there were nine cases of euthanasia involving minors aged 12 to 17. In 2019 there were no cases involving minors. Between 2015 and 2019 there was one case of active termination of the life of a newborn child. The Central Committee on Termination of Life (Neonates) and Late-term Abortions reviewed this case and found it fulfilled the due care criteria.
58. Following a research report, the government is considering whether it is necessary to set out the grounds for immunity from criminal liability in medical end-of-life decisions involving children between one and two years old .

### Reply to paragraph 15

#### Children's right to be heard

59. Minors should be involved in family and juvenile proceedings. From the age of 12, they are invited for a private conversation with the judge; children under 12 can request this. An informational film for minors is being developed. The child's views are heard indirectly through reports from the Child Protection Board. Minors cannot join proceedings as an independent party. Their interests are in principle defended by their legal representatives or, in case of conflicting interests, a special guardian. In certain cases, for example concerning parental responsibility, minors can make an informal request to the court. The court is not obliged to consider the request.
60. Following the report by the National Commission on reassessing legal parenthood<sup>15</sup> the government is considering whether the position of minors in court proceedings needs reviewing. A number of recommendations have been made that need further examination.
61. Villa Pinedo receives funding from the Ministry of Justice and Security to support children of divorced parents through a buddy system.
62. The Victims of Criminal Offences Decree of 24 August 2016 contains provisions improving the rights of minor victims of offences.<sup>16</sup>

#### Youth participation

63. It is important for youth to be actively involved in developments affecting them. The government has introduced statutory provisions and launched social initiatives, including:
- Open dialogues with youth organisations, youth councils and stakeholders to increase youth participation at national and local level;
  - Preparations, including consultations with the National Youth Council (NJR), for a youth parliament;

<sup>15</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2016/12/07/rapport-van-de-staatscommissie-herijking-ouderschap-kind-en-ouders-in-de-21ste-eeuw> (Dutch).

<sup>16</sup> <https://zoek.officielebekendmakingen.nl/stb-2016-310.html> (Dutch).

- Preparations with youth organisations for a ‘generational impact assessment’ to map the effects of policy change;
- In 2019 the Ministry of Health, Welfare and Sport appointed three ‘youth ministers’, in 2020 the Ministry of the Interior and Kingdom Relations appointed two ‘youth ministers’;
- An annual grant to the NGO Coalition for Children’s Rights.<sup>17</sup>The Netherlands cofinances a Youth Report as part of its reporting obligations under the Convention;
- A grant to UNICEF for the celebration of 30 years of children’s rights in 2019;
- An annual meeting preceding the state opening of Parliament in September, devoting attention to the right of youth to have their say;
- Every school has school councils and pupil participation to ensure pupils can make recommendations and approve parts of school policy. The subjects social and citizenship studies prepare pupils for participation in a democratic society;
- The government provides support to LAKS, a national organisation advising school councils, participation councils, and government on national policies impacting secondary education. The youth council of the Equal Opportunities Alliance gives unsolicited advice to the Equal Opportunities Programme, which aims to create equal educational opportunities for youth.

#### **Increasing awareness among professionals in the best interests of the child**

64. Article 12 of the Convention is addressed in guidelines for youth care professionals on involving young people and parents and in the IGJ’s Responsible Support for Young People Assessment Framework. The Convention is part of the required knowledge base for youth care professionals.

65. The Divorce without Damage Platform runs a project to enhance expertise of professionals about signs of a complex divorce and intervention methods.

66. The Centre for Children’s Rights Amsterdam (CCRA) provides lectures and courses for professionals on the legal aspects of children’s rights.

67. The knowledge base for primary school teachers includes entering into dialogue with the child, reflecting, listening. For grade one and two teachers this includes focus on participation in a plural, democratic society, with the emphasis on active citizenship and social integration. Teacher training programmes implement these requirements in their curriculum.

#### **Reply to paragraph 16**

68. A bill to establish a procedure to determine statelessness and a bill concerning children born stateless in the Netherlands have to be presented to Parliament. Stateless persons, including children, are registered as such based on foreign documents proving their status. Children born in the Netherlands of stateless parents are registered as stateless based on parents’ documents.

69. Children born stateless in the Netherlands can obtain Dutch nationality after three years of legal residence. All stateless children and children of unknown nationality have access to education and necessary healthcare, irrespective of their status. Access to other provisions and services is granted on the basis of the legal residence of their parents.

#### **Reply to paragraph 17**

70. Domestic violence, sexual abuse and child abuse are criminal offences in all parts of the Kingdom.

<sup>17</sup> [www.kinderrechten.nl](http://www.kinderrechten.nl) (Dutch).



71. The Violence Does not Have a Place in the Home Programme, launched in 2018, aims to identify child and sexual abuse more quickly and bring it to an end.

72. The Criminal Code, the Instructions on Domestic Violence and Child Abuse issued by the Public Prosecution Service and the various sentencing guidelines set the framework for the criminal law approach to domestic violence and child abuse. The police and the Public Prosecution Service can use their investigative powers if they suspect a criminal offence. The Public Prosecution Service determines whether prosecution in a specific case is in the public interest.

### **Data collection and monitoring**

73. A study by the Research and Documentation Centre (WODC) contains detailed research into the nature and extent of domestic violence and child abuse.<sup>18</sup>

74. The Impact of Domestic Violence and Child Abuse Monitor<sup>19</sup> gives a picture of the approach to domestic violence and child abuse and the impact on victims. It uses information supplied by the 'Safe at Home' organisation.<sup>20</sup>

75. The Sexual Violence against Children Victims Monitor published by the National Rapporteur on Trafficking in Human Beings biennially reports on the number of child victims receiving support.<sup>21</sup> In 2019 the National Rapporteur also published the Human Trafficking Victims Monitor 2014-2018.<sup>22</sup>

### **Complaints procedures**

76. A study by the Children's Ombudsman in 2016 on complaints procedures in young offender institutions (JJI) and secure youth care showed that the right of complaint is adequately safeguarded and meets Inspectorate's requirements.

77. These institutions are obliged to have a formal, independent complaints procedure for all residents. When informally dealing with complaints, key issues are comprehensible language, learning from complaints through joint meetings by the Council for the Administration of Criminal Justice and Protection of Juveniles for the supervisory committees and reducing the processing period.

78. Under the Youth Act, residential youth care institutions must have a complaints committee to which residents can apply.

79. Institutions must ensure that young people living in residential institutions or foster families can turn to confidential advisers with problems.

### **Tackling abuses in the youth care system**

80. In response to recommendations by a committee headed by Professor Micha de Winter, the government has devised measures to help professionals recognise abuses that occurred in the past and prevent abuses in the future. Measures include a documentary, website, financial compensation and financial support for contact between victims. The government wishes to prevent violence through policy programmes and to learn lessons for the future through research into young people's sense of safety in institutions.<sup>23</sup>

<sup>18</sup> [https://www.wodc.nl/binaries/Cahier%202019-1\\_2668i%20\\_Volledige%20tekst\\_tcm28-374137.pdf](https://www.wodc.nl/binaries/Cahier%202019-1_2668i%20_Volledige%20tekst_tcm28-374137.pdf) (Dutch).

<sup>19</sup> Annexe 7, *Factsheet Impact of Domestic Violence and Child Abuse Monitor*

<sup>20</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/12/18/kamerbrief-over-aanbieding-derde-voortgangsrapportage-programma-geweld-hoort-nergens-thuis> (Dutch).

<sup>21</sup> Annexe 8, *Fact sheet Sexual Violence Against Children Victims Monitoring Report 2017-2018* and <https://www.dutchrapporteur.nl/current/news/scattered-approach-to-sexual-violence-against-children.aspx>.

<sup>22</sup> Annexe 9, *Fact sheet for the Human Trafficking Victims Monitoring Report 2014-2018* and <https://www.dutchrapporteur.nl/current/news/effective-measures-against-human-trafficking-on-shaky-ground.aspx>.

<sup>23</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/02/21/kamerbrief-met-beleidsreactie-op-aanbevelingen-commissie-de-winter-onderzoek-naar-geweld-in-jeugdzorg-1945-heden> (Dutch).

## Reply to paragraph 18

81. Various guidelines, protocols and referral mechanisms have been developed to protect child victims or witnesses of violence:

### Improved Mandatory Reporting Code (Domestic Violence and Child Abuse)

82. In 2019 the Mandatory Reporting Code (Domestic Violence and Child Abuse) Decree was amended. An assessment framework aims to help professionals evaluate signals of abuse and the risk involved. The framework enables them to decide whether a report of abuse is appropriate and whether they themselves can organise support.

83. Since 2013 schools are obliged to use the reporting protocol. The Inspectorate of Education is responsible for supervision. Within the Movement to Combat Child Abuse, the General Association of School Managers, the Primary Education Council and the Secondary Education Council are developing standards to ensure improved implementation of the protocol.

### Training of relevant professionals in the field of domestic violence and child abuse

84. In 2019 and 2020, national tours aim to explain the reporting protocol to professionals and improve practice on the basis of case studies.<sup>24</sup>

85. E-learning modules, fact sheets and a website toolkit are available.

86. The police and the 'Safe at Home' organisation provide basic training in dealing with domestic violence.

87. Courses are provided to the judiciary and Public Prosecution Service.

88. The School and Safety Foundation (SSV) provides courses designed to equip teachers to identify and respond to signs of child abuse.

### Reports and advice

89. Anyone wishing to report child abuse and seeking advice can contact the 'Safe at Home' organisation. Children can contact the Child Helpline and Helpwanted.nl. Within the youth care system help is available for victims of child abuse.

90. Since child abuse and domestic violence are sometimes related to structural problems within the family system, the programme is working to develop a multi-disciplinary approach.

### Domestic violence and LGBTI

91. The Dutch Transgender Network (TNN) has developed e-learning modules to help youth care professionals identify young transgender people at an early stage.

92. The police have set up a training course bringing together knowledge from informal networks concerning various groups in society, including LGBTI.

93. The action plan on the security of LGBTI people<sup>25</sup> was launched.

94. The State Secretary for Health, Welfare and Sport meets biannually with LGBTI youth representatives to discuss problems (waiting lists, discrimination and homelessness) they face. Also see the Action Plan for Homeless Youth.<sup>26</sup>

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<sup>24</sup> [www.meldcodetour.nl](http://www.meldcodetour.nl) (Dutch) provides more information per region.

<sup>25</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/04/02/tk-actieplan-veiligheid-lhbt> (Dutch).

<sup>26</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2019/03/14/actieprogramma-dak-en-thuisloze-jongeren-2019-2021> (Dutch).

95. On 1 January 2020 an Act amending the Equal Treatment Act came into force, clarifying the legal status of transgender and intersex persons. The legislation explicitly addresses discrimination against LGBTI children.

### **Reply to paragraph 19**

96. An important aim of the Youth Care Action Programme is to avoid out-of-home placements and when these are unavoidable, ensure that children grow up in a home-like setting.

97. The Creating Youth Care in Family Structures Project supports municipalities in strengthening foster care and family home care.

98. The Foster Care Action Plan encourages the recruitment of and better support for foster parents.<sup>27</sup> A new recruitment programme was launched in 2019.

99. Foster care and family home care can be extended up to the age of 21 as a result of extra central government funding.

100. Foster care providers are responsible for the quality of care and support provided by foster parents. The IGJ and the Justice and Security Inspectorate are responsible for supervision.

101. Placement in secure residential youth care takes place when the children's judge decides it is necessary for a young person's development. In 2019 an action plan was launched to prevent secure placements.<sup>28</sup>

102. The number of placements has declined since 2017 (1,916 placements in 2017, 1,711 in 2018 (11% decline), 1,680 in 2019 (2% decline)).<sup>29</sup>

103. The Continuity of Foster Care Survey aims to reduce moving children from place to place in youth care and increase understanding why foster parents stop (prematurely).

104. Steps to help youth build their own lives after leaving the care system:

- Network 16-27, with funding from the Ministry of Health, Welfare and Sport, helps young people establish a stable basis for housing, work, income, care and welfare.<sup>30</sup>
- Facilitate the transfer from the Youth Act to other legal frameworks such as the Healthcare Insurance Act and the Social Support Act, as well as the promotion of future-oriented integrated working models.

### **Reply to paragraph 20**

#### **Compulsory Education Act**

105. Education is compulsory for children from the age of five. Children with a disability, who are unable to go to school, are exempt from the Act if a medical certificate is submitted.

106. Changes to these rules are currently prepared to give greater importance to the educational perspective in considering exemptions under section 5(a) of the Act. This is expected to have a positive impact on the number of children in school.

107. See the responses under 7b on inclusive education, 12a on access, and 25b on drop-out rate.

<sup>27</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2019/04/04/voortgang-actieplan-pleegzorg> (Dutch).

<sup>28</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2019/03/25/de-best-passende-zorg-voor-kwetsbare-jongeren> (Dutch).

<sup>29</sup> <https://www.jeugdzorgnederland.nl/wp-content/uploads/2019/03/JeugdzorgPlus-2018-002.pdf> (Dutch).

