

Third periodic report by the Netherlands on the implementation of the UN Convention on the Rights of the Child

I General Implementation Measures

A Art. 4 Amendments to Dutch legislation

The following statutory measures have been taken since the submission of the second periodic report:

- passage into law of the Equal Treatment (Disability or Chronic Illness) Act 2003 (art. 2. Non-discrimination)
- replacement of the Social Assistance Act by the Work and Social Assistance Act, 1 January 2004 (art. 27, paras. 1-3 Standard of living)
- entry into force of the Adoption (Conflict of Laws) Act, 1 January 2004 (art. 21. Intercountry adoption)
- amendment of the rules regulating changes in minors' surnames, 9 June 2004 (art. 7 Name and nationality)
- change in the definition of the term 'unaccompanied minor asylum seeker', 20 July 2004 (art. 39 Refugee children)
- entry into force of the Artificial Insemination (Donor Information) Act, 2004
- entry into force of the Equal Treatment in Employment (Age Discrimination) Act 2004 (art. 2 Non-discrimination)
- entry into force of the new Youth Care Act, 1 January 2005
- entry into force of the Childcare Act, 1 January 2005 (art. 18, para. 3 Childcare services)
- entry into force of the Revised Brussels II Regulation on cooperation between EU Member States in child abduction cases, 1 March 2005
- submission to parliament of a bill on the promotion of shared parenting and responsible divorce on 9 June 2005 (art. 9 Separation from parents)
- entry into force of the life course savings plan, 1 January 2006 (art. 18 , para. 1 Parents' responsibility for the upbringing and development of the child)
- Exceptional Medical Expenses Act, (art. 24 Health and health care)
- entry into force of the Healthcare Insurance Act, 1 January 2006

- passing of bill on equal treatment of men and women with regard to employment, vocational training and promotion, and working conditions, 24 January 2006 (art. 2 Non-discrimination)
- submission to parliament of bill on restraining orders in cases of domestic child abuse, 1 August 2006
- introduction of the Social Support Act, 1 January 2007

Youth Monitor

In response to the Committee's recommendation, the Netherlands is now developing a data collection system that is compatible with the Convention and collects data disaggregated by sex, age and other relevant indicators. Over the next few years, central government intends to move to a single 'Youth Monitor' database.

The Youth Monitor is intended to help government monitor the key aims of national youth policy: to prevent and reduce early school-leaving and to prevent or reduce social marginalisation and delinquency. It is also intended to show the coherence between the results achieved by the various parties working in the youth policy field: the provinces (responsible for youth care) and the municipalities (responsible for preventive youth policy).

The database will include information on all children and young people in the Netherlands up to the age of 23. The indicators for it have now been established. The database will record the situation of young people in a number of fields: population, education, health, justice and employment. Each field will have multiple indicators which together provide a statistical overview of the situation of young people and trends within it. It will be possible to disaggregate the dataset by age, sex, origin and region.

The Youth Monitor will not contain information about abuse, sexual exploitation or child trafficking. The data on child abuse will be provided through research on the nature and extent of its occurrence. In addition, the Ministry of Justice and the Ministry of Health, Welfare and Sport have together commissioned the development of a national registration system for child prostitution. Work is now being done on this.

The Youth Monitor will be made available via a website, which will eventually also carry information in English.

National Action Plan for Children

The Committee recommended that the Netherlands should expedite the elaboration and adoption of its current action plan for the implementation of *A World Fit for Children*, the outcome document of the General Assembly special session on children held in May 2002. In August 2004 the government responded to this recommendation by laying before parliament its National Action Plan for Children 2004. This document indicates how the Netherlands intends to implement *A World Fit for Children*. An English-language version of the plan was presented to the UN in August 2004 and is appended to this report. (**Annexe 1**)

National Institution for Human Rights

In September 2005, four organisations active in the human rights field or sections of it – the National Ombudsman of the Netherlands, the Equal Treatment Commission, the Data Protection Board and the Netherlands Institute of Human Rights (SIM) – proposed the establishment of a National Institution for Human Rights. These organisations have since conducted further research on the exact requirements to ensure full compliance with the UN's Paris Principles. The remit of the proposed national institution might include: public education, advice-giving, treaty monitoring and acting as an international contact point. A decision on the proposal has yet to be taken at political level.

Children's ombudsman

As yet, the Dutch government sees no reason to appoint a special ombudsman for children. The current system makes sufficient provision for the performance of the functions of the children's ombudsman as envisaged by the UN Committee on the Rights of the Child.

The Netherlands is currently examining the feasibility of establishing a Dutch National Institution for Human Rights. The possible role of such an institute in monitoring the implementation of the UN conventions, including the Convention on the Rights of the Child, is being explored as part of this process. Meantime, however, a number of members of parliament have submitted a private members' bill providing for the

appointment of a children's ombudsman. The government is now awaiting the parliamentary response to this.

Commissioner for Youth Policy

The Committee also recommended that the new government-appointed Commissioner for Youth Policy should facilitate interministerial coordination and coordination between national and local authorities, and that the Commissioner should be allocated sufficient financial and human resources to fulfil his mandate. It further recommended that the effectiveness of the Commissioner for Youth Policy should be evaluated with a view to establishing a permanent mechanism to coordinate the implementation of the Convention.

Over the last few years, the Commissioner for Youth Policy has worked hard to improve coordination between ministries, between the various tiers of government and between executive and other agencies. The government has met all the Commissioner's requests for financial and human resources. The performance of the Commissioner for Youth Policy is to be evaluated in 2007 as part of a more general evaluation of interministerial cooperation in the youth policy field ('Operation Young').

Civil society organisations

The Committee recommended that the Netherlands should consistently seek cooperation with civil society in implementing the Convention, including in the area of policy-making. Representatives of the relevant ministries and of the Dutch NGO Coalition for Children's Rights, an umbrella organisation for civil society organisations in the field of children's welfare and rights, meet twice yearly to discuss the implementation of the Convention. This report is therefore to some extent the product of consultations with such organisations. Dutch government and the Coalition for Children's Rights jointly fund a specific Youth Report, in which children and young people express their own views on the importance of the Convention and on the way it is being implemented in the Netherlands. One such Youth Report was sent to the UN Committee on the Rights of the Child in 2002.

B Art. 42 Making the Convention widely known

Over the last five years, government funding has been made available to educate and inform the public about children's rights in the Netherlands. The Coalition for Children's Rights receives an annual subsidy for the production of information materials about the terms of the Convention, including a **website on the rights of the child** (www.kinderrechten.nl). This website offers children, parents and professionals not only general information about the Convention and children's rights, but also specific information about recent developments in the area. For instance, children can download or order information for use in classroom presentations about children's rights, parents can order a book giving practical advice on how to interpret the rights conferred by the Convention in various situations, and professionals can obtain information specifically designed for them. For example, they can order a handbook on the interpretation of the Convention and other international law on the rights of children and young people (*Handboek Internationaal Jeugdrecht*).

The website also provides access to training materials for lawyers, youth services providers and teachers at different levels within the education system. This reflects the Committee's recommendation that the Netherlands should pursue its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike.

The following publications have been produced with public funding:

- G.C.A.M. Ruitenbergh, *Het Internationaal Kinderrechtenverdrag in de Nederlandse rechtspraak*, 2003, ISBN 90 6665 519 4. By providing a systematic survey of, and commentary on, the relevant case law since the CRC entered into force in the Netherlands, this book helps to ensure that the CRC percolates through into Dutch legal practice. The survey is expanded and updated on a regular basis.
- S. Meuwese, M. Blaak and M. Kaandorp (eds.), *Handboek Internationaal Jeugdrecht*, 2005, ISBN 90 6916 500 7. Designed for professionals in the legal and youth policy fields, this handbook provides a detailed explanation of the CRC and other international legislation on the rights of minors. Like the previous publication, it is expanded and updated on a regular basis.

- M. Kalverboer and E. Zijlstra, *Het belang van het kind in het Nederlands recht – voorwaarden voor ontwikkeling vanuit een pedagogisch perspectief*, 2006, ISBN 90 6665 7693. On the basis of art. 3, para. 1 and art. 6, para. 2 CRC, this book analyses the term ‘the interests of the child’ in relation to the right to development and casts light on it from an educational and child psychology point of view.

- M. Kalverboer and E. Zijlstra, *Kinderen uit asielzoekersgezinnen en het recht op ontwikkeling – het belang van het kind in het Vreemdelingenrecht*, 2006, ISBN 90 6665 768. This book discusses the significance of art. 3, para. 1 and art. 6, para. 2 CRC in relation to the right to development of children of asylum seekers whose cases are still under consideration or who have exhausted all legal procedures. It explains the significance of the Convention in relation to the Dutch Constitution and to various international human rights conventions, and also casts light on its significance within the various areas of Dutch law.

These publications are intended, among other things, to improve implementation of the Convention by professionals such as policymakers, lawyers, public prosecutors and the judiciary involved in the application of the law, for example in relation to aliens.

C Art. 44, para. 6 Availability of reports

The Netherlands’ second periodic report on the implementation of the UN Convention on the Rights of the Child was disseminated widely. Printed versions were published in both Dutch and English and the complete text of the report is available both on the website on the rights of the child and on that of the Ministry of Foreign Affairs.

This third report will likewise be disseminated both in print and digitally via the websites of the relevant ministries.

II Definition of the word ‘Child’

Art. 1

For definition, see initial report.

III General principles

A Art.2 Non-discrimination

The government accords a high priority to action to combat discrimination and promote equal opportunities. In 2003 it drew up a National Action Plan against Racism and a Racial Discrimination Monitor is published each year. 'Anti-discrimination' is a topic addressed within education and schools are active in combating racism. Funds have been reserved to expand the network of anti-discrimination bureaux so that anyone who has experienced discrimination can have easy access to their services.

