



Convention on the Rights of the Child

Distr.: General
2 June 2015

Original: English

Committee on the Rights of the Child Sixty-ninth session

Summary record of the 2003rd (Chamber A) meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 27 May 2015, at 10 a.m.

Chairperson: Mr. Mezmur

Contents

Consideration of reports of States parties (*continued*)

Fourth periodic report of the Netherlands

* No summary records were issued for the 1999th, 2000th, 2001st and 2002nd meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-10887 (E) 290515 020615



* 1 5 1 0 8 8 7 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Fourth periodic report of the Netherlands (CRC/C/NLD/4; CRC/C/NLD/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Netherlands took places at the Committee table.*

2. **Ms. Bourne-Gumbs** (Netherlands) explained that the Kingdom of the Netherlands comprised four countries, namely the Netherlands proper, which had a European and a Caribbean part, and Aruba, Curaçao and St. Maarten, each of which was, to a large degree, responsible for its own internal affairs, and all of which had equal status within the Kingdom.

3. **Ms. Berg** (Netherlands), introducing the fourth periodic report of the Netherlands (CRC/C/NLD/4), said that, with regard to the Netherlands proper, the Government was proud that, in recent years, United Nations Children's Fund (UNICEF) studies had shown that Dutch children were the happiest in the world. Nonetheless, it was aware that there was still room for improvement. Following the Committee's recommendations, the Netherlands had appointed a Children's Ombudsman in 2011. Under the new Youth Act, which had entered into force in January 2015, youth care, child protection and youth probation had been decentralized and placed under the responsibility of the municipalities. It was expected that the change would ensure that problems were identified sooner, care providers worked together more effectively, fewer children were taken into care and the number of victims of child abuse declined.

4. Reducing child abuse was a key priority; the Government attached great importance to identifying and helping children who were being abused or at risk of abuse. Following the introduction of a compulsory reporting code, the number of reported cases had increased; approximately 119,000 children were victims of abuse. In relation to sexual violence and abuse, robust, well-trained, dedicated police units and special prosecutors had been active for a number of years and had achieved results. Five hundred and sixty cases had been referred by the police for prosecution in 2014 alone.

5. **Mr. Croes** (Netherlands), referring to developments in Aruba, said that, on the Committee's recommendation, a comprehensive policy plan for Aruban youth, entitled "Generation of Leaders", had been presented to the Parliament. The document, which had drawn on the findings of the UNICEF human rights-based analysis of the situation of children and adolescents in Aruba, focused on the family, school, leisure and youth participation and, with the support of UNICEF, would be translated into a national youth action plan, beginning in June 2015.

6. In November 2013, the Government had assigned responsibility for youth policy to the Ministry of Social Affairs, Youth and Labour. The national Children's Rights Committee had been reactivated in October 2014 with the aim of reinvigorating the coordination and monitoring of the implementation of the Convention. A Kingdom-wide task force had been set up to promote cooperation in the field of children's rights, addressing issues such as violence against children. The Government was in the process of establishing a Youth Monitor to keep policymakers and stakeholders informed about the situation of young people. Great importance was attached to children's participation in society and their active involvement in community and voluntary activities was encouraged. The implementation of a reporting code and supporting protocols was expected to contribute significantly to the prevention and early reporting of child abuse.

7. **Ms. Larmonie-Cecilia** (Netherlands), reporting on the situation in Curaçao, recalled that the island had become an autonomous country within the Kingdom of the Netherlands in 2010, retaining most of the laws and international and regional commitments of the Netherlands Antilles.

8. Recent progress included amendments to the Maternity Leave Act, including extending maternity leave from 12 to 14 weeks, providing for the right to leave for the other parent, and the right to breastfeed during working hours. In December 2014, a National Youth Action Plan had been approved, aimed at developing a comprehensive approach towards the youth of Curaçao and elaborating evidence-based policies, programmes and projects in close cooperation with the private sector, labour unions, NGOs and young people. Reducing youth unemployment was a priority under that approach. The most important developments in that area were the *Lei di Bion* initiative, which provided support and incentives to employers to hire young people so they could gain work experience, and the “Work for 1,000 young people” project, a public-private partnership to provide on-the-job training for young people and guarantee them employment at the end of the process. The Ministry of Social Development, Labour and Welfare was the major agency providing subsidies for family and parent support programmes, work/study and apprenticeship programmes and social and psychological care for children and young people.