<sup>30</sup> [www.16-27.nl](http://www.16-27.nl).

**Personal budget (pgb)**

108. Young people can access care either in the form of a personal budget (pgb) or services in kind. Eligibility criteria for pgb are: the person concerned must be capable of responsibly managing the budget, the need must be clearly substantiated and the services contracted must be of good quality. The pgb is administered by the Social Insurance Bank.

**Reply to paragraph 21**

109. Steps to reduce perinatal mortality:

- Improve support for vulnerable pregnant women in the Solid Start Programme and the National Prevention Pact.<sup>31</sup>
- Strengthen integrated maternity care.
- Support the digital exchange of data in maternity care and improve pregnant women's access to their data.
- Comprehensive funding to promote a comprehensive approach.
- Additional research (due end 2020) to clarify potential for improvement.

110. Seventy parties have signed the National Prevention Pact. It contains 270 measures and actions, focusing on three themes: overweight, smoking and problematic alcohol consumption.

111. Measures to combat overweight:

- Promoting healthy eating and a healthy eating environment (school and sports canteens, hospitals, playgrounds, advertising and supermarkets);
- Use of community sports coaches and sports providers.

112. Commitment to a smoke-free generation by 2040; encouraging children not to start smoking:

Introducing legislative measures such as an increase in excise duty on cigarettes, banning smoking in school grounds, childcare centres, playgrounds and petting zoos.

113. Commitment to making not drinking the norm among under-18s by 2040:

- Reducing alcohol consumption among pupils, changing the association between sports and alcohol, reducing young people's exposure to alcohol advertising. The Licensing and Catering Act will be amended to make the secondary supply of alcohol to persons under 18 a criminal offence.
- The government has developed a multi-media campaign ('NIX18') to promote the statutory age limit of 18 years.

114. All children in the Netherlands have the right to basic healthcare. All residents are obliged to take out insurance to cover basic healthcare. Children are included free of charge. Healthcare benefit to cover part of the costs of insurance is available to the less well-off. Healthcare organisations providing care to non-residents who cannot pay for treatment can have the costs reimbursed by the State.

115. In 2020 the government signed the National Clean Air Agreement. Objectives are an improvement of at least 50% in health benefits from reductions in air pollution in 2030 compared to 2016, and compliance with the WHO quality guidelines by 2030. The Agreement pays specific attention to children. A study conducted in 2017 and 2018 examined the health effects of particulate matter on children living close to the national airport.

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<sup>31</sup> Annexe 10, *National Prevention Pact*.

## Reply to paragraph 22

### Municipal mental health services for young people

116. Since the Youth Act came into force the municipalities have been responsible for providing youth care, including youth mental healthcare. Children receive primary mental healthcare from local teams, individual providers, and their GPs. If needed, more specialised expertise is provided through secondary mental healthcare.

117. To further improve youth mental healthcare, the government is addressing the following challenges:

- Providing sufficient mental healthcare services to youth when accessing youth care so they receive appropriate assistance more quickly from the youth mental health worker at their GP practice.
- Improving specialist care by setting up regional centres of expertise aimed at youth with multiple and complex care needs.

118. Youth mental healthcare professionals are well trained and able to rapidly identify serious psychological problems.

### End use of restraints and isolation of children

119. An important action point in the Youth Care programme and an aim in psychiatric care is to reduce the use of restraints and to end the practice of seclusion.

120. Steps to reduce restraint and seclusion of children include:

- Phasing out of clinical care and moving towards community and outpatient care based on 'getting better at home';
- Development of acute inpatient wards, 'comfort rooms' and one-to-one counselling;
- Investment in professionals who can de-escalate situations.

121. Registration and analysis of seclusions to identify patterns and increase knowledge, learning and improvement.

122. The Inspectorate collaborates with secure youth care institutions to develop standards for a development-oriented climate and cross-sectoral alternatives. Steps taken aim at a cultural change and autonomy-promoting care and treatment.

123. Data from the IGJ show that the number of reports of compulsory treatment decreased in 2018 compared to 2017.

### Diagnosis and medication

124. The first step in treating children with mental health problems is a careful diagnosis, providing the basis for further intervention and a decision on medication.

125. The 2014 report 'ADHD: medication and society' by the Health Council questioned whether there has been an increase in ADHD diagnoses and over-prescription of medication. It provided guidelines for appropriate use of medication and was widely distributed. In 2019 a study of the effectiveness of psychosocial interventions in children with ADHD took place.

## Reply to paragraph 23

### Sexual health and sex education

126. Anyone with sexual health issues can consult their GP.

127. The municipal health service (GGD) offers free and anonymous testing, advice on problems related to sexuality, and information to specific high-risk groups (young people up to the age of 25).

128. In 2019 central government launched a campaign aimed at young people on unwanted pregnancy and safe and enjoyable sex.

129. The Relationship and Sex Education in Schools programme encourages schools to give this issue a more structural place in the curriculum. The programme is monitored and on the basis of outcomes policy may be changed.

### **Gaming and drugs**

130. The Netherlands Institute for Mental Health and Addiction (Trimbos-instituut) has developed an information and prevention programme ('Keeping a Clear Head at School'). Using a comprehensive approach, it raises awareness among pupils and students about addiction and encourages them to refrain from smoking, alcohol, drugs, and unhealthy gaming habits.

131. Websites and helplines aimed at the general public offer information on the use of tobacco, alcohol, drugs and gaming.

132. The Netherlands has a network of institutions for addiction care providing information, prevention and treatment programmes.

## **Reply to paragraph 24**

### **Measures to tackle child poverty**

133. Establishing a picture of municipal child poverty policy, the number of low-income households, the connection between child poverty and care, education and safety, and good practices.<sup>32</sup>

134. Helping children in low-income households participate in society. Municipalities offer provisions in kind (e.g. subscriptions to sports schools, music lessons, a bicycle); since 2017 municipalities have received an additional €85 million annually for this.<sup>33</sup>

135. The comprehensive action plan on debt.<sup>34</sup>

136. Increasing child and healthcare benefits for couples, the general tax credit and the employment tax credit.

137. Encouraging those on social assistance to return to work or increase working hours.

138. Cooperation between schools, municipalities and four national organisations working to combat poverty (*Stichting Jarige Job*, Youth Fund for Sport and Culture, the National Children's Fund and the Tuition Fees Foundation).

139. Encouraging children's participation in child poverty measures, including through grants to the Missing Chapter Foundation (establishment of 12 children's councils within municipalities); the 'Speaking Minds' initiative of Defence for Children and Save the Children (support for young people to advise on poverty policy in ten municipalities).

### **Children in shelters**

140. The Ministry of Health, Welfare and Sport, the Association of Netherlands Municipalities and Valente have developed a framework of standards for children in shelters, including:

- Keeping families together as far as possible, unless children's safety is at issue;

<sup>32</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/04/01/kamerbrief-ambities-kinderarmoede> (Dutch); <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/10/02/nadere-uitwerking-ambities-kinderarmoede-tk> (Dutch).

<sup>33</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2016/11/11/kamerbrief-voortgang-kansen-voor-alle-kinderen> (Dutch).

<sup>34</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/05/27/actieplan-brede-schuldenaanpak> (Dutch).

- Providing children with trauma treatment and support;
- Ensuring daily activities, including school.

### **Reply to paragraph 25**

141. See the response under 7 regarding issue 25 (a).

#### **Reducing school dropout rates**

142. Children must attend school up to the age of 16. If they do not have a basic qualification, they must attend school until their 18th birthday. Between the ages of 18 and 23, they are encouraged to continue studying for a qualification. Various Acts of Parliament contain measures to reduce school dropout rates:

- Expertise Centres (Special Education) Act;
- Act on exemptions from compulsory education;
- The Primary Education Act and Secondary Education Act contain provisions to facilitate the creation by school consortia of centres for children with special educational needs who are at risk of dropping out.

143. The Compulsory Education Act designates the responsibility for dealing with truancy.

144. School consortia are obliged to offer sufficient provision to ensure an appropriate place for every child.

145. Ministries, education councils, the Association of School Attendance Officers, the Association of Netherlands Municipalities and other organisations work together under an agreement (*Thuiszitterspact*, 2016) to reduce the number of children not attending school.<sup>35</sup>

#### **Monitoring home schooling**

146. The coalition agreement agreed to take steps to ensure home schooling meets certain standards.

147. As such, the Ministry of Education, Culture and Science is preparing a bill to ensure children who are home schooled receive a sound education.

148. It also provides for regular oversight by the national Inspectorate for Education.

#### **(Online) bullying**

149. Schools must ensure pupils can learn in a socially safe environment (Safety at School Act, 2015). They must take measures to tackle (cyber)bullying and promote a socially safe environment, partly through media literacy classes. The School and Safety Foundation supports schools through information, awareness raising, and courses.

150. The Act will be evaluated in 2020.

151. The biennial Monitor on Social Safety shows bullying as a whole has declined in primary education from 14% in 2014 to 10% in 2018, and from over 11% to 5% in secondary education. In the same period online bullying in primary schools increased from 5.7% to 7.8%. In secondary schools it remained stable at around 20%.

#### **Early childhood education**

152. Daycare centres provide early childhood education for children aged 2½ to 4 at risk of educational deprivation.

153. In 2020, it was expanded from 10 to 16 hours per week on average.

<sup>35</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/01/30/thuiszittersbrief-januari-2020> (Dutch).

154. The quality of early childhood education has improved through:
- (a) Introduction of a minimum level of language skills for playgroup assistants;
  - (b) Obligation for daycare centres to develop an early childhood education policy;
  - (c) Obligation of a policy on the education requirements for staff.
155. As of 2022, a proportion of daycare centres staff must have a bachelor's degree.

### **Reply to paragraph 26**

156. The Ministries of Education & Science and Health, Welfare & Sport promote sports, games and (outdoor) play through national initiatives and community sports coaches. Examples include the programmes Healthy School and Young People at a Healthy Weight. The Dutch Olympic Committee \* Dutch Sports Federation (NOC\*NSF) supports a physical activity programme at school. The 'Challenging Play' project encourages outdoor activity. The government works with partners such as Jantje Beton and sports associations for play at home and in the neighbourhood.

157. The Ministry of Health, Welfare and Sport has signed an agreement to promote inclusive play among children with and without disabilities.<sup>36</sup>

### **Reply to paragraph 27**

158. In assessing asylum applications and applications for family reunification the interests of the child are a primary consideration.

159. Children aged 15 and over are interviewed separately. Children between 12 and 15 are interviewed separately if necessary, or if they ask for this. Unaccompanied minors are interviewed from the age of 6 by specially trained staff. Up to the age of 12 they are interviewed in child-friendly rooms.

160. Families arriving together in the Netherlands are, in principle, not separated during the procedure.

161. More favourable conditions govern applications for family reunification. If required documents are missing through no fault of the applicant, the IND may interview the applicant and/or family members or conduct DNA tests. Interviews with unaccompanied minors are subject to guidelines based on article 12 of the Convention.

162. Informational leaflets are handed out in application centres. Parents are informed that they too are responsible for informing their children. Child-friendly information and information sessions for children are available. Guardians are appointed for unaccompanied minors. The guardianship institution Nidos has an information app for unaccompanied minors. The Dutch Refugee Council invites unaccompanied minors to informational meetings.

163. During the asylum procedure, children in families applying for asylum are placed in reception centres with access to education, care, recreation areas and activities for children. In 2016 smaller, child-friendly living units with daily support were put in place.

164. All children in the Netherlands, regardless of residence status, have the right to education and medically necessary care. Refugee children must have access to education within a month of arrival. They are largely entitled to the same medical provision as children with Dutch nationality.

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<sup>36</sup> <http://www.samenspeelakkoord.nl> (Dutch).



## Reply to paragraph 28

165. Unaccompanied minor asylum seekers can apply for family reunification. After the parents have been traced, more favourable conditions will apply to a subsequent asylum application, regardless of the period between the first and second application. If the applicant turns 18, they will be regarded as a minor for three months following the application.

166. Research into unaccompanied minors disappearing from reception facilities shows they only remain in reception centres for a short period of time, appear to have no interest in the outcome of their asylum procedures and seem to regard the Netherlands as a transit country.

167. The Central Agency for the Reception of Asylum Seekers (COA) has a centre for unaccompanied minors with 24-hour supervision, where they are prepared for their future.

168. If human trafficking is suspected, suspected victims are placed in accommodation with extra security arrangements. The COA and police assess the risks. A multidisciplinary risk analysis determines what kind of care, guidance and protection are needed.

169. If unaccompanied minors try to leave a centre, staff will try to convince them to stay by pointing out the risks. A minor leaving cannot be fully prevented, since none of the reception facilities qualify as detention centres.

170. Procedures for missing unaccompanied minors have recently been updated. The competent organisations have made new arrangements regarding their responsibilities.

171. The majority of applications for family reunification are dealt with within the set time-limit. For objections, there is some spill-over from the backlogs that developed in 2017 and 2018. The IND aims to eliminate backlogs and reduce processing times to the statutory limit of six months. It has adapted its work processes and increased capacity. The Ministry of Foreign Affairs has increased capacity at a number of embassies.