A campaign under the slogan 'Discrimination? Phone now!' was launched on 29 June 2004 to encourage victims or possible victims of discrimination, or people who thought they had witnessed discrimination, to phone a national hotline (0900-2 354 354) or visit a website (www.belgisch.nl) for advice and information. The national hotline still exists and has the support of a network of organisations with expertise in the equal treatment and anti-discrimination fields. They aim to achieve close cooperation by sharing knowledge and running an effective helpdesk manned by staff from a range of anti-discrimination bureaux. Where necessary, callers are referred to national or specialist NGOs, or to the Equal Treatment Commission. The project has been implemented by RADAR (the Rotterdam Anti-Discrimination Action Council) via the National Federation of Anti-Discrimination Bureaus (*Landelijke Vereniging van Anti-Discriminatie Bureaus en meldpunten*, LVADB).

The initial campaign targeted discrimination on all the grounds listed in Article 13 of the EC Treaty (sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation), as well as other areas, such as employment. It received 80% of its funding from the Community Action Programme to Combat Discrimination and the remaining 20% jointly from four ministries: Interior and Kingdom Relations; Health, Welfare and Sport; Justice; and Social Affairs and Employment.

That campaign was followed by a second one, run under the slogan '**Discrimination? Count me out!**' This was launched on 1 December 2004. It was designed jointly by the same four ministries and is being run by the National Bureau against Racial

Discrimination (*Landelijk Bureau ter bestrijding van Rassendiscriminatie*, LBR) and other organisations. Its prime target is victims of discrimination and unequal treatment. They are offered information on minimising the impact of discrimination in their day-to-day lives and ways of standing up to people who discriminate against them, consciously or otherwise. The second target of the campaign is the institutional setting in which discriminatory behaviour can occur. A brochure has been published containing practical tips for dealing with discrimination. The first copy was presented to the State Secretary for Social Affairs and Employment on 31 January 2006. In addition, a book has been published containing specific information on ways in which organisations can combat discrimination.

Finally, the Minister for Immigration and Integration launched the “&” campaign to promote contact between immigrants and members of the host community. The campaign revolves around ‘good examples’ and focuses on areas such as education, sport and civil society. For the period from 2006 to the end of 2009, the government has set up a fund to subsidise local projects promoting contact between different ethnic communities. The hope is that this will automatically lead to lasting friendships between citizens of different ethnic origin. The fund may also spawn projects for children and young people.

Equal treatment legislation

Since the second periodic report in 2002, statutory protection against discrimination has been considerably extended in the Netherlands.

The Equal Treatment (Disability or Chronic Illness) Act entered into force in 2003. The Act implements Council Directive 2000/78/EC and prohibits discrimination on the grounds of disability or chronic illness in employment and vocational training. The same protection will eventually be extended to the field of public transport.

In addition, numerous amendments have been made to the Equal Treatment Act in implementation of European directives. For example, the Act now prohibits harassment and the burden of proof has been reduced for victims of alleged breaches.

Age discrimination

The Equal Treatment in Employment (Age Discrimination) Act entered into force on 1 May 2004. The Act is in implementation of Council Directive 2000/78/EG, which establishes a general framework for equal treatment in employment and occupation, and its purpose is to combat age discrimination.

The Act prohibits age discrimination in employment, occupation and vocational training, except where there is objective justification for imposing an age limit. The prohibition applies to the entire field of employment, from recruitment, selection and help for jobseekers right through to terms and conditions of employment and dismissal. It also applies to vocational training, career guidance, and the membership of employers' organisations, trade unions and professional or occupational associations. Under the Act, job adverts may not specify an age limit unless there are objective reasons for doing so, and such reasons must be stated. The Act also contains provisions protecting victims of alleged age discrimination against dismissal (not only workers, but also witnesses). Conditions of employment in breach of the Act are null and void. The Act also includes prohibitions on harassment, instructing others to discriminate, and discrimination with regard to membership of, or involvement in, employers' organisations, trade unions and professional or occupational associations.

The Act provides for compliance to be monitored by the Equal Treatment Commission and gives the Commission powers to investigate complaints. Since it entered into force, the Commission has received around 300 formal complaints and 1500 enquiries about age discrimination. As well as issuing formal opinions on individual complaints, the Commission has also issued an advisory opinion on age discrimination in the supermarket sector.

Sexual harassment

On 24 January 2006 the House of Representatives passed a Bill implementing Directive 2002/73/EC in the Netherlands. The directive in question amends Council Directive 76/207/EEC of the European Parliament and of the Council, dated 23 September 2002, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

The effect of the Bill is to make sexual and other harassment a form of illegal discrimination. This will extend the statutory protection available to workers. The Bill also makes it illegal to victimise any worker experiencing sexual or other harassment. It strengthens the legal position of workers with regard to sexual and other harassment by:

- shifting the burden of proof in certain cases, including those involving alleged sexual or other harassment;
- introducing a new avenue of appeal to the Equal Treatment Commission;
- providing greater protection against victimisation where sexual or other harassment is alleged.

The Senate voted in favour of the Bill on 2 October 2006 and the Act is to enter into force in the near future.

Criminalisation of systematic discrimination

New legislation which entered into force on 1 February 2004 has made systematic discrimination a separate criminal offence carrying double the normal penalties. The legislation defines systematic discrimination as discrimination practised by a person who makes an occupation or a habit of it, or by two or more persons acting in concert. It places a greater emphasis on the gravity of more serious forms of discrimination. The criminalisation of discrimination on grounds of disability has been accompanied by an extensive campaign directed at people in an 'official capacity, profession or business' and channelled principally through industry and professional journals. There has also been a publicity campaign targeting people with disabilities.

Radicalisation

Regrettably, the Netherlands is currently witnessing a growing radicalisation among two different sets of young people: those attracted by the ideology of the far right and those who set their Islamic beliefs above the law of the land. These young people reject the whole concept of an open, pluralistic and tolerant society and are increasingly turning their backs on mainstream society. Some are even prepared to use violence to achieve their ends. Since these developments are breeding fear and resentment among the general public, they constitute a serious threat to the social cohesion and security of the Netherlands.

The young people involved are becoming radicalised at an increasingly early age. It is alarming to learn, for example, that young people in certain circles actually regard violent jihad as attractive and 'cool'.

Since 2004, government authorities at national and local level have been establishing programmes to combat radicalisation. They are working with Muslim and other organisations to try to keep young people within mainstream society and to increase their democratic awareness and that of the surrounding community. In addition, professionals like police officers and youth workers are being trained to detect radicalisation and respond effectively. In the case of younger children, it is important to organise activities in schools, involve peer groups and parents, and ensure some form of supervision of the Koran classes provided in mosques. Various activities of this kind are being undertaken around the country: for example, a national *Respect Day* is being held and the mosques in Rotterdam are becoming increasingly open about the teaching given on their premises. Such measures will remain an enduring focus of government concern.

B Art. 3 Interests of the child

As a result of the Convention and the conclusions and recommendations of the UN Committee on the Rights of the Child, there is now a clear trend towards attaching more importance to the interests of the child in decisions concerning children.

Whereas the stress used to be placed on the autonomy of the nuclear and wider family (something still seen as very important), there has recently been a shift in favour of the interests of the child. In some cases, these are now given priority.

Previously, agencies tended to intervene in the family situation only as a very last resort. Now, they are quicker to look for ways of exercising moral or legal pressure if there are signs that this is desirable in the interests of the child. Such signs need to be picked up as swiftly as possible so that help and support can be offered in time. The forthcoming introduction of an '**electronic child file**' will help in this respect by enabling agencies to exchange information about minors digitally.

Right to youth care

The new Youth Care Act introduces a right to youth care.
(For further details, see information on art. 18, para. 2.)

Best interests of the child in the immigration policy field

Many children come to the Netherlands with parents who are applying for residency. At the beginning of the application procedure they usually have the same interest in being given legal residency as their parents. However, it sometimes happens that children remain in the Netherlands without legal residency for years on end and that the interest of the child in remaining in the country then becomes different from that of the parents. The fact that a child has lived for a long time in the Netherlands does not mean that it should automatically be permitted to remain, but its particular interests and the special circumstances in which children can find themselves can be taken into account in a separate application procedure and may give reason to grant residency. The child (or, if necessary, his/her legal representative) can submit an application to this effect.

Legal precedents from the Council of State

The country's highest administrative court, the Administrative Jurisdiction Division of the Council of State, initially took the view that, insofar as the CRC is directly applicable, it creates no special rights for children whose parents are refused residency under Dutch immigration law. In recent cases, however, the Division appears to have modified its view in this respect. It now considers firstly whether a provision of the Convention has any direct effect and then, if so, the extent of that effect.

C Art. 6 Right to life and development

Appointment of committee of experts on neonatal termination of life and termination of late-term pregnancy

In 2006, the Minister of Justice and the State Secretary for Health, Welfare and Sport set up a committee of experts to advise the Public Prosecution Service on cases of termination of the life of neonates experiencing great suffering and cases of late termination of pregnancy. The government's objective in appointing the committee is to induce doctors to be more open about medical decision-making in cases of this kind.

The committee of experts has five members: a lawyer (the chairman), three doctors (sharing one vote) and an ethicist. Based on the due care criteria - as defined by case law - the committee will assess whether the doctor exercised due care in terminating the life of the newborn or the late-term pregnancy. The committee's recommendation will not supersede the Public Prosecutor's decision, but will serve as an expert opinion.

The appointment of the committee of experts will in no way affect the application of the criminal law to such cases. Terminating the life of a newborn experiencing severe suffering is and will remain an offence under Article 293 of the Dutch Criminal Code. Similarly, termination of late-term pregnancy is, and will remain, a criminal offence under Article 82a of the Criminal Code.

The letter to the House of Representatives is included as **Annexe 2** to this report.

