

## STATEMENT

UPR Pre-session on the Netherlands

Geneva, August 29, 2022

Delivered by: the Dutch NGO Coalition for Children's Rights

### 1. Presentation of the National Coalition

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

The Coalition was established in 1995, when the Netherlands ratified the Convention on the Rights of the Child. It coordinates the reporting to the Child Rights Committee.

We thank for the opportunity to speak at this meeting.

### 2. National consultations for the drafting of the national report

This contribution stems from the NGO report to the UNCRC in 2021 in which more than 180 organizations and youth were consulted.

### 3. Plan of the Statement

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

### 4. Statement

#### I. Acceptance of international norms and reservations

##### A. Follow-up to the first review

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

##### B. New developments since the last review

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

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

### **C. Recommendations**

We recommend the Government to:

- 1) Withdraw the reservations to articles 26, 37 sub c and 40.
- 2) Ratify the third Optional Protocol.

## **II. Asylum-seeking, refugee and migrant children**

### **A. Follow-up to the first review**

There were no previous recommendations in the former UPR on the best interests of the child in asylum and migration procedures. This is however an important consideration for an asylum procedure compliant with the UN CRC.

### **B. New developments since the last review**

The government fails to organize sufficient, safe and child-friendly reception for asylum seeking children. Furthermore, due to a lack of staff, there are big backlogs in asylum procedures, further prolonging the length of stay under circumstances that are not in the best interest of the child: living in mass emergency shelters, frequent relocations and a systemic lack of psychosocial support increases the risk of childhood trauma and developmental damage. Manifold relocations hinder children's access to education and healthcare.

### **C. Recommendations**

We recommend the Government to:

- 1) Incorporate the best interests of the child into immigration law by adding the proposed amendment (private member's bill, 2016) into the Aliens Act 2000.
- 2) Prevent relocations of asylum-seeking children and realize small-scale and permanent locations.

## **III. Protection against (sexual) exploitation and trafficking of children**

### **A. Follow-up to the first review**

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

### **B. New developments since the last review**

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

## C. Recommendations

We recommend the Government to:

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

## IV. Children and youth in the criminal justice system

### A. Follow-up to the first review

In the third UPR-cycle, the Netherlands received 3 recommendations from Zambia, Botswana and Egypt, related to juvenile justice. These were not supported.

### B. New developments since the last review

Children can still be detained with adults and the age of criminal responsibility is still 12 years. The State has confirmed its reservations to articles 37(c) and 40 of the Convention, in a letter to Parliament recently. Thus, 16 and 17 year olds, can still be tried according to adult criminal law, and the right to a lawyer (free of charge) for minors can be restricted. In 2018, the state promised new legislation on the testing and storage of DNA of convicted children, which has not yet been realized.

### C. Recommendations

We recommend the Government to:

- 1) Guarantee a child-oriented procedure and the right to free legal aid.
- 2) Ensure that children are never detained together with adults and always in a child-friendly environment.
- 3) Reconsider the routine practice of the testing and storage of DNA in respect of children and finalize the promised legislation.

Thank you for your attention.