## Reply to paragraph 29

### Ban on child labour

172. Child labour is prohibited for all minors (with the exception of student/holiday jobs). Individual exemptions are possible for cultural productions provided the work is not heavy and the hours not too long.

173. In 2018 the Social Affairs and Employment Inspectorate processed 1,612 applications for an exemption. 601 applications with a possibility of hazardous work or overdue submission were assessed by an inspector.

174. Policy instruments have been adopted to combat child labour up to 2025 as part of the SDGs (focus on tackling child labour at source and through the value chain):

- Fund against Child Labour (FBK)

The government has annually reserved €5.5 million up to 2022 for the Fund, launched in 2017, for initiatives combating child labour. Since 2017, 28 grants have been provided for multi-stakeholder projects in sectors including mining, textiles, cocoa production, medicine and tourism. The focus lies on establishing child labour free zones, improving income, implementing monitoring and remediation systems (CLMRS), creating transparency of supply chains. A project in the textile industry, for example, has guided almost five hundred children from work to school.

- ‘Work: no child’s business’

The government has reserved €35 million for this five-year programme, launched in 2019. It is implemented by the Alliance (UNICEF, the Stop Child Labour coalition and Save the Children) and focuses on an area-based and supply-chain oriented approach. The Alliance concentrates on six countries (Côte d’Ivoire, India, Jordan, Mali, Uganda and Vietnam) in the following sectors: gold/mining, textiles and footwear, natural stone, cocoa and informal and domestic work.

### **Child Labour (Duty of Care) Law**

175. In November 2019 the Child labour (Duty of Care) Act was published. Various elements still need to be detailed.

176. Delegated legislation expanding on the Act will follow after the evaluation of the IRBC agreements and policy on ICSR. The evaluation will be completed after the summer of 2020. The Act will not enter into force before 2021.

### **Reply to paragraph 30**

177. Victims unable to cooperate in a criminal investigation due to medical issues, being a minor, or being under serious threat may be eligible for a residence permit on humanitarian grounds.

178. Particular attention is paid to support for under-age victims, including victims of ‘loverboys’. For the complete overview of support for under-age victims, please visit the website.<sup>37</sup>

179. Together with partners, such as the police, healthcare organisations and NGOs, the government launched ‘Together Against Human Trafficking’<sup>38</sup> (2018), a programme encompassing projects addressing child trafficking. It contains a specific action line concerning municipalities.

180. Sexuality and sexual diversity and integrity have played a central role in education since 2012. The use of social media makes it increasingly important to tackle online abuse. The Dutch Safer Internet Centre is part of the EU’s ‘Better Internet for Kids’ programme. It promotes public-private collaboration and provides support to make the digital environment safer. The Meldknop.nl website is an initiative of the Safer Internet Centre that gives youngsters access to advice and help.

181. The Netherlands financially supports the international ‘Don’t Look Away’ campaign to reduce the number of unreported cases and increase awareness of sexual abuse of children abroad.

182. Various professionals such as the police, medical professionals and municipal officials are trained to identify signs of human trafficking.

183. Information and training materials are available through the Human Trafficking Academy,<sup>39</sup> including:

- Two informational films;
- An awareness campaign to prevent non-consensual sexting in 2020.

### **Reply to paragraph 31**

184. See Annexe 11, *Response to previous recommendations (question 31)*.

185. The age at which children can be held criminally responsible will remain 12 years. A cautious approach is taken for this group of offenders. The Ministry of Justice and Security has commissioned a study on the approach to 12 and 13-year-old offenders.<sup>40</sup>

186. The Ministry has commissioned work on behavioural interventions for young people aged between 8 and 18. The ‘Only you decide who you are’ (AJB) intervention aims to

<sup>37</sup> [https://english.wegwijzermensenhandel.nl/Support\\_for\\_under-aged\\_victims/support-for-under-aged-victims.aspx](https://english.wegwijzermensenhandel.nl/Support_for_under-aged_victims/support-for-under-aged-victims.aspx).

<sup>38</sup> <https://english.wegwijzermensenhandel.nl/News/News/programme-together-against-human-trafficking.aspx>.

<sup>39</sup> <https://www.comensha.nl/mensenhandel-academy/> (Dutch).

<sup>40</sup> <http://www.wodc.nl/onderzoeksdatabase/3045-huidige-aanpak-van-1213-jarigen-die-in-aanraking-komen-met-politie.aspx>. (Dutch).

strengthen protective and reduce risk factors in offending behaviour. A study has shown that participation in AJB reduces offending behaviour.<sup>41</sup>

187. The Code of Criminal Procedure contains separate provisions on the position of minors in criminal proceedings. The implementation on 1 June 2019 of EU Directive 2016/800 has tightened these provisions.

188. To guarantee privacy and reintegration prospects of people who have been involved in criminal proceedings, certificates of conduct (VOG) are issued to declare that the applicant has no criminal record that present an obstacle to their duties.

189. In deciding whether to issue a certificate, interests of society are weighed against those of the applicant. The age at which an offence was committed and personal development of the applicant are important factors. For people up to the age of 23, the period reviewed is shorter (two years).<sup>42</sup> This may be longer for serious offences such as terrorist offences, serious crimes of violence and sex offences.

190. The WODC is studying key aspects of the assessment system.<sup>43</sup>

### **Reply to paragraph 32**

191. Acts connected with the sale of children are criminal offences. In article 273f, paragraph 1, the Criminal Code explicitly defines recruiting, transporting, transferring, accommodating or sheltering a child with the intention of exploiting that child as human trafficking. In some cases, making payments, reaching private agreements or illegally taking on the care of a child are also criminal offences. A bill is prepared to criminalise various forms of buying children and will also apply to Dutch nationals committing such offences abroad.

192. The police and the Public Prosecution Service annually report on parties involved in online child sexual abuse.<sup>44</sup> 193 investigations of producers and abusers were conducted in 2019, including Dutch perpetrators of child sex tourism, resulting in the identification of victims and the arrest of suspects. In addition, 632 investigations targeted individuals suspected of distributing and/or possessing child pornography. Thirty-one key figures and/or facilitators in networks were identified, 15 of whom were Dutch nationals.

193. All officers responsible for investigating sex offences in the police are obliged to follow training in child-friendly interviewing, for which child-friendly areas are available. Prosecutors do not cross-examine children under the Dutch legal system, but training courses are available on dealing with vulnerable persons.

### **Reply to paragraph 33**

#### **Military service**

194. For the continuity of the armed forces it is vital to recruit new voluntary soldiers, particularly young people leaving secondary education. The regular age of enlistment is 18 years. Those who have completed secondary education under the age of 18 are allowed as probationary recruits. Most of them are only a few months from their 18th birthday. Should they not be allowed to enlist, they would have to wait more than a year. Research shows the

<sup>41</sup> <https://www.alleenjijbepaalt.nl/files/content/rapport-onderzoek-naar-de-effectiviteit-en-programma-integriteit-van-ajb-augustus-2018-20190605100525> (Dutch).

<sup>42</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2017/02/01/tk-onderzoek-naar-de-verklaring-omtrent-het-gedrag-vog> and <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/06/13/tk-ontwikkelingen-rondom-de-verklaring-omtrent-het-gedrag> (Dutch).

<sup>43</sup> <https://www.wodc.nl/onderzoeksdatabase/3037-achtergronden-verklaring-omtrent-gedrag.aspx> (Dutch).

<sup>44</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/04/30/tk-resultaten-aanpak-kindporno> (Dutch).

military would lose a lot of its appeal as an employer if this was introduced. The Netherlands will therefore not change its current policy.

195. Several safeguards are in place, regulated by law. Minors are never sent on active service or abroad and are never placed in regular army units. They can leave the service at any time and have to make a renewed choice to become a fulltime soldier when turning 18. Their parents or legal guardians have to agree to their joining. Minors are never given an official military role or weapon-carrying function. The major part of weapon use training takes place in simulated training environments, but for a skilled and responsible command of weaponry some training with live ammunition is deemed indispensable and will therefore be continued.

196. 17-year-old volunteers of the Dutch armed forces are subject to the military penal code and the military code of discipline. Since they do not perform any official military duties, they are not subject to many provisions dealing with official military conduct. The only sanctions they can be subjected to are of a disciplinary nature. Imprisonment is not a sanction.

### **Criminalising recruitment**

197. Two separate provisions criminalise recruitment in the Netherlands. The prohibition on recruitment (article 205 of the Criminal Code) also applies to children. An explicit reference to 'children' would provide no extra protection. A large number of statutory provisions criminalise acts directed against 'a person', including children. To ensure consistency, it would be unwise to specify this in one specific provision. The government therefore deems it unnecessary to follow this part of the recommendation.

198. The International Crimes Act (WIM) (section 5, subsection 5(r)) criminalises conscripting or enlisting children under the age of 15 into the national armed forces or armed groups or using them to participate actively in hostilities. This is defined as an international crime and carries a prison sentence of up to 15 years.

### **Article 1F**

199. The Netherlands does not invoke article 1F of the Refugee Convention in cases where the person committing the offences is under 15.

200. The Netherlands has specific policy covering persons aged between 15 and 18 when the crimes were committed.

201. The assessment of applicability of article 1F is thorough and careful and based on all known facts to determine whether the person knew or should have known about the crimes. If a person was a serving soldier, the factors considered include their age on joining the army, whether they joined voluntarily, the consequences of refusing to serve and whether the crimes were committed under the influence of forced ingestion of drugs or medication.

### **Jurisdiction**

202. Dutch criminal law provides for broad extraterritorial jurisdiction for the crimes referred to above.

203. With regard to section 5, subsection 5(r) of the WIM, the Netherlands has jurisdiction if a Dutch national commits the crime outside the Netherlands, if a foreign national commits the crime against a Dutch national outside the Netherlands, or if a foreign national has committed the crime outside the Netherlands and is now present in the Netherlands (WIM, section 2).

204. With regard to article 205 of the Criminal Code, the Netherlands has jurisdiction if a Dutch national commits the offence outside the Netherlands provided that the act in question is a criminal offence in the country concerned (Criminal Code, article 7).

205. The government deems these jurisdictional arrangements sufficient to meet the requirements of article 6, paragraph 1 of the Optional Protocol.

**Strict policy on arms exports**

206. Every licence application for the export of military or dual-use goods is assessed through the eight criteria of the EU Council Common Position on Arms Export Controls.<sup>45</sup>

207. Particular attention is paid to transactions where the final destination is a high-risk country.

208. In line with Criterion Two of the Common Position, the Netherlands will not grant a licence for the export of goods or technology if there is a clear risk of use for internal repression or human rights violations. As such, the Netherlands will not grant a licence that could be used to facilitate the recruitment or deployment of child soldiers. If a genuine connection between the transaction and concerns or violations cannot be demonstrated there are no grounds for a categorical refusal: policy on arms exports is not an instrument for 'punishing' undesirable behaviour. There are other, political instruments for this purpose.

**Minors returning from conflict areas**

209. The Child Protection Board is responsible for preparations if minors taken by their parents to jihadist conflict zones, or born there, return to the Netherlands. Dutch policy does not actively focus on repatriation.

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<sup>45</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>.

### **III. Protection of children's rights in the Caribbean Netherlands (Bonaire, St Eustatius and Saba)**

210. The three islands of Bonaire, Saba and St Eustatius are public bodies, roughly equivalent to municipalities in the Netherlands. Policy and legislation take account of their geographical location, size and unique island character.

#### **Cooperation and monitoring**

211. The Ministries of Health, Welfare & Sport, the Interior & Kingdom Relations, Social Affairs & Employment, Education, Culture & Science and Justice & Security work closely with the public bodies and civil society organisations to improve social and economic conditions and children's rights.

212. In 2019 UNICEF analysed children's rights in the Caribbean Netherlands. Compared to 2013, UNICEF noted improvements in education and healthcare, schools meet basic quality requirements, there is a greater emphasis on tackling poverty and the government is investing in day care quality. UNICEF still has concerns about children in poverty, problems in obtaining a higher education qualification and overweight. UNICEF made 30 recommendations to the public bodies and central government and provides monitoring support.

213. Since 2016 the annual report of the Youth Monitor published by Statistics Netherlands provides information on young people in the Caribbean Netherlands. In 2020 a broad survey of school-age children will be conducted.

#### **Child rights education and youth participation**

214. From 2015 to 2017, the public bodies have implemented activities to strengthen children's rights together with UNICEF, focusing on child rights education, parenting and participation. The Ministry of the Interior and Kingdom Relations provided € 3 million for this.

215. In cooperation with central government and the public bodies, UNICEF launched a programme in 2019 to support the islands and their schools in strengthening children's rights. Child rights education and participation are key elements. The child rights film festival, assistance in data collection, monitoring and evaluation of policy are part of the programme. Finally together with the BES(t)4Kids childcare programme, it supports communication campaigns on positive parenting.

#### **Education**

216. Reports by the Inspectorate of Education show good progress in education since 2013. All educational institutions have achieved basic standards. These improvements remain vulnerable due to a lack of leadership and staff shortages. School management boards are therefore assisted by coaches.