D Art. 12 Respect for the child's opinion

Youth participation

The introduction of the new Social Support Act on 1 January 2007 makes municipalities (instead of central government) responsible for a number of matters directly affecting young people. These include welfare, care, preventive youth policy, informal care in the community and voluntary work. The Act creates an obligation for municipalities to involve the public – including younger members of it – in the development of local-level policies. The municipal council, municipal executive and civil society organisations/general public must decide together at local level how this is to be done. During the introduction of the new Act, an explicit emphasis is being placed on the involvement of young people.

The majority of central government operating subsidies to youth organisations have now been terminated in order to concentrate resources on the remainder and encourage organisations to take responsibility for their own affairs. Among the few organisations still receiving central government subsidies are those for young people with disabilities. There is also a new scheme to encourage voluntary work by and for young people by subsidising projects involving it.

The National Youth Council, an umbrella organisation embracing some thirty youth organisations, is being subsidised to speak on behalf of the nation's young people and to stimulate youth participation at local level. It is also receiving project and programme subsidies targeting work on the environment and young people at risk. The Youth Council is responsible for organising the annual National Youth Debate, held in parliament and involving young people and national-level politicians. The debate is the culmination of several preliminary rounds and is funded by one of the ministries most closely involved with young people. The Youth Council has a consultation meeting with the State Secretary responsible for youth policy every two years and since 2006 officials have also held systematic discussions with young people at various stages of policymaking.

The youth wings of national political parties are subsidised via the relevant parties. They seek to influence the parties and recruit and train young people to participate in political life.

It is a condition of various subsidy schemes relating to local activities or voluntary work that young people should be involved in policy design and implementation. (These schemes include one giving municipalities funds to organise sport and exercise-related activities for disadvantaged youngsters aged 4 to 19, the scheme to encourage voluntary work by and for young people, and the successor to that scheme for the 2007-2008 period).

Youth participation is also viewed as a priority within the European Union. In late 2005 the Netherlands sent the European Commission a report on the country's progress in achieving shared aims in this area.

The youth care field offers a specific example of respect for the opinion of the child. The Youth Care Act provides that any application for youth care normally requires the consent of the client or, in the case of a child under the age of 12, the consent of his/her legal representative. If the child is aged between 12 and 16, consent must be obtained both from the legal representative and from the child. A refusal of consent by the legal representative can be ignored if the child persists in a carefully considered request for care. Minors aged 16 to 18 have the right to decide for themselves. However, where

youth care is the outcome of a child protection order or is provided in the context of the work of an Advice and Reporting Centre for Child Abuse and Neglect, no consent is required.

Child participation in policy and plans for their local environment

Children are being actively involved in various projects to develop and support local policy and physical planning initiatives. Their involvement was in fact an explicit criterion in a competition for child-friendly local planning initiatives run by central government in cooperation with the Child Friendly Cities network.

Participation by ethnic minority children

Central government is taking special steps to encourage participation by ethnic minority children. The Minister for Immigration and Integration has taken various measures to promote the involvement of young people in, and in relation to, the National Ethnic Minorities Consultative Committee (*Landelijk Overleg Minderheden*, LOM). The Committee is composed of representatives of ethnic minority organisations and is the government's official discussion partner in the field. Subsidies for projects promoting participation by ethnic minority children are regularly provided under an incentives scheme for third-party initiatives relating to the integration of ethnic minorities generally.

The Minister for Immigration and Integration has made separate arrangements with 21 municipalities concerning participation by their large Antillean communities, with special emphasis on their younger members. There are 123 projects aimed at improving the position of young Antilleans and a special team has been working since September 2006 to ensure their close involvement in the implementation of these projects.

Legal and other assistance for children

For legal and other assistance, children can turn to services like a special telephone counselling and referral service for children (*Kindertelefoon*), Youth Information Centres (*Jongeren Informatie Punt*) and Children's Law Centres (*Kinder-en Jongerenrechtswinkel*), or make use of the subsidised legal aid system.

Telephone counselling and referral service

'Kindertelefoon' is a telephone help line for young people between the ages of 8 and 18. They can use it anonymously to obtain information, advice or help on a wide variety of

topics. Where necessary, staff refer callers to specialist services in their home area. The help line is available free of charge on every day of the year. Since the Youth Care Act became law it has been part of a youth care office.

Youth Information Centres

The Youth Information Centres provide young people aged between 12 and 25 with free information and advice on work, education, drugs, finance, housing, rights and obligations, personal relationships and leisure activities. Some Youth Information Centres are accommodated within libraries, neighbourhood community centres or schools, while others are on separate premises. They provide both a walk-in service and a telephone and e-mail helpdesk.

Legal assistance

Children's Law Centres provide free information and advice about legal rights and obligations for anyone under the age of 18. Clients can attend a surgery or seek advice by telephone or e-mail. The Youth Care Act enables local government to fund Children's Law Centres. Subsidies from the Ministry of Justice were terminated with effect from 1 January 2006, in part because initial and additional legal assistance are available to minors within the subsidised legal aid system. Provided that the nature of the case and the financial circumstances of the client meet the criteria laid down in the Legal Aid Act, legal aid can be obtained to cover most, if not all, of the costs. Where minors are concerned, the financial circumstances of the parents are also taken into account, unless the case involves a conflict with them.

In practice, this system means that anyone in the Netherlands who is on a relatively low income (including children and young people) can obtain initial legal assistance (information, referral and brief legal advice) at any of the thirty local Legal Aid and Advice Centres (a *Juridisch Loket*). These centres can help minors gain access to the law. Their staff are skilled in dealing with children and young people. In particular, they are trained to give clear explanations of legal questions. The organisation makes good use of modern means of communication such as ICT and experience shows that young people are familiar with its services. Where legal problems and other issues require more extensive legal assistance or representation of the child, the Legal Aid and Advice Centres refer minors to appropriate specialist lawyers since they themselves have no

real specialist in-house expertise. Whether and to what extent minors are required to contribute to the costs of this more extensive legal assistance will depend on the minor's own resources and those of the parents.

The work of a guardian ad litem appointed by the court in a case where there is a conflict of interest between the child and his/her parents or guardian can also be funded by the public purse, provided that the work falls within the categories defined in relevant statute law and that the person appointed is registered with the Legal Aid Council or has a contract with it. In such cases, the minor is not required to make any financial contribution.

IV Civil rights and freedoms

A. Art. 7 Name and nationality

There have been three changes in the rules relating to the right to change the surname of minors.

In 2001 it became possible to change the surname of a child to match that of its parents' other children; this may be desirable where the children have received different surnames at birth as a result of the rules of private international law or where their surnames differ as a result of acknowledgement, legitimation or adoption.

In 2004, there was another change in the rules, this time due to the judgment reached by the European Court of Justice on 2 October 2003 in the case of *Garcia Avello v Belgium* (C-148/02). Any minor who possesses both Dutch nationality and the nationality of another EU Member State, or of a third country, can now change his/her surname to the name that s/he is entitled to bear under the law of the other country concerned.

Finally, again in 2004, the rules governing changes in the surnames of minors over the age of 12 were tightened up. Applications for such changes from minors aged 12 and over are now granted if the child not only consents but, despite objections by the other parent, expresses a persistent wish to change his/her name.

Acquisition of nationality

Any child born in the Netherlands automatically acquires Dutch nationality provided that one of the parents holds Dutch nationality at the time of the child's birth, or did so at the time of death in the case of a posthumous child.

Similarly, any child legally adopted in the Netherlands, the Netherlands Antilles or Aruba automatically acquires Dutch nationality on the first day after a three-month period following the court's decision, provided that the child was a minor on the day when the court granted the adoption order and that at least one of the adoptive parents was a Dutch citizen at that time.

In addition, the Netherlands operates the 'third-generation rule': Dutch nationality is automatic in the case of any child whose father or mother has his/her main abode in the Netherlands, the Netherlands Antilles or Aruba at the time of the child's birth, provided that s/he was born of a father or mother who had his/her main abode in one of those countries at the time of his/her birth, and that the child in question also has his/her main abode in the Netherlands, the Netherlands Antilles or Aruba at the time of his/her birth.

A foreign minor who is acknowledged or legitimated by a Dutch national can be granted Dutch nationality on request. In 2003 this was made conditional on the minor having been in the care of the Dutch national by whom he has been acknowledged or legitimated for an uninterrupted period of at least three years following acknowledgement or legitimation. This condition was introduced to prevent abuse of the rule but its effects have sometimes proved to be unreasonable in practice. The difference in nationality rights between children acknowledged before and after birth and the distinction between children who have been acknowledged and those born in wedlock are both regarded as undesirable. The rule can also result in the child becoming temporarily stateless, since some states confer the right to the mother's nationality on the child only if the identity of the father is unknown. Where the child has been acknowledged or legitimated by a Dutch national, the identity of the father is known and the child may therefore be denied the nationality of the mother.

In the light of these problems, a Bill has been laid before parliament amending this rule. The effect of the amendment is that any foreign child acknowledged by a Dutch national

after its birth and before the age of seven will automatically receive Dutch nationality. The same applies to any foreign national under the age of 18 who becomes the child of a Dutch national via legitimation but without acknowledgement. And, finally, any foreign national under the age of 18 will automatically receive Dutch nationality if s/he is acknowledged by a Dutch national and that person proves his paternity within one year of the acknowledgement. If parliament votes in favour of the Bill, the amendment will enter into force in 2007.

Human Fertilisation (Donor Information) Act

The Human Fertilisation (Donor Information) Act entered into force in 2004. In accordance with Article 7 of the UN Convention on the Rights of the Child, it gives children born with the aid of fertilisation techniques the right to know the identity of the donor. Once the child has reached the age of sixteen, it can receive such information on request, unless the donor refuses consent and gives reasons which are deemed to outweigh the possible adverse consequences of withholding the information from the child. The organisation responsible for the release of the information also provides associated support and counselling. Medical information which is relevant to the healthy development of the child can – at his/her request – be supplied to the child's family doctor. Information on the donor's physical characteristics, educational background, occupation, social background and certain personal characteristics (to be determined by secondary legislation) can be released to the child earlier (once it has reached the age of twelve) or to the parents of the child (if it is under the age of twelve).