9. **Ms. Bourne-Gumbs**, describing the situation in St. Maarten, said that a separate department for youth affairs had been established as the lead agency to facilitate the development of legislation and policies on children and young people. Young people had been encouraged to participate in the revision of the Integrated Youth Policy of 2006. A Youth Desk had been established to strengthen dialogue with young people. A crisis and transition home providing assistance to child victims and the first correctional institution for young people, the Miss Lalie rehabilitation centre, had recently been established.

10. The Civil Code had been amended to bring into effect the declaration of paternity, thus preventing discrimination against children by putting children born out of wedlock on an equal footing with legitimate children. Since the issuance of the National Ordinance on Parental Responsibility, amending the Civil Code, corporal punishment had been prohibited. A framework for the National Protocol on Child Abuse was currently being developed, as was the country’s action plan on children’s rights, which would serve as the basis for future programmes, legislation and assigned resources. On the Committee’s recommendation, efforts to reduce the rate of teenage pregnancy were being pursued; examples were the Girl Power and Real Talk campaigns.

11. **Mr. Madi** (Coordinator, Country Task Force) welcomed the establishment of the Children’s Ombudsman and the new Institute for Human Rights. However, he recalled that the State party had not yet ratified a number of important human rights conventions, including the Optional Protocol to the Convention on a communications procedure. The Committee also urged the State party to consider withdrawing its reservations to articles 26, 37 (c) and 40 of the Convention.

12. He would welcome an update on the decentralization process, particularly in the Caribbean Netherlands. He asked who was responsible for the implementation of the Convention and its optional protocols in Aruba, Curaçao and St. Maarten and what role the Kingdom-wide task force played in that regard. He asked where disaggregated data on the areas mentioned in question 5 of the list of issues (CRC/C/NLD/Q/4) could be consulted. He also wished to know what specific measures the Government was taking to implement the national human rights action plan and the Kingdom-wide action plan on children’s rights, and how it was monitoring and assessing their implementation throughout the Kingdom. Was the Government involving any advisory bodies or civil society organizations in developing and implementing policy measures for the implementation of the national action plans?

13. The Committee was concerned at the lack of knowledge of the Convention and the optional protocols among policymakers, the general public and children throughout the Kingdom, and that the Convention and the optional protocols were not part of structured awareness-raising activities, including school curricula. The Committee was also concerned about the activities of some Dutch businesses abroad that had adverse effects on the rights of children; for example, the processing, trading and financing of palm oil and soya production contributed to deforestation in a number of countries, violating the rights of indigenous children.

14. He asked what the Government's current position was in relation to stateless children born in the Netherlands and their enjoyment of the right to acquire a nationality, as guaranteed in article 7 of the Convention. He asked what specific action the Government was taking to eradicate discrimination and what steps had been taken in response to the 7,235 incidents of discrimination registered with the reporting municipalities. Lastly, he asked what action was being taken to improve the position of lesbian, gay, bisexual, transgender and intersex (LGBTI) children and what was the current status of the bill on a strategy to tackle bullying in schools.

15. **Mr. Guráň** (Country Task Force), referring to the decentralization process, said that he would welcome further information on the Youth Act, how the adequate transfer of financial resources was guaranteed in order to prevent disparities between regions and whether any minimum standards were being developed to ensure equality between municipalities. He would also like to know more about the human resources available to guarantee continuity and accessibility of services, the specific services provided and how the qualitative impact of the decentralization process was monitored and evaluated.

16. He welcomed the establishment of the Institute for Human Rights and the Children's Ombudsman and requested details on the functioning of those two institutions and cooperation between them, the size and specialisms of their staff, and the number and kinds of complaints they dealt with. He would also like to know more about the accessibility of the two institutions for children, particularly in the Caribbean. Lastly, he would be interested to know the reasons why ratification of the Optional Protocol on a communications procedure had been postponed.