217. The Ministry of Education, Culture and Science works to improve results-driven teaching and monitoring, simplify funding and improve alignment of primary and secondary education with post-secondary education and the labour market. Independent evaluations took place on extra support for vulnerable children and the effectiveness of second-chance education. The public bodies receive support for their tasks regarding compulsory education, school buildings and employment conditions.

218. The government has concluded cooperative agreements with Aruba, Curaçao and St Maarten regarding a teacher training college and an analysis on alignment between secondary and post-secondary education.

219. The Ministry is evaluating the progress of the second Education Agenda for the Caribbean Netherlands (2017-2020) to establish prospects for cooperation after 2020.

### **Youth care and child protection**

220. In 2016 amendments to legislation established standards for the quality of youth care and entrusted supervision to the Health and Youth Care Inspectorate. The Inspectorate's monitoring have led to a quality boost.

221. Prevention and primary parenting support in Bonaire are the tasks of the Youth and Family Centre under the responsibility of the public body. In St Eustatius and Saba these tasks are also the responsibility of the public bodies.

222. Secondary youth care remains the responsibility of the Ministry of Health, Welfare and Sport. Three organisations provide youth care: the Youth Care and Family Supervision Agency for the Caribbean Netherlands (JGCN) and two residential institutions, the Foundation Project and Rosa di Sharon. JGCN is responsible for non-residential youth care and foster care. It also implements child protection measures and provides guidance to youth probation services. In 2018 the JGCN joined forces with a certified Dutch organisation, leading to quality improvements and further professionalisation.

223. In 2019 the JGCN introduced a foster care framework that acquired a statutory basis on 1 July 2020. The framework sets out requirements for (prospective) foster parents and makes a foster care agreement compulsory based on which foster carers receive a larger allowance. It also enables foster care to continue after the age of 18, and clarifies options for foster parent guardianship.

224. The Guardianship Council examines the desirability of a child protection measure and advises the courts on parental responsibility, access and maintenance. In criminal proceedings it advises the public prosecutor and is responsible for cases disposed of without recourse to the courts. Improvements to the quality management system and training courses organised in collaboration with the Dutch Child Protection Board serve to further professionalise the organisation. In 2020 a client satisfaction survey will be carried out to improve quality.

### **Tackling domestic violence and child abuse**

225. The Ministry of Health, Welfare and Sport has concluded a voluntary agreement on domestic violence and child abuse from 2017 to 2020 with the public bodies and provides €1.3 million annually for this purpose. The agreement sets out five priorities: prevention, professional development, measures to strengthen support and childcare, setting up a reporting system and clarifying the legal framework.

226. In 2019 the Ministry developed a guide informing professionals about their statutory powers to tackle domestic violence and child abuse. Each public body has appointed a programme manager to oversee implementation of the voluntary agreement, implement the guide, organise campaigns and set up a reporting system.

227. In 2019 a women's shelter was set up on Bonaire for victims of domestic violence and their children. Saba and St Eustatius use commercial locations. The Ministry is working on a pilot project to offer victims shelter on another island or in another country from where they live.

228. Together with the public bodies, the Ministry of Justice and Security is preparing a bill to amend Book 1 of the Civil Code of the Caribbean Netherlands to prohibit physical violence, psychological abuse and other degrading treatment in raising children.

229. An awareness-raising campaign funded by the Ministry between November 2018 and March 2019 produced informational films about domestic violence and child abuse. In 2017 the Instructions on Relational Violence were published to improve handling of domestic violence cases by the Public Prosecution Service and the police. The Public Prosecution Service has launched a pilot study of the criminal law approach to sex offences. Since April 2018 victims of domestic violence and child abuse can apply to the Criminal Injuries Compensation Fund for compensation.

230. Each island has a community care and safety partnership designed to approach multifactorial problems. Cases concerning domestic violence or child abuse receive priority. The three islands work together with regard to best practices, training courses and IT systems.

**Poverty reduction and improvement of childcare and out-of-school care**

231. In 2016 the Child Benefit Act entered into force, making all parents eligible for a contribution towards the costs of raising their children. To improve the position of (un)employed parents, the statutory minimum wage, benefits and child benefit were increased on 1 January 2019 and on 1 January 2020.

232. The BES(t)4Kids programme (2019-2022) aims to establish high quality, safe and affordable childcare and out-of-school care. Around €10 million is available annually for the programme, aiming to reduce costs to parents and improve the care quality.

**Tackling juvenile crime**

233. The introduction of juvenile criminal law in 2020 should provide scope for guidance, education and skills training for young detainees, while keeping young people out of the criminal justice system. (Non-)punitive orders under juvenile criminal law can also be suspended.

234. The Guardianship Council and the Youth Probation Service implement the HALT procedure, based on that in the Netherlands, offering young offenders the opportunity to make reparations for minor offences instead of going to court. The JGCN is responsible for counselling and the Youth Probation Service for supervision.

235. Young offenders are held in a special unit of the Caribbean Netherlands Custodial Institution (JICN). Imprisonment is regarded as a last resort. The way detention is enforced is in line with the principles of the Convention. For example, a confinement plan for every minor is drawn up with a focus on reintegration.

236. To assess the juvenile criminal law a baseline survey has been carried out. Research into the feasibility of a juvenile criminal law monitor is prepared.



## **Response of Aruba to the list of issues as communicated by the Committee of the Rights of the Child**

### **I. New developments**

#### **Reply to paragraph 1 of the list of issues prior to reporting CRC/C/NLD/QPR/5-6**

237. The 2018 Social Crisis Plan (SCP) aimed to set up a wide-ranging and integrated child protection system and to prevent and reduce social disadvantage among children and parents. The Plan is based on the Convention.

238. In December 2018 Aruba created the Interim Social Crisis Fund (SCF) to finance the 33 projects for children under the SCP (see Annexe 15).

239. From 2019 onwards, the government has worked together with UNICEF Netherlands on the implementation of a safety code (a step-by-step plan to be followed when there are suspicions of child abuse) in Aruba.

240. Since 1 June 2019 the Support Me Bureau (Bureau Sostenemi) has been the designated advice and reporting centre for child abuse. The tasks and powers of the advice and reporting centre are laid down by law.

241. A home for teenage mothers has been set up to provide temporary shelter and counselling for teenage mothers and their children.

242. Data is collected and updated on a regular basis in the Youth Monitor, with the aim of keeping policymakers and the general public informed about the situation of children and young people in Aruba.

243. A community safety partnership between organisations in the care system, the justice system and other partners, for example in education (cross-system collaboration), was established early in 2018. The aim is to prevent the commission of criminal offences and to reduce repeat offending. The basic principle is that criminal proceedings are a last resort. Young people at risk, offenders and victims of relational violence are main target groups.

244. On 26 June 2019 a draft national ordinance amending the Aruban Criminal Code (improving certain provisions and repairing omissions) was adopted by parliament. The amendments make it possible to substantially increase the maximum sentences for sex offences with the aim of protecting minors from sexual abuse.

245. The National Education Plan is based entirely on and incorporates Sustainable Development Goal 4 and thus has a child rights-based approach at its core. Moreover, in the SDG road map for Aruba, approved by the Council of Ministers in August 2018, youth empowerment is one of the nine accelerators. This has also been incorporated in Aruba's National Strategic Plan.

### **II. Rights under the Convention and its Optional Protocols**

#### **Intercountry Taskforce for Children's Rights**

246. The *Intercountry Task Force for Children's Rights* was set up on 4 April 2014 at the Kingdom-wide Conference in Aruba. It consists of official representatives from the four countries of the Kingdom and the three public bodies of the Caribbean Netherlands (Bonaire, St Eustatius and Saba). The Task Force has a number of important tasks including developing a shared vision, cooperation, knowledge sharing, exchanging best practices, monitoring and advising the political authorities of the countries and public bodies.

247. On 20 November 2018, World Children's Day, the countries and public bodies strengthened their cooperation in the field of children's rights by signing a Memorandum of Understanding on the Rights of the Child. The MoU sets out six priorities:

- (a) Promote preventive action and encourage positive parenting in the Kingdom;
- (b) Prevent and combat child abuse in the Kingdom;
- (c) Develop 'safety nets' with the local community (for example, the broad-based school, before and after school activities);
- (d) Promote participation by children and young people;
- (e) Ensure availability of professional help and support for children and families (youth care);
- (f) Provide assistance for vulnerable children, including migrant and disabled children.

248. The Task Force meets on a monthly basis and encourages/advises on specific children's rights action plans for each island/ country. Educating and supporting parents is key to protecting children's rights and preventing child abuse. The Task Force therefore holds an annual intercountry parenting conference for parents, youth-care professionals, policymakers and public administrators that focuses on positive parenting. Working with organisations such as UNICEF, the Task Force also encourages steps to strengthen the 'safety nets' around children, raise awareness of children's rights and increase the participation of children and young people.

#### **Reply to paragraph 7 (a)**

249. The Aruban government has allocated AWG 17 million (almost €8.5 million) to the SCF for a period of two years to implement the projects included in the SCP. These projects will benefit the implementation of the rights laid down in the Convention. An additional AWG 1 million (€500,000) has been made available by the Dutch government for technical support.

#### **Reply to paragraph 8 (a)**

250. Quantitative data is collected on matters such as education, health, household composition, employment status (persons aged 14 years and older) and disability. This data is disaggregated by age, sex, country of birth, and nationality. In addition, data is collected on household income. This data is collected in the Youth Monitor and updated on a regular (quarterly or yearly) basis. The Youth Monitor is due to be published in the near future.

#### **Reply to paragraph 8 (b)**

251. Several governmental departments and non-governmental organisations collect data on children. The Central Bureau of Statistics is developing a National Statistical System to enhance standardisation of methodologies and definitions, and to ensure continuing cooperation between data-collecting organisations. The aim is to provide policy makers with reliable, valid and timely information.

#### **Reply to paragraph 8 (c)**

252. Data on child abuse, children with HIV/AIDS, children subjected to sexual exploitation and trafficking, and children receiving mental health treatment is collected by different governmental and non-governmental organisations. However, there are still important challenges where standardisation of data-collection methods and definitions, data analyses, data sharing and data dissemination are concerned.

**Reply to paragraph 9 (a)**

253. Since 2015 intercountry parenting conferences have been held with the aim of exchanging knowledge and experience, promoting expertise among professionals such as school doctors and nurses, psychologists, remedial educationalists, systemic therapists), school boards, school social workers, policy officers, NGOs and the justice sector (victim support, child protection).

254. A national parenting week is held every year in November for various target groups, including parents and teachers. In 2018 and 2019 the partner organisations focused on the Convention and positive parenting.

255. In February 2018, 20 teachers from five primary schools followed a training course on children's rights organised by UNICEF Netherlands. At the end of the course they gave lessons on children's rights to the pupils of the five schools.

256. The National Children's Rights Committee launched a new website in October 2017, available in three languages: Papiamentu, English and Dutch. In 2019 the committee launched a Facebook page to raise awareness of children's rights.

**Reply to paragraph 9 (b)**

257. In 2018 the Aruban child helpline (Fundacion Telefon pa Hubentud Aruba) organised the UNICEF Child Rights Film Festival in Aruba. The participants were 560 children (20 classes) from five primary schools. The children followed lessons in children's rights and then each school made a short film about a particular right they found important or that they thought should receive more attention. The winning film represented Aruba at the finale in Curaçao, competing against films made by children in the other five islands of the Kingdom.

258. Schools were encouraged, particularly in the week of 20 November, to reflect on the subject of children's rights during lessons. For example, a publicity campaign distributed sandwich bags throughout the month on which the various children's rights had been printed, in cooperation with a bakery, and a recycling competition for schools was organised.

**Reply to paragraph 10**

259. Draft legislation for the establishment of an Ombudsman and Children's Ombudsman is awaiting public debate.

**Reply to paragraph 15 (a)**

260. It is the Guardianship Council's policy and duty to listen to all children, regardless of their age. As soon as a case is reported to the Council, whatever its nature, the child is interviewed. At that moment the Council acts as a neutral body representing the interests of the minor in question. The same applies to cases heard by the Court of First Instance. As a rule, the Court only hears minors from the age of 12; nevertheless the Council functions the Court's right hand, which means that all children are heard, regardless of age, race, gender or belief, and have their wishes taken into account in decision making.

261. Most schools in Aruba have a social worker or internal counsellors present on the premises. Any child, whatever their age, can go to their class mentor, the social worker or internal counsellor if they wish to discuss their situation. They can also make any concerns regarding their school, home or health situation known to school doctors and nurses during the preventive health checks the latter carry out.

262. The Missing Chapter Foundation promotes child inclusion and dialogue between generations with the aim of including children in decision making. It brings children and decision makers together to discuss topical issues and achieve new insights. Every year it organises an average of eight projects with schools and businesses and there are plans to extend them to neighbourhoods. In addition, organisations like the Heart-Centred Leadership

Foundation and the Youth Parliament offer structural programmes that give young people the skills and opportunities they need for greater participation.