B. Art.8 Right of the child to preserve or re-establish its identity

The government is focusing particular attention on young Antilleans and Moroccans because they are more likely to become involved in crime, leave school early and become unemployed. The government is taking action to improve the prospects for these young people.

Since 2005, more than half of all minors in the two largest cities – Amsterdam and Rotterdam – have had a non-Western background. The number of ethnic minority students entering higher education has doubled over the last ten years but a large proportion of young people from the ethnic minorities are doing less well. Many of them

leave primary school with an inadequate command of Dutch. The government is doing its utmost to allay this problem, for example through pre-school and early years education and through remedial measures to combat early school-leaving throughout the school career.

B Art. 13 Freedom of expression

The relevant information is contained in the second periodic report.

C Art. 17 para. c. Access to information

Children's broadcasting

The public broadcasting system has a statutory obligation to serve all sections of society, including children and young people. Since September 2005 there has been a daily schedule of programmes for children from 7 a.m. to 7 p.m. under the name of 'Z@ppelin'. There is also a special daily news programme for children, broadcast twice on schooldays. The Netherlands Broadcasting Corporation (*Nederlandse Omroep Stichting*, NOS) – the public broadcasting umbrella organisation – has a statutory obligation to provide these special news broadcasts for children.

Children also have access to a wide range of educational and informative programmes. The Netherlands Programme Foundation (*Nederlandse Programma Stichting*, NPS) – one of the public broadcasting companies – has a statutory obligation to ensure that its programmes are educational and are appropriate for young people. Dutch broadcasting organisations regularly win international prizes for their children's programmes.

In recent years, a great deal of attention has been paid to media education. Children are learning not just practical skills, but also how to assess the value of media information. The Cinekid organisation, funded by the Ministry of Education, Culture and Science, is an important focus of expertise in the field of children and the media. Cinekid encourages the creation of high-quality media productions for children and empowers children to deal responsibly with the various media.

Reading

Reading helps to develop children's minds and characters. For this reason, the Dutch government actively promotes reading among children and young people. From their

earliest preschool years, they are given access to attractive and rewarding reading materials. Public libraries play a key part in this. Over 90% of Dutch primary schools have systematic contacts with the public library system. This ensures that children learn at an early age how and where to find good-quality reading materials and reliable information.

Dutch writers and illustrators of children's books are successful on the international as well as the domestic market. The government promotes the publication and dissemination of such books, children's juries are involved in judging children's literature competitions and children's authors visit schools. In addition, central government provides structural support for the Children's Book Museum, a semi-permanent display which is part of the national Literature Museum.

Protection against injurious information

Young people are protected against exposure to harmful audiovisual materials by means of a system of industry classification. Since 2000, this has been operated in the Netherlands by the Dutch Institute for the Classification of Audiovisual Media (*Nederlands Instituut voor de Classificatie van Audiovisuele Media*, NICAM), an industry organisation which has reached self-regulation agreements with government.

Evaluation has shown that this system of co-regulation is working well. NICAM uses a system of parental guidance using symbols and pictograms to classify audiovisual materials for television, cinemas and DVD and video distribution. It also operates the PEGI (Pan European Game Information) system for computer games, and is seeking to reach similar self-regulation agreements with providers of mobile phone services.

Protecting young people against undesirable material on the Internet is something that can best be done at European level. NICAM participates in various forms of consultation at that level, both in the Netherlands (with the ministries of Economic Affairs and Education) and internationally (European Commission).

In 2005, the government appointed a temporary committee on Youth, Violence and Media to consider further measures to combat adverse media influences on young people. Following the committee's advice, NICAM will take various measures over the

next few years, including the establishment of an information system on the suitability of audiovisual materials and the introduction of an extra age category (not suitable for the under-nines). It will also pay particular attention to music clips.

Access to and copies of information

Under the Youth Care Act, clients have a right to be given access to, and copies of, information about themselves. If the client is under the age of 12, these rights must be exercised via his/her legal representative. From the age of 12, however, the client has the right to exercise them in person and the legal representative then has no right to see the information without the child's consent. In addition, clients aged 12 or over are entitled under the Youth Care Act to request the destruction of information concerning themselves. In the case of clients under the age of 12, this request must be made via the legal representative.

E Art. 14 Freedom of thought, conscience and religion

Everybody in the Netherlands – irrespective of age – has the right freely to profess his/her religion or belief. This right is enshrined in article 6 of the Dutch Constitution (see §97 and §98 of the initial report) and in human rights conventions to which the Netherlands is a signatory. This freedom of religion encompasses not only the right to hold beliefs, but also the right to change them and to act in accordance with them.

Acts which are a direct expression of religious belief are also protected by the constitutional ban on discrimination generally and discrimination on the grounds of religion and belief specifically. Examples of such acts include, for example, the wearing of particular items of dress, such as head coverings in the case of Muslim women.

In 2004, discussion of these and related issues in the public and political arenas led the government to issue a policy document on fundamental rights in a plural society (Parliamentary papers, House of Representatives, 29 614, no. 2). This and other events in turn prompted the Council of Europe to take up the issue and the Council is currently conducting a survey of good practice with regard to matters such as religious dress.

F Art. 15 Freedom of association

The relevant information is contained in the initial report.

G Art. 16 Right to privacy

The Youth Care Act provides that information concerning a client may only be passed to third parties with the consent of the client. If the client is under the age of 12 or has reached that age but is not deemed capable of reasonably assessing his/her own interests, the consent of the legal representative is required. Without such consent, information may only be passed to persons whose professional cooperation is required in order that youth care may be accessed or provided, or that an order may be prepared or implemented, or to persons involved in youth probation.

It may, however, be necessary for youth care offices to cooperate with other agencies, such as the police, schools, municipalities etc, both to ensure that youth care services are effective and in the context of juvenile crime. The Youth Care Act does not constitute an impediment to such cooperation. The exchange of information between different organisations is permitted in the context of such cooperation wherever it is necessary to achieve a common purpose. However, an agency must have lawful grounds for providing the information. In the case of the youth care offices, this means either that consent has been given, or that there is a statutory obligation to provide the information, or that the aforementioned exception applies.

If consent is lacking and the aforementioned exception does not apply, but the social worker feels that the client's interest in withholding the information is outweighed by the importance of releasing it, a social worker with a duty of confidentiality towards the client can plead a conflict of duties or force majeure.

In 2004, the Ministry of Justice set up a Privacy Helpdesk to help agencies explore the potential for cooperation within the terms of the law on data protection. The Helpdesk advises agencies working in the youth policy field with regard to issues of privacy and looks for ways within the terms of the existing legislation to safeguard the right to privacy while at the same time maximising cooperation.

H Art. 37 a Torture or other inhuman or degrading treatment or punishment of children

Among the draft legislation currently awaiting parliamentary scrutiny is a Bill which would amend the Criminal Code, the Code of Criminal Procedure and the Youth Care Act with a view to expanding the potential for influencing the behaviour of young people (Parliamentary papers, House of Representatives 2005-2006, 30 332). This Bill has already been mentioned in previous reports on the implementation of the CRC. It includes a provision making it impossible for an offender to be given a life sentence for a crime committed when s/he was aged 16 or 17. This complies with the Committee's recommendation that this possibility should be excluded. At present, under article 77b of the Criminal Code, a court can choose to try a minor for an offence committed at that age under adult criminal law. In the case of certain offences, this could mean that the court could impose a life sentence. It should be stressed, however, that this is no more than a theoretical possibility. In practice, no Dutch court has ever imposed such a sentence on a minor.

V Family environment and alternative forms of care

General introduction

On 1 January 2006 there were 3.58 million children (aged 0-17) in the Netherlands, out of a total population of 16.34 million. They accounted for 22% of the population.

Both socially and demographically, families in the Netherlands are changing less rapidly than was expected in the 1970s and '80s. Now as then, the majority of people still choose to live in a nuclear family and this situation is unlikely to change in the near future. At first sight, family structures are characterised mainly by stability.

Most children (around 7 in every 8) live in a household with two parents. However, the number of one-parent families is likely to increase in future. On 1 January 2005, almost 18% of all families with children were headed by only one parent. Most of these are lone mothers, but there are an increasing number of lone father families. In future, there will also be more lone parents of non-Western extraction. The Antillean and Surinamese

communities stand out in this respect: over half of all children of Antillean origin and around 40% of children of Surinamese origin are growing up in one-parent families.

There are various reasons for the increasing number of one-parent families. Divorce is the most important. In addition, it is increasingly common for unmarried partners to separate. For a long time, the number of divorces in the Netherlands was fairly stable, but recently it has started to rise again. More than a quarter of all marriages now end in divorce. On average, 60% of divorces involve children. This means that 35,000 children experience parental divorce each year. Another 18,000 children are involved in the break-down of non-marital partnerships. It is estimated that 25% of them will eventually lose contact with one or other of their parents.

A Art. 5 Parental guidance

The relevant information is contained in previous reports.

B Art. 18, para. 1 Parents' responsibility for the upbringing and development of the child

Combining work and family life

Since 2006, workers in the Netherlands have had access to a 'life course savings scheme' which allows them to save for future periods of unpaid leave on fiscally advantageous terms. The scheme does not confer a right to such leave, but helps to fund it.

How does it work? A worker who withdraws savings from the life course savings account receives (irrespective of the type of leave) tax relief of €185 for each year that s/he has paid into the scheme (counting from 2006). For workers who take part in the life course savings scheme and make use of the right to up to 13 weeks of unpaid parental leave, there is a right to an extra tax reduction of 50% of the statutory minimum wage for each day of leave. If both parents make use of this right and between them take full-time leave for a total of six months, they receive a maximum of €3600. This scheme makes it easier for parents to take parental leave and stay at home for a while with their young children.