17. **Ms. Khazova** (Country Task Force) welcomed the fact that the reduction of child abuse was among the Kingdom's main priorities but said that she would be interested to see data on whether the State party's activities were actually having any effect. Attention should also be paid to children who witnessed domestic violence and not only to the victims of violence. She expressed concern that the newly developed reporting system under the decentralization scheme seemed not yet to be operating properly and that the newly created organizations were not in a position to fully deal with the issue of child protection, and asked how those problems would be addressed. She also asked the delegation to comment on the situation of violence against children, including sexual abuse, in care institutions. She would welcome an update on the results of measures taken to address the worrying phenomenon of "loverboys".

18. She expressed concern that domestic violence was fairly widespread, and considered normal, in the Caribbean parts of the Kingdom and that no official data were available on the scale of the problem. She asked whether any plans or draft legislation were in place to explicitly prohibit corporal punishment in all settings, including the home, in the Caribbean islands.

19. She expressed concern that children aged 12 and over could apply for euthanasia and stressed that such requests should be granted only in the most extreme cases, that the psychological status of the child and the parents should be properly taken into account and that decisions on the granting of euthanasia should be very strictly controlled and cases

reported on annually. She also expressed concern about the growing phenomenon of “baby boxes” in the European part of the Netherlands. By allowing such boxes the State party was approving a situation in which a child would never be able to find out his or her origins. The Committee thus recommended that the State party should take all possible measures to prevent risk pregnancies and child abandonment, particularly by providing social and psychological support for unplanned pregnancies and, as a last resort, providing the possibility of confidential hospital births.

20. **Ms. Sandberg** asked what the authorities were doing to prevent unnecessary surgery, either at birth or somewhat later, on children born with intersex traits.

21. **Mr. Nelson** asked how many of the 560 cases involving alleged sex tourists in 2014 had led to convictions and for what offences. He also wished to know what countries they related to.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

22. **Ms. Berg** (Netherlands) said that although it was perhaps not the answer that the Committee wished to hear, the Netherlands had what it considered good reason to maintain its three reservations to the Convention. In response to the Committee’s recommendation, the reservation to article 26 had been reviewed, but after considerable discussion the authorities had ultimately come to the same conclusion as before – namely, that conferring an independent right to social security on a child was incompatible with the system in the Netherlands, whereby arrangements for social welfare were always made through the family.

23. In principle, all cases involving juvenile suspects were tried by a juvenile court operating by a special set of procedural rules laid out in the Code of Criminal Procedure. It was now possible for judges to sentence adults up to the age of 22 under juvenile criminal law, as compared with 20 previously, and juvenile law provided for custodial sentences of no more than two years. No minors had been held in adult prisons in 2013, and only a handful in 2011 and 2012. In view of the many protections afforded juvenile offenders in the Netherlands, and to obviate the need to increase juvenile sanctions disproportionately, the Government wished to retain the ability to try minors as adults. For that reason, it had formulated a reservation to article 37, which it did not intend to withdraw. In any event, the number of 16- and 17-year-olds sentenced as adults in the period 2011–2013 had never exceeded 56 in any one year, or around 1 per cent of all convictions of minors.

24. The subdistrict courts handled proceedings for very minor offences, such as failing to pay a fine for riding a bicycle on the sidewalk, and minors appearing before them for such offences were not entitled to be assisted by counsel or to appeal those courts’ decisions. The Government of the Netherlands wished to maintain its reservation to article 40, as it believed that it was important for the subdistrict courts to remain flexible and expeditious, and thereby allow minors convicted of trivial offences to return to their normal lives as soon as possible.