### **Reply to paragraph 15 (c)**

263. On 20 November 2019 the University of Aruba held a symposium whose central theme was ‘the voice of the child’ (the right to participate). Children’s right to be heard in court proceedings and to be involved in family therapy was addressed at the symposium.

264. On the same date the child helpline organised a debate between young people on the subject of the right to participate.

### **Reply to paragraph 17 (a)**

265. Since 2015 the Support Me Bureau has received 1,306 reports of child abuse. In recent years the influx of reports has grown and as a result of staff shortages there is now a waiting list. The Bureau has been able to increase the number of personnel: three social workers, a quality advisor and a psychologist have been recruited, while the Bureau is looking for two social workers to provide extra support in clearing the backlog. In extremely urgent cases staff are immediately released from other duties to ensure that the child’s safety is secured, often in collaboration with other organisations.

266. In 2020 a registration system is in development to ensure a better insight in the future into the data on child abuse supplied by all organisations working in the system.

### **Reply to paragraph 18 (a)**

267. Staff at the Bureau have received extra training to increase existing expertise in tackling child abuse, as well as courses in communicating with children and parents about abuse. In addition, together with virtually all organisations working with children in Aruba, Bureau staff have been trained in the Signs of Safety approach. Work is in progress on a national Safety Code to ensure that everyone who works with children knows the various steps in tackling child abuse and to improve cooperation between organisations.

### **Reply to paragraph 18 (b)**

268. The national Safety Code will support the various organisations working with the Support Me Bureau and the Guardianship Council Department in their approach to child abuse. Tasks and responsibilities will be clarified, and investigation and support accelerated so that children and families receive the help they need sooner.

269. In 2019, following a number of brainstorming sessions as part of the Signs of Safety implementation process, an initiative was launched to set up a multidisciplinary centre for victims of child abuse and domestic violence, in collaboration with the European Family Justice Centers Alliance and FIER Netherlands, a national expertise and treatment centre for victims of violence in dependent relationships. The local organisations hope that the new centre will open at the end of 2020 or early in 2021. The aim is to concentrate all services for victims (examination and treatment) in one location.

### **Reply to paragraph 18 (c)**

270. All institutions act on the basis of the rights of the child and should not discriminate on the basis of gender diversity and sexual orientation.

**Reply to paragraph 19 (a) and (e)**

271. The designated body in Aruba for preventing and reducing the placement of children in care is the family supervision agency (*Fundacion Guia Mi*). If the court imposes a child protection measure in the form of a supervision order, a family supervisor is appointed by the agency to guide and support the family. This guidance and support is usually provided in the family home so that the minor does not have to be taken into care. The family supervisor works with the parent/guardian and offers useful advice to improve parenting skills. Needless to say, the person raising the child must be willing to accept assistance.

272. Since 2004 Aruba has had a central fostering agency (*Centro Famia di Criansa Arubano*, CFCA), the only designated body with the aim of providing a place in another family, either on a temporary basis or more permanently, to children whose home situation is unsafe. It is CFCA's task to recruit, screen, counsel and support foster families in their parenting role.

**Reply to paragraph 19 (b)**

273. Aruba's Probation and Youth Protection Agency offers young people who have committed a minor offence the chance to follow a first offenders programme. It also provides individual guidance through its outreach work. In addition, it produces learning programmes to prevent young people ending up in prison, as well as counselling to prevent repeat offending and promote a successful return to society.

**Reply to paragraph 19 (d)**

274. On 14 October 2019 a home was set up where mothers and mothers-to-be (from the fourth month of pregnancy) aged between 13 and 23 can stay to learn practical parenting skills. The home is at present in the trial phase and the young mothers can stay for up to a maximum of one year.

**Reply to paragraph 20 (a)**

275. Children with disabilities have access to regular or special education. Those with a vision impairment and the physically disabled have in some cases an individual coach so they can attend a mainstream school. Children with severe autism, intellectual disability (with an IQ score of under 40) or multiple disabilities have access to special education.

**Reply to paragraph 20 (b)**

276. The National Ordinance on Compulsory Education also applies to children with a disability. Children with behavioural problems are referred to existing services within the healthcare system for diagnosis and possible treatment and/or special education.

**Reply to paragraph 20 (c)**

277. The child health services run by the Department of Public Health in cooperation with the White-Yellow Cross baby and toddler clinics are responsible for early diagnosis of disabilities. All children up to the age of four make regular visits to the clinics for consultations and vaccinations. All babies born in hospital are immediately registered with the White-Yellow Cross. The clinics monitor the children's development; where impairment is identified they are referred to specialised (medical or psychological) help.

278. The SCP projects to create 24-hour care for children with multiple intellectual disabilities are at an advanced stage. The aim is to open the relevant institutions in 2020.

**Reply to paragraph 21 (a) and (b)**

279. Please see Annexe 14.

**Reply to paragraph 21 (c)**

280. The law states that all persons registered in the Population Register are entitled to publicly provided medical coverage. If an undocumented person, whether an adult or a child, is in need of emergency medical care, they will receive the necessary assistance.

281. The Youth Healthcare (YHC) Section of the Department of Public Health provides free care in the fields of physical, mental and emotional health to all children up to the age of 12, including those who are disabled and/or undocumented.

**Reply to paragraph 22 (a)**

282. Children with possible mental health issues can be referred to the outpatient clinic Respaldo by their general practitioner. GPs can easily consult a child and adolescent psychiatrist by telephone if there are any doubts about referral or the urgency of referral. Following referral, children and their parents are seen within two weeks for a screening, after which an intake assessment and examination/treatment will be planned. If the problem is urgent (suicidal thoughts, refusal to go to school) the child will be treated immediately rather than placed on a waiting list for an intake assessment.

**Reply to paragraph 22 (b)**

283. Depression and self-harm are recurrent themes for children in therapy. Children who present at the Accident and Emergency department after a suicide attempt are always seen by a child psychiatrist or the attending psychiatrist if outside normal hours. They are then offered follow-up at the Respaldo outpatient clinic.

**Reply to paragraph 22 (c)**

284. In principle, children are not admitted to the clinic. The aim is always for the child to receive support and assistance within its own network. If a child nevertheless has to be admitted, seclusion is an absolute last resort.

**Reply to paragraph 22 (d)**

285. In Aruba a holistic approach is taken to diagnosis and treatment. Schools and teachers are supported in their approach to children with behavioural problems. Systemic therapy is offered so that the child's relationships can be part of the treatment process. In addition, the medication protocol for treating ADHD provides at the very minimum for an annual suspension of medication to allow for evaluation.

**Reply to paragraph 23 (b)**

286. In Catholic schools sex education is part of the curriculum ('*Biba Amor*') in the 5th and 6th grades of primary education. The nursery school level programmes '*Bisa No*' (Say No) and Panda are voluntary.

**Reply to paragraph 23 (c)**

287. The Healthy School programme addresses the issue of alcohol use by pupils. The anti-drugs organisation *Fundacion Anti Droga Aruba* (FADA) visits schools to inform pupils of

the dangers of drug use and organises annual campaigns (AmigoDidi, Red Ribbon Week), as well as producing documentaries.

### **Reply to paragraph 23 (d)**

288. FADA provides information, tips and tools regarding sensible gaming in order to prevent addiction.

### **Reply to paragraph 24 (a)**

289. Children at risk of living in poverty are identified. The government has raised the monthly allowance per school-age child in families living on social assistance from AWG 200 to AWG 250.

### **Reply to paragraph 24 (c)**

290. There are no children living in homeless shelters in Aruba.

### **Reply to paragraph 25 (a)**

291. Every school board must set up a care structure within the school focused on prevention and early identification so that pupils receive timely support. The school board has to apply for a grant to pay for the necessary expertise and instruments for their care team (an internal counsellor, a remedial teacher, a school social worker and a pupil monitoring system).

292. In January 2018 the Aruban teacher training institute (Instituto Pedagógico Arubano, IPA) launched its Master in Special Educational Needs, a two and a half-year course for primary and secondary school teachers. The aim is equip teachers to identify and respond to pupils' specific educational needs. The IPA will also support Saba in setting up the same course in the 2020-2021 academic year.

### **Reply to paragraph 25 (b)**

293. In the 2019-2020 academic year, a policy was introduced that aimed to eliminate the practice of repeating a year. At the same time, steps to promote appropriate education will ensure equal opportunities in school and attention for individual learning needs, ambitions and talents. In addition, new policies have been put in place to ensure that students who for various reasons cannot participate in a traditional school setting have the opportunity to continue their education through different forms of home schooling.

### **Reply to paragraph 25 (d)**

294. In both primary and secondary education there are a number of projects in place to ensure children and adolescents learn about the negative impact of bullying and how to prevent it. The 'Be a hero not a bully' project has been implemented by various schools. Schools also target social emotional development. Some have adopted the 'Conscious discipline' programme that concentrates on negative behaviour against peers.

295. The structural and comprehensive healthy school approach is about empowering social behaviour through evidence-based programmes.

### **Reply to paragraph 27 (a)**

296. Asylum procedures in Aruba aim to assist vulnerable groups. Children who are accompanied by their parents and whose parents have lodged an asylum application are

assessed on the basis of their parents' claims. If there are special circumstances in respect of the child, special precautions are taken to ensure their wellbeing through tailored support or care. When an unaccompanied minor submits an asylum application or there is an assumption that the child wishes to be granted asylum special provisions are in place to ensure a child-friendly procedure, a child-friendly interview and adequate support in the event that a legal representative is not available.

### **Reply to paragraph 27 (b)**

297. The basic rule is that children are not separated from their parents during the asylum process. Via the 'Schiphol model', new asylum seekers can be housed in a temporary reception facility. It is also possible to assign family members (including minors) to this facility, though to date it has not been used for housing minors as it is not yet considered suitable for this purpose.

### **Reply to paragraph 27 (d)**

298. All asylum seekers have access to information concerning their procedures. All applications are submitted in person or via personal contact with the applicant. Officials explain the procedures and asylum seekers' rights, and provide information regarding the services available.

### **Reply to paragraph 27 (e)**

299. Asylum-seeking children have access to education and other child-related rights. If an asylum-seeking child is attending school this is taken into account should they need to be present for any part of the procedure. If such children are not in school, they or their parents are advised how to proceed.

### **Reply to paragraph 28 (a)**

300. Not applicable to Aruba.

### **Reply to paragraph 28 (b)**

301. Unaccompanied refugee children are promptly granted family reunification. However, this is dependent on the parents being identified.

### **Reply to paragraph 29**

302. Aruba's legislation on child labour contains strict rules to ensure the protection of children against economic exploitation. Article 19 of the Labour Ordinance obliges parents, guardians and the heads of families in which minors are being raised to ensure that minors who are under their parental responsibility, guardianship or supervision do not perform any work that is prohibited by the Labour Ordinance. Children aged 13 and older may be granted an exemption but only through a written request to the director of the Department of Labour and Investigation. Exemptions are subject to extremely strict conditions, ensuring the protection of children.

303. There is an absolute ban on a number of activities for people under the age of 18, while certain other activities may be performed only under supervision. The regulations listed in Article 20 of the Labour Ordinance and also in a Ministerial Decree of 6 November 2014 provide a full description of working conditions and working hours that are unsuitable for minors.



304. On behalf of the Department of Labour and Investigation, labour inspectors monitor compliance with laws, including the rules and regulations applying child labour. When the inspectors discover a breach of the child labour regulations, they record the incident in a report and impose a sanction. However, it must be noted that offences involving child labour have rarely been encountered in practice.

**Reply to paragraph 30 (a)**

305. The Victim Assistance Bureau provides support to victims of trafficking, such as arranging for shelter, legal assistance and medical care. Child victims of human trafficking can be placed in foster-care centres or in foster homes.

**Reply to paragraph 30 (b)**

306. The coordination centre against human trafficking and smuggling, has redesigned the existing awareness campaign ('Open your eyes to human trafficking') and materials are available in four languages. The documentary 'False promises' produced in 2018 will be incorporated in educational programmes directed at young people.

## **Response of Curaçao to the list of issues as communicated by the Committee of the Rights of the Child**

### **Reply to paragraph 2 of the list of issues prior to reporting CRC/C/NLD/QPR/5-6**

307. The local Children's Rights Platform was set up in 2018 to promote collaboration between governmental and non-governmental organisations working for children. The Platform has commissioned a study by the University of Curaçao, to map out the gaps between the Convention and local legislation. This situational analysis will evaluate progress and challenges in relation to compliance with the Convention and provide recommendations on data collection.

308. The Platform and the interministerial working group on domestic violence and child abuse devote particular attention to the protection of children. In view of the consequences of the COVID-19 pandemic, a study will be conducted in August 2020 of child abuse and domestic violence involving children between the ages of 12-18.

309. The legislation required to establish a Children's Ombudsman, as referred to in the previous recommendations, has been prepared. The bill will be debated in Parliament.