The Work and Care Act covers all rights to leave. In 2005, the Act was amended to include a right to extended care leave. Workers can take up to six weeks of unpaid care leave a year if they have a child suffering from a life-threatening condition, or a sick partner or parent. The life course savings scheme makes it possible to manage financially during such periods. This provision for extended care leave enables workers to take time off to care for their children if they fall seriously ill.

C Art. 9 Separation from parents and the right of access

Separation from the parents in the context of a child protection order.

The only way that a child can be separated from its parents without their consent is on the basis of a child protection order (supervision order or divestment of parental responsibility, with or without consent). Child protection orders are imposed by the courts where they are deemed necessary in the interests of the child and where the statutory conditions are met. Now that the Youth Care Act is in force, child protection orders are implemented by the youth care offices and, in the case of refugee children and children seeking asylum, the Nidos Foundation. In addition, four nationwide organisations have been mandated to implement child protection orders on behalf of the youth care office and under its responsibility.

In 2004, the Dutch government took the initiative to improve the law on child protection and its implementation through the policy programme 'Better Protected' ('*Beter Beschermd*').

The following improvements are being made:

a. Amendment of the legislation on child protection

In June 2006, a working group published an advisory report on ways to improve the legislation on child protection orders. The report will provide the guidelines for the drafting of new legislation. It is intended that the Bill should be submitted to the House of Representatives in 2007.

The report made a number of basic recommendations. First and foremost, that the interests of the child and its development should be taken as the starting point. Secondly, that the grounds for child protection orders (supervision orders or divestment of parental responsibility, with or without consent) should be modified to ensure greater coherence between supervision orders and divestment of parental responsibility. Thirdly, that the legal status of the interested parties, including foster parents, should be improved. And finally, that the new legislation should lay down how, and by whom, the implementation of child protection orders should be supervised.

In parallel with the Bill's passage through parliament, preparations will be made with regard to implementation so that aspects of the recommendations that can be followed up within the existing legislation can be implemented immediately. The other changes can then be implemented without delay if they receive parliamentary approval.

b. development of new procedures for the implementation of child protection orders

New procedures are being developed and introduced both for the implementation of supervision orders and for the provision of guardianship services by the youth care offices, the Nidos Foundation and the nationwide organisations following an order divesting the parents of responsibility.

In the case of supervision orders, the emphasis is on strengthening the parents' skills in relation to the upbringing of the child.

A supervision order is a temporary measure which is rescinded

- as soon as the barriers to the development of the child which gave rise to the order have been removed, or
- the parents consent to the help needed to remove those barriers.

Where a supervision order has been imposed, the child will normally continue to live with his/her parents. The support and counselling given to the parents must be directed at enabling them to reassume responsibility for the upbringing of their child. If necessary, however, the child can be placed under a care order. Where it is not in the interests of the child that s/he should return to the parents, attempts will be made to obtain the

parents' consent for long-term placement of the child in a foster family or residential institution. The placement can then continue on a voluntary basis.

In the case of divestment of parental responsibility, the child will no longer live with the parents. However, the parents retain the right to keep in touch with their child. The youth care offices, the Nidos Foundation and the nationwide organisations which provide guardianship services have a duty to draw up a case plan. In the procedures to be developed for the implementation of guardianships, there will be a particular focus on this aspect of their responsibilities.

c. improving coordination in the system

New norms are being developed to shorten the time between

- the reporting of a situation in which protection is required,
- the investigation of the report and, where necessary, the submission of an application by the Child Protection Board for a child protection order,
- the consideration of the application by the court, and
- the implementation of the child protection order by a youth care agency.

This will ensure that, in cases where the development of a child is under threat and the parents are not prepared to seek help, the necessary help can be provided more quickly.

Legislation on the promotion of shared parenting and responsible divorce/termination of registered partnership

The Dutch government feels that it is extremely important for the development of children that they should continue to have lasting contact with both parents following divorce or termination of a registered partnership and that the parents should continue to feel a shared responsibility for the child's care, upbringing and development. This is the basic philosophy underlying the draft legislation on the promotion of shared parenting and responsible divorce/termination of registered partnership. (Parliamentary papers, House of Representatives, 30145), which was submitted to the House on 9 June 2005.

There is an increasing recognition among couples that good agreements need to be reached prior to divorce. This is shown, for example, by the steady increase in the

number of joint applications for divorce. In 2003, 52.1% of all divorce applications were made jointly (figures from Statistics Netherlands). If the number of terminations of registered partnerships which were originally marriages is included in the figure, the percentage is even higher. Another important point is that in 92% of divorces involving children, the parents continue to exercise parental responsibility jointly (2003 figure). In 1997, the year preceding the change in the law making joint parental responsibility following divorce the norm, the figure was only 34%. These are hopeful trends. The aim of the new Bill is to reinforce these trends and, by doing so, to reduce the problems surrounding divorce or termination of a registered partnership and subsequent parental access. The proposals are designed to ensure that parents consider parenting arrangements in advance of splitting up and make firm agreements on the subject so that unnecessary conflict can be avoided at a later stage. To try to ensure that parents give careful advance consideration to the consequences of their separation for the children and reach firm and verifiable agreements on this, the Bill provides that parents must include a 'parenting plan' in their application for divorce or termination of their registered partnership.

The parenting plan must, as a basic minimum, include agreements on:

- a. how the parents propose to share the care and upbringing of the child or what rights and obligations are to surround access to the child;
- b. how the parents are to inform and consult each other in relation to important issues relating to the wellbeing and financial assets of children under the age of 18;
- c. the costs of caring for and bringing up children under the age of 18 (child support).

In addition, the Bill includes two explicit norms for parental responsibility. Firstly, it provides that, in addition to the right and duty to bring up and care for children below the age of 18, parental responsibility should also include an obligation on the parent to promote the development of the child's relationship with the other parent. This is accompanied by an obligation on a parent who does not exercise parental responsibility to keep in touch with the child. The Bill is currently awaiting parliamentary scrutiny.

Guardian ad litem

In the course of divorce proceedings, a child may become the object of a dispute between the parents. To improve the position of the child in the proceedings, the Bill

would make it easier to appoint a guardian ad litem. Any court would have the power to appoint a guardian ad litem in any case directly involving a minor. During divorce proceedings, the guardian ad litem could help the parents draft a parenting plan by representing the interests of the child in relation to it. After all, when parents are embroiled in conflict over various aspects of the divorce, it is all too easy for them to lose sight of the best interests of the children. Equally, the guardian ad litem would be able to help the child discuss the parenting plan with his/her parents, assuming of course that s/he is old and mentally mature enough to do so. Finally, the guardian ad litem would be able to help the child apply to the court on his own account for a ruling concerning the exercise of parental responsibility or apply for responsibility to rest solely with the father or the mother.

Divorce and access mediation

The results of the experiments with divorce and access mediation mentioned in the previous periodic report show that mediation is more effective than the usual procedure both at achieving amicable divorces and at resolving conflicts about access to children. Over the next few years, government intends to take a number of measures to promote the use of these forms of mediation. It will do so both by educating the public and by encouraging the courts and the Legal Aid and Advice Centres to refer individual cases for mediation.

D Art. 10 Family reunification

A new policy has recently been introduced concerning the admission of foreign minors wishing to join one or both of their biological or legal parents, who is/are legally resident in the Netherlands. To be eligible for family reunification, the minor must satisfy a number of requirements, including the statutory criterion that s/he is actually a member of the family of the person(s) with whom s/he wishes to be reunited. In the new policy, the interpretation of the statutory criterion is more closely aligned to the concept of 'family life' in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

The policy change is in line with the general underlying principle that parents and children normally belong together and that the family tie uniting them cannot easily be

broken. After all, family life within the meaning of Article 8 of the ECHR can always be assumed to exist between parents and children and comes to an end only in extremely exceptional circumstances. The change also eliminates the disparity between the national and European definitions of family life/family tie between parents and minor children. The clarity of the new criterion will make it easier to decide individual cases and will bring the Dutch approach closer to that employed in neighbouring European countries.

E Art. 27, para. 4 Recovery of child maintenance

The relevant information is contained in previous reports.

F Art. 20 Children temporarily or permanently deprived of their family environment

For developments in foster and residential care, see Art.18, para. 2.

G Art. 21 Intercountry adoption

The Ministry of Justice is constantly on watch for any lack of integrity or due care in intercountry adoptions. Its supervision is based on the requirements and safeguards imposed by the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and includes annual scrutiny of the system by the Youth Care Inspectorate.

A survey of bodies licensed to put prospective adoptive parents in touch with overseas bodies offering children for adoption has recently been carried out by this inspectorate. In view of the results, the procedures for matching prospective adoptive parents to children offered for adoption are now being improved. For example, the screening of prospective adoptive parents is being placed exclusively in the hands of specialist agencies of the Child Protection Board. In addition, to prevent possible financial gain, agreements have reached made with the licensed adoption agencies mentioned above concerning the imposition of government-supervised standards for their financial reserves.

In order to improve supervision of the overseas adoption system and prevent abuses, draft legislation has been put forward providing that each licensed adoption agency should be allowed to operate in a particular country only if specifically authorised by the Minister of Justice to do so. The draft legislation also provides for the procedure for the adoption of brothers and sisters from a single family to be simplified, while still maintaining all the necessary safeguards.

Because evaluation has produced evidence of dissatisfaction with the aftercare received by parents of adopted children, an improved system is now being developed, following the recent developments in the youth care system, to guarantee adopted children and their adoptive parents the specialist (including psychosocial) support they need.

A new Adoption (Conflict of Laws) Act entered into force on 1 January 2004. The new Act contains conflict of law rules regarding adoption but in no way affects the application of the 1993 Convention on intercountry adoption or Dutch legislation in this area. The basic principle of the new Act is that Dutch law applies to any adoption that takes place via the Dutch courts. The only exception is that the national law of the child's country of origin applies where the consent of (or consultation with) the original parents and/or third parties is concerned.