25. She said that Parliament was pushing the Government for a decision on whether to sign the Optional Protocol on a communications procedure, but she was unable to provide a clear indication of when the decision would be made or what it would be. The new Youth Act assigned administrative responsibility for youth services to the municipalities, and although it had been described as decentralizing that responsibility, the description was not entirely accurate, as offices at various levels of government had borne responsibility for youth affairs under the law it had replaced. The aims of the new Act included improving coordination, reducing complexity and fragmentation, increasing efficiency and intervening further upstream before problems became intractable and large monetary outlays were required to deal with them. Since it was expected that youth services could be provided more cheaply by the municipalities, there had been a cut to the budget for youth affairs. The

central Government still had a role, however, especially during the transition to the new system, and it had established a number of legal obligations that all municipalities were required to meet. If they did not, a system of law enforcement would be set in motion, and in the worst case the central Government would take over the provision of youth services in a municipality that failed to meet its obligations.

26. **Mr. Guráň** said that he wished to encourage the Netherlands to ratify the Optional Protocol on a communications procedure. Regarding the new Youth Act, he asked whether there was a mechanism in place to ensure that municipalities cooperated when, for example, appointing a guardian for a minor. He did not believe that a person willing and able to take on that role would necessarily be found in every municipality.

27. **Mr. Madi** asked how the Government intended to ensure that the provision of youth services did not differ from one municipality to another, including municipalities in the Caribbean. Had a preliminary assessment of the impact of the Youth Act been done?

28. **Ms. Khazova** asked whether parents could sue a municipality if it failed to fulfil its obligations under the new Act.

29. **Ms. Berg** (Netherlands) said that it was always possible to sue, and for any act of administrative negligence, not just for a failure to provide mandated youth services. Regarding decentralization and the possible differences from one municipality to another, she said that what in the Netherlands had been termed “system responsibility”, which involved a number of legal safeguards and requirements, data analysis and research, ensured that high-quality services were provided in all municipalities. Supervision of quality requirements was the responsibility of the central Government. The new Act would be evaluated within three years.

30. About 119,000 children were victims of abuse in the Netherlands, a sobering figure, and although describing the magnitude of a problem was not always rewarded in politics, the authorities were glad, in a sense, to know exactly what they were up against. To reduce the figure, the Netherlands, since its last appearance before the Committee, had introduced a procedure whereby health personnel were required to ask adult patients with serious substance abuse problems, mental health disorders or other such conditions whether they were responsible for children. If so, a specific reporting procedure was followed. The task force responsible for a midterm review of an action plan on keeping children safe from abuse had found that most of the plan’s goals had been met, so new priorities had been established for 2015 and 2016 – namely, improving the cooperation among agencies working with families and overcoming the occasional hesitancy of child protection officers to take action.

31. Since January 2015, municipalities had been responsible for efforts to combat child abuse and neglect. They had come together in social districts and played a major role in sounding early warnings and responding to suspicions of domestic violence or child abuse. Five municipalities had been selected to develop best practices. Lastly, plans had been made to develop specific methods to help teachers and general medical practitioners identify children at risk of abuse more easily and to organize appropriate and timely help.

32. **Ms. Khazova** asked whether the delegation, without necessarily going into specific figures, could provide an indication of the action plan’s general effectiveness.

33. **Ms. Berg** (Netherlands) said that, although ultimate responsibility for implementation of the Convention and the optional protocol lay with the Kingdom of the Netherlands, Aruba, Curaçao, St. Maarten and the Netherlands proper were each initially responsible for implementation in their respective territories.

34. **Mr. Croes** (Netherlands) said that a youth policy implemented in Aruba was designed to encourage cooperation and information-sharing. A campaign to raise awareness

of neglect and child abuse had been run recently, and it had had a major impact on Aruban society. In addition, a bureau that recorded incidents of child abuse had been given official legal status. In late 2013, the Central Bureau of Statistics had initiated a project to provide more comprehensive knowledge of the situation of children and adolescents in Aruba. The project was the first step towards the monthly publication of a policy support instrument designed to keep policymakers, researchers and other interested parties abreast of the situation of young people.

35. The Government of Aruba had supported a parliamentary initiative to create a children's ombudsman and ombudsman posts on the island, and in 2015 it had allocated the necessary financial resources. An amendment was being made to the Civil Code to prohibit corporal punishment in the home.