310. Curaçao's Children's Rights Platform works in collaboration with the Intercountry Taskforce for Children's Rights.

### **Reply to paragraph 3**

311. Curaçao has developed an SDG road map which includes the following priority SDGs: 1, 3, 4, 7, 8, 14.

312. Six major accelerators were formulated on the basis of the National Development Plan and the results of multi-stakeholder workshops held as part of the Mainstreaming, Acceleration and Policy Support approach: 1) sustainable, inclusive economic growth; 2) environmental sustainability; 3) a strengthened education system; 4) poverty reduction; 5) youth empowerment; 6) health. With regard to positive drivers and interventions needed for youth empowerment, the following interventions were prioritised under the 'Sense of safety' theme:

313. tackling sexual misconduct, domestic violence and abuse

314. enhancing the quality of life and safety of young people in local communities

315. collecting data (the Minister of Education, Science, Culture and Sports established the Data Centre early in 2020).

### **Reply to paragraph 4 (b-d)**

316. All children, including those living with undocumented parents, have access to primary medical care. They can attend school without restrictions but will not receive an official diploma upon completion of their secondary education. It is the Platform's task to ensure that inequalities are brought to light and dealt with comprehensively.

317. The Ministry of Justice has a policy in place to regulate cases involving undocumented children. As a response to pressing humanitarian needs among the local community, including undocumented persons, a taskforce has recently been set up to register such cases.

318. Close collaboration between the Platform and the Intercountry Taskforce is contributing to a more balanced implementation of the Convention across the Kingdom. Please refer to issues 5 and 6 for further information, and to the response of the Ministry of Health, Welfare and Sport.

### Reply to paragraph 7 (a)

319. The Ministry of Social Development, Labour and Welfare, the coordinating ministry with regard to implementing the Convention, has allocated the following amounts from its total budget:

<i>Children's Rights Platform</i>	<i>USD 221,000</i>
Interministerial working group on domestic violence and child abuse	USD 223,000
Intercountry Taskforce	USD 105,000
NGOs working with/for children	USD 125,000
<b>Total</b>	<b>USD 674,000</b>

### Reply to paragraph 8 (a)

320. Data collection is expected to improve significantly with the establishment of the SDG commission, which is working in an interministerial setting to guarantee efficiency. Please refer to response 3.

321. In the meantime, data is collected in a number of ways. Data on residents receiving social benefits is collected under the iSOAW registration system, while the Triple P programme collects qualitative data on parenting. The Central Bureau for Statistics and the Institute for Public Health Care regularly collect data in several areas. The Central Bureau of Statistics will conduct a youth monitor survey in 2020, commissioned by the Children's Rights Platform. The Platform will carry out a study of care for victims of child maltreatment and sexual abuse, in a collaborative effort with a local NGO.

### Reply to paragraph 9 (a-b)

322. In 2019 several awareness campaigns on (social)media, billboards, schools and theatres, targeting parents, local communities and children, were launched in collaboration with NGOs. On social media in particular, a substantial increase in positive engagement has been noted. A communication expert from UNICEF is assisting Curaçao with a strategic communication initiative to achieve lasting behavioural change.

323. The Convention (child-friendly version), has been translated into Papiamentu and distributed to schools and children's organisations. In 2018, the UNICEF Child Rights Film Festival took place. A government-funded NGO (Bos di Hubentut) focuses on addressing domestic and relational violence, especially that involving children and young people, and is responsible for the Youth Parliament, which plays an important role in this respect. In collaboration with the government, a school-tour campaign and rap competition about preventing sexual abuse was organised.

324. The NGO Medialab Curaçao works with schools, the Curaçao National Library and Lot's Foundation to help schoolchildren create vlogs about child abuse. Lot's Foundation works worldwide to make children aware of their rights and involve them in discussions on the subject. In collaboration with the DamaDama Dance Theatre, the Harlekijn Dance Theatre and Lot's Foundation, the youth working group of the Children's Rights Platform organised a dance project entitled 'Speel, Zing, Dans' (Play, sing, dance) for primary schools, involving 463 children. Additionally, 150 people attended this event in a shopping mall. Other topics tackled included children's right to grow up in a safe, free and pleasant environment, right to education and to develop their talents, the importance of inclusion, youth participation and awareness of the use of arts as a means for children to express themselves.

325. In 2020 a master class on the Convention is planned for professionals. Awareness-raising and training remain ongoing processes among all target groups. In 2020, the

Children's Rights Platform will launch an interactive website about children's rights for children, parents, professionals and the community as a whole.

### **Reply to paragraph 10**

326. See 'New developments'.

### **Reply to paragraph 11**

327. Together with the Ministry of Economic Development, the Inspectorate of the Ministry of Social Development, Labour and Welfare is responsible for enforcing the law in the area of child rights and the business sector. The use of child labour has been identified only in the Chinese community. The interministerial working group on domestic violence and child abuse will make this a specific point for action. The Ministry of Social Development, Labour and Welfare is assessing the scope for collaboration with the Human Rights Foundation.

### **Reply to paragraph 12 (a-b)**

328. See the response under 4 (b-d).

### **Reply to paragraph 12 (c)**

329. The population of Curaçao consists of various ethnic groups with different backgrounds and religions. Discrimination is prohibited by law. The school social worker gives individual attention to children who are confronted with one of the issues listed. The school principal has ultimate responsibility.

### **Reply to paragraph 13**

330. Children's opinions are actively solicited and taken into account in court proceedings that affect them, e.g. in divorce and custody cases. The best interests of children are not always a primary consideration in legislative decisions. Collaboration between ministries and NGOs has improved, and steps are taken to promote internalisation of the Convention, for example in the CRC master-class that will be held for professionals in GOs and NGOs.

331. The Ministry of Social Development, Labour and Welfare will strengthen its collaboration with the Youth Parliament in an effort to enhance progress in this area.

### **Reply to paragraph 14**

332. Not applicable.

### **Reply to paragraph 15 (a-c)**

333. Children are heard by the Guardianship Council (*Voogdijraad*), in an effort to assist the Court of Justice in making decisions, especially regarding custody. This includes children under the age of 12. See the planned capacity building initiatives and collaborative efforts mentioned under 13. It is worth mentioning that the Children's Rights Platform has a youth working group, which cooperates closely with the Youth Parliament.

334. The Kids Council (*Raad van Kinderen*), brings the outside world into the classroom, in learning areas such as 'orientation towards yourself and the world' and on themes such as citizenship, sustainable development, social-emotional development, science and technology. From 2015 to 2020 projects took place involving the following organisations:

TUI#1, Avila Beach Hotel, Kooyman, MEO, TUI#2, Bloemhof/NAAM, Guardian Group, ORCO, APC #1, El Tributo, APC #2, Chogogo, Extura, Lions Dive, MCB.

### **Reply to paragraph 17**

335. See E. 40a of the annex with statistical information from Curacao.

### **Reply to paragraph 17 (a)**

336. Violence against children is a criminal offence in Curaçao. Reports of child abuse or neglect can be made to the Central Reporting Office (CMK) at the Guardianship Council. An official criminal complaint will then be made to the police. All information is kept confidential.

337. In line with CRC Recommendation 37 regarding domestic violence and victims of child abuse/sexual abuse and neglect, a project to upgrade the sex-offences unit with respect to the reporting of sexual offences against minors (including adult female victims) is in progress. The project includes the relocation of the unit to a more private and suitable building, equipping staff with up-to-date instruments, making it a one-stop-shop with a child-friendly interview room to aid further investigation in the interests of the victim, a suitably equipped medical examination room, with a doctor on call, and a room where victims can make a statement in private. Detention cells and the interview room for suspected perpetrators are located in another building. The project's aim is to equip the detectives with the necessary tools to provide better treatment for victims and enhance investigation methods in order to serve the interests of adult and minor victims of sexual abuse.

### **Reply to paragraph 17 (b)**

338. Legal assistance is available for children from the Guardianship Council and the Family Supervision Agency Curaçao (GVI):

- The Sexual Offences Instructions include guidelines on dealing with child victims of such offences. They provide a framework and rules governing the the criminal-law approach to offences against public decency as referred to in Book 2, Title XIII of the Criminal Code. The Sexual Offences Instructions have now been approved by the Attorney General and apply to the entire Caribbean. Under the Sexual Offences Instructions, a pilot phase will start when the sex-offences unit is fully up and running. The Public Prosecutor's Office has a special victims department that provides victims with information about their rights and obligations.
- Recommendations 3 and 38. The HALT procedure offers young offenders the opportunity to make reparations for minor offences without contact with the Public Prosecution Service and aims to prevent street violence. Training was provided to personnel and the pilot project started, pending completion of legislation regarding financing from Crimefunds and the Dutch government.
- Recommendation 37a (regarding neglect of children). The national ordinance and bill on mandatory registration of both parents (*Landsverordening Aanwijzing vermoedelijke verwekker i.h.k.v. Jeugdwet; Wetsvoorstel (verplichte) registratie verwekker van een kind*) provide for a healthier living environment for children and the right of children to know who both their parents are by making registration of the mother and biological father of the child mandatory. This ordinance is still in preparation.

339. There have been positive developments with regard to prevention, such as positive parenting courses for parents and professionals. This remains an ongoing process. In addition, the number of awareness-raising initiatives relating to child abuse launched by GOs and NGOs both in schools and in the media continues to increase. The issue is no longer regarded as taboo and a child helpline has been operating since 2006.

340. In collaboration with the Dutch government, the organisation for non-custodial youth care in Curaçao (*Ambulante Justitiële Jeugdzorg Curaçao*;AJJC) held a number of training courses about resilience and bullying for youngsters who have been involved in violence, e.g.the Rock and Water Programme focusing on the development of positive skills.

### **Reply to paragraph 18 (a)**

341. Curaçao is in the process of implementing a reporting protocol. A group of professionals have followed a course to become trainers. The government is working on restructuring some of the reporting units to merge them into one unit. This does not include the police department, where all formal complaints will remain centralised.

342. The University of Curaçao is presently conducting a survey to determine the incidence and complexities of ‘lover boy’ and ‘sugar daddy’ practices. Monitoring will be discussed within platforms and working groups, and at the annual conference of the Intercountry Taskforce, in order to start working effectively in this field within foreseeable future.

### **Reply to paragraph 18 (b)**

343. Children residing in institutions receive care, attend school and are supported by professionals. Psychological assistance,therapy, parenting advice and coaching for caregivers is provided. Children placed under supervision by court order (*ondertoezichtstelling*;OTS) in the Young Offenders Institution (*Justitiële Jeugdinstelling Curacao*;JJIC), follow courses, engage in sporting and other daytime activities. The Public Prosecutor’s Office, Police, Guardianship Council, Family Supervision Agency, Victim Support and Youth Mental Healthcare service are responsible for rehabilitation and reintegration of child victims of violence.

### **Reply to paragraph 18 (d)**

344. The Criminal Code of Curaçao makes trafficking of children a criminal offence. The immigration service pays special attention at the airport to children who are passing through, accompanied by adults. The Guardianship Protocol, which applies Kingdom-wide, imposes strict conditions on permitting children to leave the country. In recent years no incidents involving children’s trafficking have been registered.

### **Reply to paragraph 19 (a)**

345. The professionals working to support families receive regular training and employ evidence-based methods such as the Triple-P Programme and Intensive Pedagogical Support in the home, to prevent custodial placement

### **Reply to paragraph 19 (b)**

346. The most complex cases are placed in the JJIC, which falls under the Ministry of Justice. These children are subject to a court order for placement in care (OTS) or in a youth custody institution (*Plaatsing Inrichting Jeugdige*;PIJ). The JJIC focuses on improving the child’s future prospects. It also houses children in pre-trial detention. In such cases, and subject to the applicable legislation, the aim is to guide and counsel the child as well as possible, to return to society to live a healthy and safe life.

### **Reply to paragraph 19 (c)**

347. Every agency of the Ministry of Justice reports regularly on their organisation to the policy unit of the Ministry. The Ministry of Social Development, Labour and Welfare has a unit that monitors residential children’s homes.

348. Regular meetings between the director of a particular sector and the heads of the implementing organisations are held to exchange views on their operational, financial and strategic activities. Quality of care in the organisations is regularly monitored.

#### **Reply to paragraph 19 (d)**

349. Three institutions provide education and training in independent living skills to young people leaving alternative care.

#### **Reply to paragraph 19 (e)**

350. Placement within a family is sought if support to parents has proved unsuccessful and the child has to be protected from further abuse. The child will be placed in a foster family via a foster home centre or in an institution under a court order (OTS). Children placed in care and their parents receive guidance and supervision from the Family Supervision Agency.

351. Diligent research is required to ensure the best match because there are few foster homes available. For the same reason, children aren't frequently transferred.

#### **Reply to paragraph 20 (a) (b) and (c)**

352. There are no exemptions from compulsory education for children from 4-18 years. Children with disabilities have access to youth health care, early diagnostic services from a government-funded NGO, mental healthcare services and private psychologists. The basic health insurance covers the costs of early diagnosis.

353. There is a specialised daycare centre for children unable to attend regular schools and there are several special schools for young people from 4-24 years. The Ministry of Education provides free school transportation for these children.