Adoptions via the Dutch courts follow Dutch law as regards family-law relationships between the adoptive parents and the child and the severance of family-law relationships between the child and his/her natural parents. The Adoption (Conflict of Laws) Act also contains provisions on the recognition of overseas adoptions not covered by the 1993 Convention. Furthermore, the Act makes it possible to convert a "weak" overseas adoption that has taken place via a foreign court and been recognised in the Netherlands into a "strong" adoption under Dutch law.

The passing of the Adoption (Conflict of Laws) Act has led to an amendment of the Netherlands Nationality Act: any child adopted overseas via an adoption that does not yet come under the 1993 Convention but is recognised in the Netherlands now becomes a Dutch national provided that at least one of the adoptive parents holds Dutch nationality.

Figures on intercountry adoptions

Children adopted by Dutch families

Year	2003	2004	2005
Number of children	1154	1307	1185

H Art. 11 International child abduction

In recent years, a number of measures have been taken in the Netherlands to prevent international child abduction and to deal with it effectively when it occurs.

Revised Brussels II Regulation

The Revised Brussels II Regulation entered into force on 1 March 2005. A key aim of the Regulation is to improve cooperation between EC Member States in the field of child protection and international child abduction. The Regulation also covers matters relating to parental responsibility. Most of the provisions in the Regulation are designed directly or indirectly to improve the position of children.

The Regulation contains rules intended to simplify proceedings between parents (concerning their minor children) and rules guaranteeing contact between children and non-custodial parents. Consequently it is now easier for parents to make cross-border access arrangements (without incurring the costs of legal counsel) or have existing arrangements modified to take account of the new international situation. If the custodial parent moves with the child to another EC Member State, the parent left behind has three months to apply to his/her local court for an appropriate adjustment of access rights. This is an improvement on the previous situation, in which the non-custodial parent always had to travel to the child's new country of residence in order to initiate judicial proceedings in the child's place of abode. Good access rights may reduce the risk of international child abduction, since research by the Research and Documentation Centre of the Dutch Ministry of Justice (*Wetenschappelijk Onderzoek en Documentatie*

Centrum, WODC) has produced evidence that problems concerning access are one cause of international child abduction. The WODC research report is discussed below.

In July 2005, as part of the implementation of the Revised Brussels II Regulation, liaison judges were designated at The Hague district court for international child protection cases. The same court also has a specialist legal support unit for the liaison judges. The liaison judges act as a contact point for courts involved in international family law cases. Their remit includes facilitating contacts between Dutch courts dealing with actual cases under the Hague Convention on the Civil Aspects of International Child Abduction, the Revised Brussels II Regulation or the Dutch International Child Protection Implementation Act¹ and courts in other countries (or vice versa), so that cross-border consultation can lead to a decision that can be regarded as being in the best interests of the child. The liaison judges are also the initial contact point for the Dutch Central Authority and can act as a clearing house for any notifications of decisions by foreign courts in the context of the Revised Brussels II Regulation.

WODC report

On 22 September 2002, two Dutch NGOs (*Stichting Defence for Children International* and *Stichting Gestolen kinderen*) published a report on the international child abduction situation in the Netherlands. This, among other things, prompted the WODC to undertake a study of factors favouring or preventing the legal resolution of international child abduction cases. The study was conducted in 2005 and the findings were published in January 2006.

The report examines the causes and motives underlying international child abduction, the issue of prevention, the ways in which incoming and outgoing child abduction cases are handled in practice (out-of-court settlements and mediation, contact between the child and the other parent, speed of disposal), the welfare of the child following repatriation, and provision of information. It finds, among other things, dissatisfaction

¹ Act of 16 February 2006 in implementation of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children and of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ EU L 338), and amending the Dutch Civil Code, Dutch Code of Civil Procedure and EC Regulation Implementation Act (Bulletin of Acts and Decrees 2006, 123). Entry into force: 1 May 2006.

with information provision and communication, in particular by the Central Authority. One of its recommendations is that the Central Authority should explain its procedures more clearly to parents and bodies involved in child abduction cases and should improve its information provision. This recommendation has led to the establishment of the Dutch International Child Abduction Centre.

Dutch International Child Abduction Centre

The Dutch International Child Abduction Centre opened on 1 June 2006. It provides information and know-how for parents and professionals (including lawyers) involved in child abduction cases, or who may become involved in such cases in future (www.kinderontvoering.org). Such support may help to prevent international child abduction or, where it occurs, help parents to reach a swifter resolution (something which is in the best interests of the child). The Centre also refers parents to lawyers, mediators and social workers, so that they can seek an amicable solution in the best interests of the child. The Centre is an independent organisation and acts at its own discretion. The Minister of Justice has not transferred any responsibility to it, but remains personally responsible for the tasks imposed on the Central Authority by the Hague Convention on the Civil Aspects of International Child Abduction. The Centre is subsidised by the Ministry of Justice.

Developments regarding countries not party to the Convention

The Hague Conference on Private International Law has been trying for some years to find ways of combating problems which tend to arise in relation to the return of children abducted from the Netherlands to countries which are not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. These countries include, most notably, a number around the Mediterranean. In 2004 and 2006, two conferences of judges were held in Malta. The second concluded that there are ways to persuade the countries concerned of the need to observe a uniform set of basic rules concerning jurisdiction and the recognition of judicial decisions concerning parental responsibility and access rights. If this proves possible in practice, it will eliminate a very major obstacle to the resolution of child abduction cases and, at the same time, offer the prospect of the ratification of the 1996 Hague Convention on the protection of children by the countries concerned. Morocco is already a party to that Convention. As yet, the Netherlands and most other Member States of the European Union are not. A dispute

between Spain and the United Kingdom over Gibraltar has blocked decision-making on collective ratification in Brussels.

Following the Malta conferences, the Netherlands has established bilateral contacts with a number of countries particularly relevant to Dutch cases. For example, a Dutch delegation is to pay a visit to the Egyptian judiciary to see whether cooperation can be improved in actual cases. The Netherlands already holds regular official-level talks with Morocco, including discussion of the potential for joint action in accordance with the principles of the 1996 Hague Convention. Morocco is not yet a party to the Hague Convention on child abduction, but said some years ago that it intended to be so in future. Pressure has been put on Morocco to take action on this.

Figures on international child abduction

Year	2002	2003	2004	2005
Number of cases	91	96	105	113

I Art 19 Domestic violence, sexual abuse and neglect

Committee recommendation 44a has now been implemented. During the 2002-2006 period, the issue of child abuse was high on the political agenda. On 1 June 2003, a broad definition of child abuse (including psychological as well as physical harm) was enshrined in the Youth Services Act. The same definition has been incorporated in the Youth Care Act, which entered into force on 1 January 2005. This new Act has also provided a statutory basis for the Advice and Reporting Centres for Child Abuse and Neglect (*Advies- en Meldpunten Kindermishandeling*, AMKs) and regional publicity campaigns have been run to make the public aware of the existence of the AMKs and how to report cases to them.

Now that the Youth Care Act is in force, the provinces and three metropolitan areas (Amsterdam, Rotterdam and The Hague) are responsible for maintaining the youth care offices of which the AMKs are part and for care provision for all young people in their areas. This includes care for the victims of child abuse. The philosophy is that care should be provided without delay and should be strictly needs-based: action should be

as hands-off as possible but incisive (care order) where necessary in the interests of the child.

The AMKs and the care services are important, but in fact only relevant when it is already too late. The main emphasis of government policy is therefore on measures to prevent child abuse occurring. A major aspect of this is the provision of parenting support for families who request and need it. But not only for them. The authorities and care services must not sit on their hands if parents refuse support that is in the interests of the child. For the 2004-2007 period, the government has therefore earmarked extra resources (€34.5 million) for the identification and support of families at risk. Greater public acceptance of the need for parenting support is also important. Child-rearing is not easy, especially where the parents are struggling in other respects.

Bill banning parental violence

The Minister of Justice has taken various legislative measures in fulfilment of Committee recommendation 44d. On 28 September 2005, he submitted a bill to the House of Representatives banning parental violence in the care and upbringing of children. The bill has now completed its passage through the House and is before the Senate.

The new law should help prevent child abuse and prohibits all forms of violence in child-rearing. Besides corporal punishment, it also covers psychological abuse and degrading treatment. The bill amends Article 247 of the Civil Code, which defines the rights and obligations of parents. In addition, of course, child abuse is – and will remain – an offence under the Criminal Code.

Bill on restraining orders in cases of domestic child abuse

In August 2006, the Minister of Justice and the acting Minister of the Interior and Kingdom Relations submitted a bill to parliament that would make it possible to impose a restraining order on anyone posing a threat of domestic violence. Under the order, the person concerned would not be permitted to enter his/her home for a specified period – normally ten days – or to have contact with other occupants, such as his/her spouse, partner or children in the household. The effect would therefore be to protect those people. The parties consulted on the drafting of the bill all, without exception, advocated its extension to include cases of actual or imminent child abuse. So the bill creates the

possibility of imposing such restraining orders against persons perpetrating child abuse or suspected of doing so. This will add to the arsenal of statutory measures that can be taken in cases of child abuse, which have until now been limited to the imposition of child protection orders (including care orders involving the removal of the child from the parental home). The mayor will be able to impose a restraining order following consultation with the Advice and Reporting Centre for Child Abuse and Neglect. The imposition of the restraining order should be preceded by careful consideration of what is in the best interests of the child and how the safety of the child can best be guaranteed. In principle, no restraining order can be imposed where children would then be left to fend for themselves in the family home.