36. **Mr. Nelson** asked whether the delegation could elaborate on the abuse awareness campaign in Aruba.

37. **Ms. Khazova** said that she wished to know whether the amendment to the Civil Code prohibiting corporal punishment had been adopted or was still a draft. She asked for details about the results of a 2011 pilot project on strong parenting in Aruba.

38. **Mr. Croes** (Netherlands) said that corporal punishment was forbidden in schools in Aruba. Legal amendments forbidding parents from subjecting children to mental and physical abuse would come into effect in July 2015. Awareness-raising campaigns on child abuse organized by both Government and NGOs had been well received within the community.

39. **Ms. Aldoseri** asked whether children had enough forums for participation and expression of their views, whether that participation was monitored and evaluated by the authorities and what measures were in place to strengthen a culture of dialogue at school and in the home. If children failed to take an active role in society it could be due to the fact that the programmes in place to encourage their participation had been designed without canvassing the children themselves. In Aruba, in addition to the foregoing issues, there seemed to be some discrimination against the participation of girls, which was then reflected in the limited participation of women in public life.

40. **Ms. Larmonie Cecilia** (Netherlands) said that the Convention was not part of the school curriculum in Curaçao but the Task Force was working to disseminate information about the Convention and its optional protocols. Curaçao did not have a system for collecting and analysing data on children's rights but in the future data would be gathered within the structure of the National Youth Action Plan. A proposal to create a Children's Ombudsman had been made and a decision was pending. In the meantime, the general Ombudsman looked after cases involving children.

41. A national plan to address domestic violence and child abuse had been developed with the help of NGOs. It had been approved by the Council of Ministers and would be allocated a special budget. Reporting levels had improved thanks to two new reporting centres and a campaign on child sex abuse which had been running in schools and among the public since 2007. Corporal punishment had been banned by law with effect from January 2012. Programmes were also in place to teach parents better parenting skills.

42. **Ms. Bourne-Gumbs** (Netherlands) said that St. Maarten had established a children's rights commission to promote and monitor the National Youth Action Plan. The Convention was not part of the school curriculum but annual awareness-raising campaigns on the Convention were held. St. Maarten was reviewing whether to establish a national human rights institute, but children could complain about abuse to the central registration and referral centre.

43. Under a 2011 amendment to the Civil Code parents were forbidden from subjecting their children to mental or physical violence. Corporal punishment was investigated by the police and prosecuted by the courts, and that could lead to the issuing of a warning, the appointment of a guardian or the removal of the child. The courts also had a system for registering and tracking child abuse cases. An inter-ministerial working group had been established to draw up a national protocol on child abuse.

44. The Ministry of Education, Science, Culture and Sport had set up a youth desk as a focal point to provide information and support with the objective of empowering young people between the ages of 12 and 24 to participate fruitfully in society. The youth parliament was actively engaged with the Parliament of St. Maarten.

45. **Mr. Croes** (Netherlands) said that the Government had removed a number of gender-based discriminatory provisions in Aruba. It had modified certain social insurance regulations, introduced measures to protect working women who were pregnant or breastfeeding and made amendments to the Civil Code on such matters as sexual harassment. Of the 21 members of Parliament, 8 including the president were women.

46. The University of Aruba had recently conducted pioneering research in which more than 2,000 young people had been interviewed about their values and expectations. The research had provided important information which demonstrated youth involvement in society and could be used to encourage even greater participation. A programme had been launched in March 2015 under which more than 100 young people, most of them women, were working with NGOs in the social sector.

47. **Mr. Madi** said that the Committee understood that the State party to the Convention was the Kingdom of the Netherlands and requested clarification about the head of delegation's statement to the effect that each of the four countries was responsible for the implementation of children's rights. He wished to know which body was responsible for overall coordination and monitoring of the Convention.