#### **Reply to paragraph 20 (d)**

354. There is no child-related budget for children who need special education.

#### **Reply to paragraph 21 (a)**

355. Pre- and post-natal care is available to combat infant mortality.

#### **Reply to paragraph 21 (b)**

356. The issues of overweight and obesity are addressed through a preventive awareness programme on the nutritional benefits of food and beverages, which is based on local food guidelines (seven basic food groups).

#### **Reply to paragraph 21 (c)**

357. Primary healthcare and medication are available to all children. Undocumented children have access to these services through an NGO: (Health for All). Specialised medical care is not always available for undocumented children. However, the general public hospital always focuses on its duty of care for patients in urgent need of specialised medical care, regardless of their status.

**Reply to paragraph 22 (a)**

358. Mental healthcare is available to all children; fortunately some undocumented children without insurance are seen by private carers who willingly provide the care free of charge. Mental health is furthermore a key policy area of the Ministry of Health.

**Reply to paragraph 23 (a)**

359. There is no specific policy to combat teenage pregnancy.

**Reply to paragraph 23 (b)**

360. All school boards have the freedom to supplement this themselves. Sexual and reproductive health programmes for children and adolescents are in place and carried out by different GOs and NGOs, which provide training to professionals, organise courses and information sessions for adolescents. These programmes are periodically reviewed. Special attention is paid to male children with learning disorders. This year the 'Let's talk girl power' programme will be presented in schools. Curaçao has recently acquired the rights via CAFRA to translate UNICEF's Healthy Family Life Education Programme into Papiamentu.

**Reply to paragraph 23 (c)**

361. The Addiction Management Foundation (*Fondashon pa Maneho di Adikshon;FMA*) is a national institution that provides care for people with some form of addiction. FMA provides information to young people, holds conferences on addiction, drafts drug protocols for schools, offers coaching in drug teams in schools and training in writing drug policy, as well as organising awareness campaigns during the carnival period.

**Reply to paragraph 23 (d)**

362. The FMA conducted a survey of gaming habits in 2019 (see statistical information and data). Gaming and gambling among youth has received considerable attention. Awareness campaigns have been developed and broadcast via local radio.

**Reply to paragraph 24 (a)**

363. The Curaçao Central Statistics Bureau (CCSB) works with the UNDP Regional Bureau for Latin America and the Caribbean (RBLAC) to build capacity in the areas of results-based and evidence-based management. The UNDP's Poverty Risk Analysis Tool was used to assess trends in poverty on the island, as well as the impact of mitigating government policies. Relevant statistical data from the CCSB, including sex-disaggregated data, was fed into the system.

**Reply to paragraph 24 (b)**

364. The Poverty Risk Report contains evidence-based poverty alleviation policy recommendations to increase the number of households lifted out of poverty, and to protect the vulnerable from relapsing into poverty. The report discussed best practices and highlighted the way to proceed to improve evidence-based poverty policy. The report was completed in November 2018.

365. In 2019 the governments of Curaçao and the Netherlands agreed upon a growth strategy to improve and restructure the economy and the financial situation of Curaçao. It includes an economic, financial and social component and it focuses on social issues surrounding the most vulnerable families, describes the policies and interventions required. The Council of Ministers established and approved a working group.



**Reply to paragraph 24 (c)**

366. Three government-funded organisations are responsible for providing shelter to families.

**Reply to paragraph 25 (a)**

367. There is a separate budget, supplemented every year, for teaching staff to cover training.

**Reply to paragraph 25 (b)**

368. Dropout figures are not monitored. Research is needed to provide a basis for policy on how to tackle the problem. Compulsory education officers visit parents/tutors/guardians of frequently absent children. Twenty children with serious behavioural problems have been given the opportunity by the Education Inspectorate to follow an adapted programme, including therapy, on a temporary basis. In 2016 the Ministry of Education launched a programme for young people at the first level of vocational education who have not yet obtained a diploma because they have dropped out of school or are at risk of dropping out. Students at this educational institution receive extra training in social skills from trained youth coaches.

**Reply to paragraph 25 (c)**

369. There are 17 children receiving home-schooling. There is a committee to monitor the quality of teaching, at the cognitive and social level.

**Reply to paragraph 25 (d)**

370. GOs and NGOs working in the field of education and social welfare provide anti-bullying programmes in schools and online.

**Reply to paragraph 25 (e)**

371. See Annexe 16: Statistical information (48f).

372. Inspection of pre-school education ensures that quality is monitored. Pre-school staff is trained in the Kaleidoscope Method.

**Reply to paragraph 26 (a-b)**

373. There is no policy regulating the accessibility of spaces to play in neighbourhoods, though some neighbourhoods have a playground. However, almost all children live in a house with a private yard.

**Reply to paragraph 26 (c)**

374. The National Education Ordinance states that children are entitled to a 30-minute break every day. Schools can choose to do this in one half-hour period or to split it into two 15-minute breaks.

**Reply to paragraph 27**

375. There is no general asylum procedure there is a general protection policy in line with article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR). Although there is no procedure specifically for children, there are special facilities where children can stay if necessary.

376. Policy on immigration detention for minors states that accompanied minors will be placed in a shelter with the assistance of the Victim Support Foundation and the Ministry of Social Affairs until they can be removed. If family care is possible and after investigation, undocumented families can go to a verified address. They have a reporting obligation and the necessary guarantees are in place. After investigating the background of unaccompanied children they are placed within a family with a verified address. A notification obligation and necessary guarantees are in place. If reception is not an option, voluntary placement with one of the relevant organisations will be arranged. If there is risk of the child absconding, another procedure applies where the child is placed under supervision by the authorities. If a minor invokes article 3 of the ECHR, this will be considered in light of the CRC. Children's applications have priority as described in the ECHR procedure.

**Reply to paragraph 28**

377. See above: 27.

**Reply to paragraph 29**

378. No confirmed cases.

**Reply to paragraph 30**

379. The Criminal Code of Curaçao makes human trafficking of children a criminal offence. The human trafficking coordinator gives lectures on human trafficking at the university every year. Sessions discussing this are also offered to scholarship students going to the Netherlands.

**Reply to paragraph 31 (a)**

380. See above:17 (a-b) ,18 (a).

**Reply to paragraph 31 (b)**

381. The age of majority under the legislation of Curaçao is 18.. AJJC assists at-risk young people aged 12 and older. It provides youth probation services and is responsible for the community safety partnership (*Het Veiligheidshuis Curaçao*), in which the justice, healthcare, education systems,a network of auxiliary organisations collaborate, and the HALT procedure. See:17 (b).

**Reply to paragraph 31 (d)**

382. The Public Prosecutor's Office has launched a number of awareness-raising campaigns in collaboration with different organisations working in the fields of justice, health and welfare to prevent juvenile crime, promote rules of behaviour to prevent criminal behaviour, encourage positive parenting and prevent physical abuse.

**Reply to paragraph 31 (e)**

383. Legislation is in place to ensure effective participation in the child justice process.

**Reply to paragraph 31 (f)**

384. Depending on the type of offence. An evaluation is carried out of the purpose for which the certificate is required, the criminal record in question and the progress made since the criminal offence was committed. Further development is taken into consideration.

**Reply to paragraph 32 (a-c)**

385. The applicable criminal law reads as follows: ‘Anyone who, for his own account or that of another, conducts slave trade or intentionally participates in such trade, directly or indirectly, is liable to a term of imprisonment not exceeding fifteen years or a fifth category fine.’

386. Both practice and literature indicate that in most cases child offenders are victims or have been victims. There are organisations offering such children, psychological help, where necessary, always taking the applicable legislation into account in each individual case.

**Reply to paragraph 33**

387. There are no armed groups and Curaçao is not a signatory to the Convention relating to the Status of Refugees. There is a general protection policy in line with article 3 of the ECHR. We are not aware of arms export cases. No children are involved in armed conflicts. There is consequently no policy in place for such cases. Under general legislation and policies regarding children, the government would ask the Court to award it guardianship of a child in this situation. The child would then be placed in care and provided the resources necessary to pursue their development.

## **Response of St Maarten to the list of issues as communicated by the Committee of the Rights of the Child**

### **I. New developments**

#### **Reply to paragraph 2 (a) and (b) of the list of issues prior to reporting CRC/C/NLD/QPR/5-6**

388. The Ministry of Education, Culture, Youth and Sport (ECYS) established the Safety and Emergency Management Committee (SEMC) by Ministerial Decree in 2018. Its main tasks are to:

- Establish the Comprehensive School Safety Framework and set up plans and strategies for safety and emergency management within the sectors that fall under ECYS;
- Ensure that there is a disaster preparedness and response protocol and that training and assessments are regularly performed;
- Manage and lead crisis management for all sectors that fall under ECYS and coordinate with the National Disaster Management Coordination Unit and the Emergency Support Functions (ESF).

389. The SEMC installed three subcommittees on

- (a) Damage assessment;
- (b) Psychosocial matters;
- (c) Aid and relief distribution.

390. The following actions have been taken since 2018:

- A pilot programme was implemented within one of the public schools with UNICEF providing regional expertise on sustainable and appropriate child-friendly and hazard-resistant school construction and design.
- With the support of UNICEF Netherlands, ECYS's Student Support Services Division (SSSD) facilitated a Return to Happiness (RTH) train-the-trainer workshop for selected staff from all elementary schools, early childhood centres and community centres. RTH is a psychosocial support programme for children who have experienced a traumatic event. The programme was adapted for the age groups 0-4 years and 13-18 years. The objective is to train all staff members as RTH facilitators.
- A school safety training was held for trainers, covering various aspects of school safety including hazard assessment.
- Support teams were established comprising members from the fire department, Inspection Division, St Maarten Red Cross and SSSD. These support teams help schools to draw up safety plans and execute drills.
- All public-funded schools have draft Safety and Emergency Plans in place, setting out standard operating procedures (SOPs) for three kinds of emergency. These SOPs include preliminary/pre-emergency actions, emergency actions and follow-up actions.
- All public-funded schools have Safety and Emergency Teams who are responsible for overseeing all emergency preparations, response, and recovery at their schools.
- All stakeholders were invited to attend the Minimum Standards of Education in Emergencies training.
- The Department of Youth (DOY) organised a train-the-trainer workshop on school safety planning for early childhood centres.
- The Department of Sports held a safeguarding workshop for all coaches where they learned to identify and assist pupils who are dealing with traumatic situations.

- Mental health first aid training was held for care teams of schools.

391. St Maarten endorsed the Worldwide Initiative for Safe Schools (WISS) launched in 2014. The government signed the Antigua and Barbuda Declaration on School Safety in mid-2019, which is part of the Caribbean Safe Schools Initiative. These recent steps underscore the government's commitment to making schools in St Maarten safe learning facilities that are resilient to natural disasters. Challenges remain, given that St Maarten is still in recovery and many people are still vulnerable. In response to the COVID-19 outbreak, response and recovery guidelines are being added to the section on epidemics in the School Safety and Emergency Plans.

392. In 2018, the Court of Guardianship (CoG) drafted its disaster preparedness and response plan, including inter-institutional cooperation agreements. These were formally laid down in December 2018 in a Memorandum of Understanding (MoU) between the CoG and the Foundation Judicial Institutes St. Maarten (SJIS), Emergency Support Function 7 (ESF7) and the Court of First Instance. CoG also drafted its 2018-2020 Action Plan, which mainstreams disaster preparedness. Two 'Child Protection In Emergencies' workshops were given. Significant effort was made to mobilise the range of actors responsible for protecting children in a disaster. ESF7 drafted a sub-plan for shelter, evacuation, relief, and large-scale care, which provides more detail on its responsibilities towards children and other vulnerable population groups. An international protocol on evacuating children in emergency situations has been signed by the Kingdom partners.

### **Reply to paragraph 3**

393. The Department of Interior and Kingdom Relations and the Department of Statistics have selected the most relevant SDGs and put a framework in place for collecting SDG-related data. Both internal and external entities provide information on their policies regarding the SDG topics, including the financial, technical, and human resources they have allocated for their action plans. They are responsible for planning, implementing, and monitoring the measures for achieving the specific SDGs for their ministries.

## **II. Rights under the Convention and its Optional Protocols**

### **Reply to paragraph 4**

394. In 2019, an inventory was made of treaties, legislation and policies.

395. The Integrated Youth Policy Plan (IYP), the Early Childhood Development (ECD) Policy Plan and the Safety Nets Policy Plan will together enable St Maarten to support children and parents effectively. The plans are fully consistent with and support the implementation of the Convention on the Rights of the Child, General Comment No. 7 (2005): Implementing child rights in early childhood, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination Against Women. The policy plans are also linked to other SDG targets relating to health, nutrition, sanitation, protection and gender.

### **Reply to paragraph 8**

396. The Department of Youth (DOY), in collaboration with UNICEF Netherlands, is developing the desired Youth Monitor mechanism to collect, collate and disseminate data on children's rights. The execution of the first comprehensive youth survey since St Maarten became a country is scheduled to take place in 2021. The Safety and Emergency Management Committee (SEMC), also in collaboration with UNICEF Netherlands, will develop and implement a monitoring tool to measure progress on disaster risk management at classroom level. The 'Strengthening Management Information System' project, submitted to the World Bank, complements the disaster risk management system and the Youth Monitor. In order to guarantee that children's rights are enforced, these systems will be merged to improve the

collection, consolidation and handling of data, and to help with efficient planning of resource allocation before and in the aftermath of a natural disaster or epidemic. This merged system will be aligned with the country's National Disaster Response Plan, which in turn will build on the upgraded Education Management Information System, allowing data to be used for decision-making in emergency situations.