Completion of National Action Plan against Sexual Abuse of Children

The National Action Plan against Sexual Abuse of Children (*Nationaal Actieplan aanpak seksueel misbruik van kinderen*, NAPS) was intended to improve policy coherence and cooperation between the institutions involved in this area. The activities set out in the plan were designed to improve victim support, reduce recidivism and increase professionalism. At the end of 2002, the Minister of Justice submitted the final report on the results of the NAPS to the House of Representatives.

Much has been achieved, but further action is still required. For this reason, the approach instituted by the action plan has now been incorporated into mainstream prevention and youth care policy and into the strategies for dealing with child abuse and domestic violence.

The Minister of Justice is also looking at new areas of life in which the sexual abuse boundary can be easily overstepped. The end of 2006 will see the completion of a study of new forms of sexual behaviour among young people, such as chatting, instant messaging and other means of “sexually charged communication” via mobile phones and the Internet. By engaging in such activities, young people make themselves extremely vulnerable and the situation can lead to abuse, adolescents engaging in sex for payment, sex parties given by and for young people and boys – primarily of Moroccan descent – being sexually abused and ending up in prostitution. The study is looking at whether behaviour of this nature can be described as voluntary and whether it can lead to prostitution.

Child abuse reporting code

Implementation

During the 2004-2006 period, the Ministry of Health, Welfare and Sport has worked on the introduction of a child abuse reporting code for professionals in the organised childcare, education and child healthcare sectors. The code serves as the basis for institutional protocols on the procedures to be followed by such professionals in cases of suspected child abuse.

Extensive consultations have been held with various sectoral organisations and there is now wide support for the use of a reporting code. Information on the reporting code and its use has been published in professional journals and newsletters and on websites, and various workshops and talks have been given. To conclude this implementation process in the relevant sectors, current use of the reporting code was surveyed in January 2006. The results showed that use in the education sector is as yet below-target, but that the majority of institutions in the child healthcare and organised childcare sectors are now using it.

A number of specific follow-up activities have therefore been undertaken to encourage use of a reporting code in education. For example, all internal counsellors and school heads in the primary and secondary school system have been sent copies of a booklet underlining the importance of using a reporting code.

Better use can also be made of the support structures in and around schools. The use of a reporting code and the need to discuss signs of child abuse should be on their agenda too.

In child health care, measures are in place to ensure use of a code. Use of the “child abuse standard” (the reporting code for the child healthcare services) is now on the assessment checklist of the Health Care Inspectorate, making it obligatory for all healthcare institutions.

In the organised childcare sector, alertness to child abuse and carefully considered, effective procedures where it is suspected are assured by HKZ certification of childcare providers. To obtain certification, providers must maintain certain procedures for dealing with cases of suspected child abuse. At the time of writing, around one-third of all providers in the sector are certified. In addition, employers in the sector are working with parents to update the voluntary agreement on the quality of organised childcare, which obliges all childcare organisations to use a reporting code for child abuse which lays down a clear procedure to be followed in cases of actual or suspected child abuse and/or sexual abuse.

Legislation

The introduction of the reporting code in the sectors specified above is a major advance, but its use can be further extended. Measures also need to be taken to ensure that the reporting code continues to be used in the future. The government intends to introduce a statutory obligation to use the reporting code.

Breach of professional confidentiality

Professional confidentiality is also a factor in decisions taken by professionals on whether to report child abuse. Since 2003 the law has provided that medical and other professional confidentiality can be breached wherever this is necessary to end child abuse or to investigate a situation in which there is a reasonable suspicion of child abuse.

Duty of care providers to report child abuse

Since 2003, all care providers have a statutory duty to report to an AMK any case of past or present child abuse committed by a member of staff that comes to their attention.

RAAK regions

In 2003, the RAAK approach was initiated in four regions. RAAK is the Dutch acronym for “child abuse reflection and action group”. The approach is being funded by the Ministry of Health, Welfare and Sport. Its aim is to develop a comprehensive strategy for tackling child abuse that will eventually include parenting support services, a system for identifying child abuse and adequate means of dealing with it. In 2006 the main focus of

activity was on structural integration of the approach via training and knowledge transfer. A handbook laying out the necessary enabling conditions and offering concrete examples is expected to appear in early 2007. The government decision on whether to roll out the approach nationwide will not be taken until the final results of its pilot use in these four regions are available. Information on good practice and promising activities are being disseminated via websites and newsletters, and conferences are being held on a regular basis.

Research on the extent of child abuse

No empirical research has ever been done to establish the extent of child abuse in the Netherlands. Estimates have always been based on data from other countries. In order to gain a more accurate understanding of the number of children suffering abuse, the types of abuse occurring, the identity of the victims and perpetrators, and the situations in which child abuse occurs, the Ministry of Health, Welfare and Sport and the Ministry of Justice are now jointly funding research into the prevalence of child abuse in the Netherlands. The results are expected at the end of 2006. Based on the outcome of the research, the two ministries will then consider whether further policy initiatives are required and, if so, what form they should take.

Domestic Violence Strategy Programme

An estimated 100,000 children witness domestic violence in the Netherlands each year. Some of them need intensive long-term help to recover from the experience, but their needs are not always recognised. To improve this situation, some regions have now set up “*Kindsporen*”: agreements between the police, Public Prosecution Service, youth care office, AMKs and sometimes other general or youth care agencies establishing the procedures to be followed where children have witnessed domestic violence. The Ministry of Justice and Ministry of Health, Welfare and Sport have jointly commissioned a survey of best practices and practical guidance, which is to be published at the end of 2006 and is intended to provide further encouragement for the development of “*Kindsporen*”.

In 2007 a nationwide publicity campaign will be launched to spread the message that domestic violence is unacceptable. This will be targeted at a number of groups, including children.

Problems

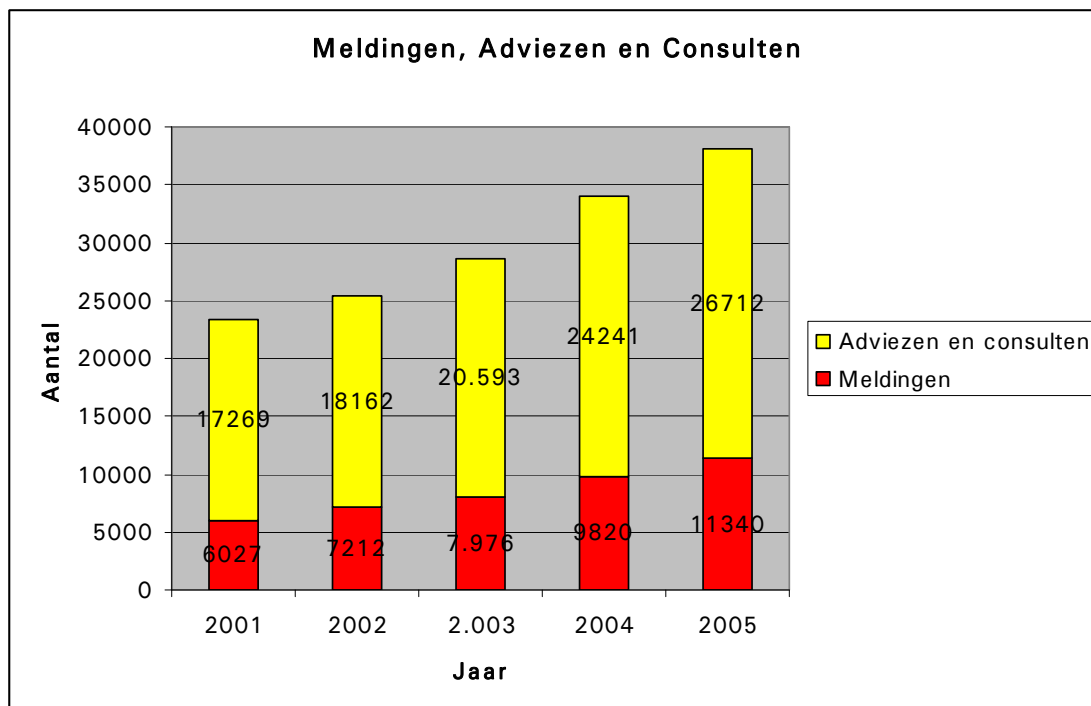
Since the AMKs were placed on a statutory footing, there has been a steep rise in the number of reports of child abuse. In 2002 only 25,374 cases were reported to the AMKs but by 2005 the number had risen to 38,052: an increase of around 50%.

The improved level of reporting is welcome, because child abuse should be reported whenever possible (if not always). However, the increase in the number of reported cases has resulted in much longer waiting lists at the AMKs, especially in 2004 (the year that saw the greatest growth). The reason for this was that the AMKs were funded on the basis of past budgets and resources for additional manpower to cope with the increase in reporting followed growth rather than anticipating it.

The Dutch public has also been shocked by a number of cases in which children have actually died as a result of extreme abuse.

Central and provincial government have invested heavily, especially in 2005, in order to cut the waiting lists at the AMKs. This has been successful in around half of the provinces and lists are also shrinking in the others. Following an initial growth in 2005, waiting lists were halved in the first three months of 2006. However, the situation is not yet stable and for this reason central government has earmarked extra resources to deal with the growing number of reported cases in 2007. In addition, a nationwide pool of professionals has been created in order to deal flexibly with waiting lists at the AMKs wherever they may occur.

Reports/ requests for advice reaching AMKs



Source: NIZW

{translation for graph:

Heading: Reports, Requests for Advice, Consultations

Vertical : Number

yellow: Requests for advice and consultations

red: Reported cases

horizontal: Year

VI Basic Health and Welfare

A Art.23 Disabled children

In the previous report we wrote that, generally speaking, Dutch policy on disabled children is much the same as policy on adults with disabilities, with specific facilities

being provided or measures taken for disabled children only when necessary. This is still the case. But there has been one important change. Government now assesses in advance whether general policy measures are likely unintentionally to exclude disabled people and, if so, how this can be prevented. Only then is general policy translated into specific provision or measures.