48. **Mr. Guráň** said that he was concerned about the provision under family law whereby the minimum age for a child to be heard in private was 12. It went against the spirit of article 12 of the Convention and the Committee's general comment No. 12, which emphasized the need to take account of a child's capacities on the basis of age and maturity. He would welcome further information about the training offered to judges, social workers and other officials involved in family law procedures, as well as about the criteria used in appointing guardians. He also wished to know how children in out-of-home placement were represented and how their best interests were protected.

49. In light of statistics showing that the number of children was in decline, he asked what strategies were in place to maintain access to primary school in all parts of the Netherlands in future years. He expressed his concern that the privatization of schools could lead to discrimination and limit access. Given the increase in home schooling in the Netherlands, he wondered how the State was able to guarantee the quality of such education.

50. **Ms. Khazova** asked what conclusions had been reached by the commission that had been set up to re-evaluate parentage, notably in respect of multi-parenting, where a child might have more than two legal parents. With regard to decentralization, she was concerned that, children with serious mental health issues might not receive the care they needed because municipalities would have the power to decide on their treatment and might take account not only of medical contingencies but also of social and financial factors.

51. She was concerned that children with behavioural problems such as attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD) were being overmedicated and that non-medical alternative treatments were being overlooked. Children who were simply naughty or distracted risked being incorrectly labelled as having

behavioural problems. Given the ease with which medication — including some known to have severe side effects — could be prescribed and the greater costs involved in alternative therapeutic and educational treatment, she was concerned that the problem could become worse under the new decentralized system. Moreover, the pharmaceutical industry exercised considerable influence and municipalities did not have access to skilled medical professionals. She would welcome information on any changes envisaged and on plans to investigate the causes underlying the sharp increase in numbers of children diagnosed with behavioural disorders.

52. Data showed that the numbers of infants being breastfed had declined. In view of the advantages of breastfeeding, it was important for the State party to be proactive in encouraging the practice rather than simply shifting the responsibility to women to make their own choice. She wished to know if there were any plans in that regard. She remained concerned about such issues as childhood obesity and high numbers of teenage pregnancies in the Caribbean territories.

53. **Mr. Madi** said that he welcomed measures taken by the Government to prevent the internal trafficking of children but noted a persistent concern as to their effectiveness on the part of national, European and United Nations experts. He also wished to know what measures were in place to help children trafficked into the Netherlands. He asked the delegation to supply the results of the Comprehensive Action Plan on the issue of “loverboys”.

54. In light of the findings of the National Rapporteur on Trafficking in Human Beings, to the effect that sexual violence against children was widespread, he asked the delegation to give details about action taken to prevent and criminalize the sexual abuse of children. He wished to know whether the possession of child pornography was a crime under national law.

55. He hoped that the State party would reconsider its eight-day procedure for dealing with asylum requests, which did not allow sufficient time for unaccompanied children to make a proper asylum application. Professionals dealing with asylum cases often had insufficient knowledge of the concept of the best interests of the child as defined under the Convention. Unaccompanied minors who were granted asylum in the Netherlands could invite their parents but not their siblings for the purposes of family reunification, while those who were refused asylum were returned to their country of origin, either voluntarily or forcibly. He suggested that asylum polices be reviewed taking account of the best interests of children.

56. The Committee was concerned at continuing violations of child labour regulations. Furthermore, despite the delegation’s clarifications regarding the prosecution of adolescents, the Committee remained convinced that adult criminal law should never be applied to children under any circumstances. Youth protection and custody measures (*PIJ-maatregel*) could be imposed on children as young as 12 so he would like to know how they were in fact applied. He expressed concern at the fact that children could be kept in police custody for up to 16 days, and that police and prosecutors had insufficient training on children’s rights.

57. The Committee was also concerned at the fact that children between the ages of 14 and 17 were considered physically mature and not a priority for investigation, at the DNA testing of children, and at the fact that national legislation did not specifically outlaw the sale of children as defined under the Optional Protocol on the sale of children.

58. **Ms. Aho Assouma** asked what measures were in place to encourage the use of condoms, how breastfeeding was being encouraged and what sex education was available as a means of tackling the issue of teenage pregnancies.

The meeting rose at 1 p.m.