397. The Ministry of General Affairs established a policy platform, where policy workers and policy departments can share their data with each other.

### **Reply to paragraph 9**

398. Each year in November, DOY marks the anniversary of the adoption of the UNCRC, by organising activities such as debates, radio interviews, sports events, and movie nights together with counterparts in Saint Martin (French) and youth stakeholders. These activities focus on a theme and a specific article of the UNCRC in order to raise awareness of a particular aspect of children's rights. Previous activities include the Children's Rights Film Festival and the campaigns 'Too Cool to Loot' and 'Life Skills through Sports'.

### **Reply to paragraph 10**

399. In 2018, DOY held a preliminary discussion with the Ombudsman on implementing an independent mechanism. All involved entities will require relevant resources and training prior to the implementation of such a mechanism. This led the St Maarten Children's Rights Taskforce to place a focus on establishing mechanisms for implementing, monitoring and promoting the realisation of the Children's Rights Action Plan:

(a) A National Children's Rights Committee was established by national decree. Due to limited human resources, a Sub Steering Committee for the Child Protection Platform was established in 2019. This committee has a managerial and supervisory role with the objectives of raising awareness, advocacy, governance, legislation and policy, and supervision and monitoring. The Child Protection Working Group is responsible for implementation;

(b) The Youth Parliament has been made a regular institution, with a mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement.

(c) Furthermore, DOY has identified and adapted methodologies and tools to conduct assessment and training on youth needs, rights, and participation. This Children's Rights Capacity Training Plan 2021-2024 is aimed at government officials, civil society and community representatives with a role in children's rights and participation.

### **Reply to paragraph 12**

400. Compulsory education, laid down in the National Ordinance on Compulsory Education (*Leerplichtlandsverordening*) (Official Bulletin 1991, no. 85), is directly aligned with the UNCRC which states that every child has the right to education. The legislation lays down that all children between the ages of 4 and 18 must receive an education that equips them with the necessary skills and competencies to enter the labour market or pursue higher education.

### **Reply to paragraph 13**

401. In court proceedings, children over the age of 12 are heard by the children's judge. At the beginning of 2020, the court introduced a child-friendly interview room. Children's hearings are held on Friday afternoons, so that children do not miss school. The CoG hears all minors in its investigations. In the context of juvenile criminal law, all minor defendants are assigned a lawyer. In civil law cases regarding applications for a secure care placement, a lawyer is assigned by the court if the relevant party does not have one. The Child Protection

Working Group will develop procedures and criteria to provide guidance to all relevant persons in authority. The Handle with Care method is being sensitised.

### **Reply to paragraph 15**

402. To ensure the rights and promote participation of all children, DOY:

- Has facilitated awareness-building activities in the education system in collaborative efforts with UNESCO and stakeholders. These include projects geared specifically towards young people as well as in-service training for teachers;
- Is developing a children's rights programme/curriculum for schools;
- Will, in collaboration with UNICEF Netherlands, carry out a SWOT analysis to build capacity of the safety nets in order to facilitate children's effective engagement;
- Will provide awareness-raising activities for professionals, promoting the meaningful and empowered participation of all members of the community, with the aim of encouraging a shift towards desired behaviour;
- Will develop/implement the youth mainstreaming strategy in collaboration with stakeholders.

### **Reply to paragraph 17**

403. In July 2017, the Attorney General's Office issued a policy instruction on relational violence. The aim of this instruction is to ensure that the police and the public prosecution service respond to domestic violence effectively. In early 2020, the Law Enforcement Council conducted research for its Inspection Report on the Approach to Domestic Violence and Child Abuse.

### **Reply to paragraph 18**

404. Since 2018, the Department of Social Development and the Department of Community Development, Family & Humanitarian Affairs have been drafting policy on the prevention of domestic violence, child abuse, forced prostitution, human trafficking, and gender-based violence. The draft policy includes commitments on the reporting of domestic violence and on judicial cooperation.

### **Reply to paragraph 19**

405. Foster Families Central is a unit in SJIS, that prepares foster parents for their role. There are different kinds of foster care: day, weekend/vacation, therapeutic, guest, emergency, board, and psychiatric foster care. Recently, a request was submitted to the Public Prosecutor to raise the foster care allowance from 225 Netherlands Antillean guilders to 500 Netherlands Antillean guilders to make foster parenting more attractive. There is a lack of family-based foster care.

406. Minors who have committed a crime can be sent to the Miss Lalie Youth Detention Center. Prior to hurricane Irma, the idea had been to include an educational centre for pupils with behavioural issues, for whom extra support could not be provided in the public school system. There were also plans for the Center to provide guidance to parents on how to respond to their children's specific needs. However, it was not possible to introduce this programme in the 2017-2018 school year as the building sustained severe damage in the hurricane. Children who are placed in foster families or children's homes are supported by a family supervisor.

**Reply to paragraph 20**

407. The Ministry of Education, Culture, Youth and Sport (ECYS) is currently developing a special needs policy. It will identify different categories of special needs and put guidelines in place to improve the provision of care to special needs pupils within mainstream education.

408. Primary and Secondary-school children are offered an inclusive education . Children up to the age of 15 who are unable to develop optimally within mainstream education due to physical or mental impairments can enrol in Prins Willem Alexander School, a school for special education. They subsequently go on to St Maarten Vocational Training School, where they follow the labour-market activities pathway. This type of secondary education is tailored to pupils' individual needs and capacities.

409. St Maarten's Catholic school board offers the Individual Education Programme (IEP) for pupils with socio-emotional and/or behavioural problems. Pupils are divided into two multi-age groups. Since the 2015/2016 school year the IEP is run at four schools.

410. Unauthorised pupil absenteeism is closely monitored by the Inspectorate of Education and steps are taken in conjunction with the school and parents to curb this phenomenon. In addition, a pupil support network within the school and at ministry level intervenes in cases where pupils have learning and/or behavioural difficulties or are at risk of dropping out.

**Reply to paragraph 21**

411. The Baby Wellness Clinic monitors the development of all children from birth and provides free vaccinations. Children's development is followed until they start primary school, while the vaccination programme continues up to age 17.

412. The Collective Prevention Services (CPS) held campaigns encouraging members of the public to check their nutrition intake and incorporate fruit and vegetables into their diet. Through these outreach activities, CPS aims to spread awareness about good eating habits and encourage a change in behaviour thereby preventing future health issues such as obesity and cardiovascular disease. Campaigns are also conducted at schools to promote healthy eating habits among children.

**Reply to paragraph 22**

413. All schools offer care and counselling services for their pupils. Homeroom teachers and mentors are trained to identify children who require extra academic and psychological support. Many other teachers have attended a workshop on early identification of disabilities, neglect and abuse. Cases necessitating observation, clinical intake and home visits are taken up by care teams made up of social workers, care coordinators and counsellors.

414. Schools also provide basic mental health support, careers advice and academic guidance, adhering to treatment plans and confidentiality regulations at every step of the process. If necessary, schools can refer cases to third parties such as the Student Support Services Division (SSSD), the Mental Health Foundation, psychologists or psychiatrists, or the Turning Point Foundation for drug rehabilitation.

**Reply to paragraph 23**

415. A comprehensive policy on sexual and reproductive health was drafted by the Department of Public Health. This policy addresses the subjects in question as they relate to adolescent health and is pending final approval.

416. Sexual and reproductive health is a topic in the curriculum for the subject 'Care and Welfare' for all pupils in the first two years of secondary education. CPS and the HIV/AIDS Foundation provide sexual and reproductive health education via the Girl Power and Real Talk programmes. DOY initiated a pilot programme entitled 'Baby think it over'. Facilitators were trained to implement the programme in the various secondary schools.



417. The consumption of alcohol by and the sale of alcohol to minors below the age of 18 is prohibited by law. The National Ordinance Amending the Age Limit and Sanction in the National Ordinance on Permits (*Landsverordening tot wijziging van de leeftijdsgrens en sanctie in de vergunningslandsverordening*) was passed in November 2018.

418. The Inspectorate of Culture, Youth & Sport collaborated with the St Maarten Leo Club on an awareness campaign on the risks of drugs and alcohol use. The main objective is to curb the use and abuse of drugs and alcohol among the country's young people.

419. The community police has implemented two programmes aimed at children and young people: TAPS and Cops & Kids. TAPS targets at-risk young people, partnering pupils with mentor officers to discuss issues like bullying, anger management, avoidance of gang life, drug use and conflict management, as well as other topics relating to young people and law enforcement. Cops & Kids is designed to foster positive interaction between the police and young people. It involves a series of community workshops that use performance arts, improvisational games and conversation to help develop and improve the relationship between teenagers and police officers.

#### **Reply to paragraph 24**

420. The government provides financial support to alleviate the effects of poverty. Assistance is granted to families caring for a child with a physical or mental disability, and to parents needing to cover school-related expenses. Furthermore, the National Ordinance on Financial Support (*Landsverordening financiële bijstand*) ensures that financial support is available for persons between 16 and 62 years who are unable to earn a living due to factors beyond their personal control.

421. A community-based child protection survey conducted in 2019 revealed that in almost every neighbourhood there are a number of community-based mechanisms, led by individuals, organisations or churches, that work in the interest of children and their wellbeing. These include initiatives for children from disadvantaged families. In some cases, food is provided to children by individuals or church food programmes. A number of these initiatives also provide a 'safe haven' after school or at weekends to children confronted by violence or neglect at home. Some also provide a structured environment and opportunities to develop social skills.

#### **Reply to paragraph 25**

422. School dropout levels are minimised by ensuring that a pupil is not expelled until the competent authority has ensured that another school is prepared to admit the pupil. In addition, anyone leaving the formal education system without having attained a secondary education leaving certificate has several possibilities to obtain a qualification through state examinations or advanced vocational education programmes.

423. Approval for home schooling must be obtained in advance. To obtain approval, evidence must be provided indicating that the pupil will follow an alternative programme that will result in a level comparable to the standard in St Maarten's mainstream education system. Once approval has been given, the pupil's progress is closely monitored by the Inspectorate of Education.

424. SSSD has held parent information sessions on bullying and how to support children who are being bullied. Sessions on bullying were also held for pupils at a school's request. Strategies were shared with school counsellors on how to address bullying at school.

425. After hurricane Irma, the situation in the early childhood development (ECD) sector was assessed to ensure all gaps were addressed in accordance with the national ECD policy plan. This plan covers the period from preconception to age six and provides for a continuum of essential services to ensure each child develops well and attains their full potential.

**Reply to paragraph 26**

426. There are eight multipurpose courts within the various districts that are accessible to children. Some courts still require certain repairs following the hurricane in 2017.

- Funds have been allocated to the local sports bodies to facilitate the availability of coaches to carry out programmes in the community.
- A partnership was developed with the Johan Cruyff Foundation to facilitate the ‘Heroes of the Court’ initiative which encourages positive behaviour by children in the community.
- A sport awareness campaign has been ongoing for the last five years, highlighting the availability of community sports programmes and encouraging children to join sports clubs.
- The awareness campaign has highlighted the need to increase provision of sports programmes for women and people with disabilities, and activities for the elderly, as well as the need for child protection guidelines to be put in place by the various sport organisations.

427. Discussions have in the past taken place with the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure in regard to urban planning. Requests were made to ensure that community spaces were included at the planning stage. Staff followed a course on enhancing youth participation in urban planning.

428. Efforts in connection with the ECD policy priority of raising the minimum standards for day-care and early stimulation centres are expected to be completed at the end of 2020. Another proposed priority is to seek ways to ensure access to day-care centres for all children aged 0 to 4. Currently, only children whose parents can afford to pay for these services attend.

429. After hurricane Irma, DOY re-evaluated the safety net policy plan, which aims to provide children and teenagers with a structured and educational programme after regular school hours (enhance development). In 2019, as part of the development of this safety net policy, DOY took stock of the various after-school programmes on offer, with the objective of determining the current number, types, availability, capacity and needs of programmes. This survey yielded comprehensive information regarding programme structure and organisation, operations and safety and security. The information collected will also be used by DOY to draw up a complete inventory of after-school services and programmes, which can be used to allocate assistance to strengthen these programmes. The minimum standards for safety nets will be established this year.

**Reply to paragraph 31**

430. Children aged 12 to 18 who have committed a criminal offence can be sentenced to juvenile detention for up to 24 months, or up to four years in serious cases. Juvenile delinquents aged 16 and 17 may be sentenced under adult criminal law depending on the nature and severity of the crime, their personal development, and the circumstances in which the crime was committed. The new Penal Code also provides scope for a ‘police transaction’ in which a juvenile delinquent’s case is dismissed. The HALT measure is being sensitised.

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