The decision to pursue this kind of 'inclusive policy' is based on principles of equal treatment and the implementation of human rights. The aim is no longer to 'gloss over' the disabilities of the children concerned; the differences between children are now openly acknowledged. This means that equal participation is no longer simply the aim of policy, but its actual starting point. In fact, we no longer seek to compensate for the deficiencies of society, but rather to gear society to allowing children with disabilities to function properly within it. Whereas the previous report stated that children with disabilities should be given opportunities to develop their talents, the aim now is to organise society with these children in mind.

The Netherlands has only recently made this policy switch and its impact is not yet directly apparent in every area. But the change certainly means that every part of the Convention on the Rights of the Child now applies equally to children with disabilities.

The decision to pursue 'inclusive policies' was not made overnight. It was the outcome of a lengthy process. In the educational field, in particular, the aim has been to integrate disabled children into mainstream education for some years.

On the other hand, too many people still feel that disabled children should grow up in a separate world. Schools and parents sometimes find it difficult to accept their presence in mainstream education. These attitudes are a barrier to the integration of special education into the mainstream system.

In 2004, the government set up a Disability and Society Task Force (*Taskforce Handicap en Samenleving*) to raise public awareness and increase automatic public acceptance of people with disabilities. The task force was initially appointed for three years and recently extended for another year. It fulfils the Committee's recommendations in this

area. The position of young people with disabilities is one of the priority areas to be addressed by the task force in 2006 and 2007.

Funding of pressure groups

Government subsidies for organisations representing the interests of people with disabilities, including parents' associations representing the interests of disabled children, are supplied via a special fund for patient groups, disabled organisations and the elderly (*Patiënten Gehandicapten en Ouderen*, PGO Fund). The subsidies are intended to strengthen the position of disabled people in the privatised health care sector and to promote peer group contact, the spread of information and the interests of the disabled.

Schooling for children in need of extra educational support

Primary and secondary education includes various systems for the provision of extra educational support for children who need it on a temporary or permanent basis. This special needs provision is locally based for children experiencing 'slight' difficulties and organised on a national basis for those with more serious disabilities or disorders.

Going to School Together

Under the Going to School Together scheme, primary schools are grouped into consortia designed to provide the right kind of education for all the children attending them. Each consortium has a special needs budget that schools can use for children in need of extra educational support. In addition, each consortium includes at least one 'special school' – a school which receives extra funding and has smaller classes so that it can provide more help for children who need it (sometimes only temporarily). Special schools also act as sources of specialist support and advice for the other schools in their consortia.

Secondary education consortia

Secondary schools (apart from the two most academic types) are likewise grouped together in consortia designed to provide the right kind of education for all the children attending them. As in the primary sector, each consortium has a special needs budget that schools can use for children in need of extra educational support. The consortium

also arranges practical training and provides learning support and hands-on education for those who need it.

Special primary and secondary education and the personal budget system

Pupils with a serious disability, illness or disorder can attend either a special (primary or secondary) school or, if the parents prefer it, a mainstream school. In the latter case, the pupil is allocated extra funding for special needs support. This is known as the personal budget funding system. The money goes directly to the school to help it tailor the education it provides to the pupil's special needs. A child can attend a special school or receive a personal budget only if it is judged by an independent committee, on the basis of nationally established criteria, to be entitled to such provision. Around 60,000 children in the Netherlands attend special schools and approximately 20,000 have a personal budget.

On 1 January 2006, the personal budget system was extended to include secondary vocational education. This enables pupils with a special needs assessment to attend such vocational colleges with extra support and counselling from a care institution and peripatetic support from a special school. This improves access to secondary vocational education and enables special needs pupils to make a smooth transition from secondary school to secondary vocational education.

Special schools for primary and secondary education are of ten types, arranged in four clusters:

- Schools for visually impaired children, or children with multiple disabilities including a visual impairment (cluster 1).
- Schools for deaf children, hearing-impaired children and children with severe speech defects, or children with multiple disabilities and one or other of these disabilities (cluster 2).
- Schools for physically disabled children, children with severe learning difficulties and chronically sick children with a physical disability, or children with multiple disabilities including one or other of these disabilities (cluster 3).
- Schools for severely maladjusted children, chronically sick children with no physical disability and special schools attached to paedological institutes (cluster 4).

Schools within the same cluster work together at regional level in a Regional Expertise Centre.

B Art. 24 Health and Health Care

Preventive health care for children and young people

The Netherlands has an extensive system of health care provision. Everyone below the age of 19 is offered preventive health care designed to give early warning of deviations from the normal pattern of physical, mental, cognitive and social development.

There is a fixed programme of preventive health care for the under-19s. All children are examined on at least twenty occasions (mainly concentrated in the first few years of life) to ensure that they are developing normally in six different respects. This service is provided locally by Municipal Health Services and baby and toddler clinics and the vast majority of children receive such preventive care: take-up is more than 95% in the first few years of life, dropping to around 80% later.

Youth health care is a joint responsibility of central government and the municipalities. Central government establishes the programme nationwide and promotes high quality implementation. The municipality commissions its implementation, supplements the nationwide programme with activities of specific local relevance and manages the interface with local youth policies.

The nationwide health prevention policy framework includes a number of specific objectives in the case of young people. These include reducing the rate of childhood morbidity (in particular asthma and diabetes) and improving children's lifestyles in order to reduce the incidence of disease in later life. The main priorities are to reduce smoking, obesity, drug use, sexually transmitted diseases and the rate of teenage pregnancy and abortion.

Environmental health

Environmental health impacts are often greatest and most prolonged in the case of children.² For example, asthma and allergies, or cancer or cardiovascular disease in later life, can all be due to childhood exposure. Where children grow up determines their exposure to harmful environmental factors and also their opportunities for developing a healthy lifestyle. That is why the environment in which children grow up needs to be protected. In general the Netherlands is fairly good at protecting the environment, but a survey conducted by the National Institute of Public Health and the Environment (*Rijksinstituut voor de Volksgezondheid en Milieuhygiëne, RIVM*) shows that the country could do better both in protecting children against negative environmental impacts and in ensuring that children's surroundings actively promote health. To this end, the Youth Environment and Health Action Plan has now been drawn up. This policy plan is based on European agreements and aimed at providing children with better protection against possible harmful effects of factors in their local environment. It was initiated under the national Health and Environment Action Plan 2002-2006, which concerns – among other things – healthy indoor environments (in homes and schools) and the quality of the local living environment. Following the evaluation of this action plan, special attention is now being paid to the situation of children in these respects.

Trend monitoring

The youth healthcare services monitor children's development and record the results. The resulting data is also used to monitor general trends. From 2008, the data will be fed into an electronic database providing easy access to information on the changing health status of children in the Netherlands. This can then be used to adjust programmes and policies.

Access for ethnic minorities

Ethnic minorities, asylum seekers and illegal immigrants have good access to youth healthcare services. Ethnic minorities make just as much use of them as the indigenous population. For asylum seekers and illegal immigrants, however, the situation is different: in their case, use is rather patchy.

Genital mutilation (female circumcision)

² Children's health and environment: a review of evidence (WHO-Europe/EEA, 2002)

The government aims to put an end to female genital mutilation (FGM). Regarded as a serious and unacceptable form of child abuse, FGM is equated with assault and therefore a criminal offence in the Netherlands. Where the act is committed outside the Netherlands by a person holding Dutch nationality or by a foreign national habitually or permanently resident in the Netherlands, the Dutch courts have jurisdiction. Since 1 February 2006, it has no longer been subject to the dual criminality requirement (arts. 5 and 5a of the Criminal Code) and legislation is now being prepared providing that the limitation period for this form of abuse will only start running from the moment victims turn 18.

The government has requested the Council for Public Health and Care (*Raad voor de Volksgezondheid en Zorg, RVZ*) to report on effective ways of combating FGM and has adopted many of the recommendations made in the Council's subsequent 2005 report. These include improved identification of cases, the preventive role of the youth health care services, targeted public information, action to identify at-risk children, and better training of relevant professionals. Twelve new measures are to be taken.

The most important measure is an intensive campaign in six regions where the rate of FGM is expected to be highest: Amsterdam, Tilburg, Rotterdam, The Hague, Eindhoven and Utrecht. The Minister of Health, Welfare and Sport has given these regions funding for an intensive campaign, to be conducted mainly by the local Municipal Health Services. Action is to be tailored to the specific locality: every community is different and the services are expected to analyse needs at local level. FGM is a culturally and religiously determined problem and action to change behaviour in this respect is likely to take some considerable time.

Regions are to report on progress annually to the Ministry and are to involve self help organisations (organised groups of minorities) in their campaigns. Regions other than the six already mentioned are also to take action, but must pay for this out of existing resources. They will be assisted by the Pharos organisation, which advises on health care for refugees and asylum seekers.

Health and Nutrition

In 2002 government resources were used to launch a planned five-year campaign by the Netherlands Nutrition Centre to encourage breastfeeding. The campaign (costing an average of €300,000 a year) focuses on the healthcare services, public attitudes and support, the mothers themselves, and government policy.

A survey conducted in 2005 revealed an upward trend in breastfeeding in the Netherlands. The proportion of babies exclusively breastfed during the first six months of life has risen from 18 to 25%. The proportion of mothers who initially breastfeed is 79% but this declines sharply to 54% offering exclusive breastfeeding after one month and 35% doing so after three months.

Ideally, six months exclusive breastfeeding confers the most health benefits. However, the health benefits of persuading more women to breastfeed from birth are greater than those of extending the period of breastfeeding from, say, three to six months. For this reason, the new government target is to increase the proportion of mothers breastfeeding from birth to 85% in 2010. The Nutrition Centre's new campaign for 2007-2010 is aimed at achieving this figure.

The Netherlands supports the introduction of the Baby Friendly Hospital Initiative in hospitals, post-natal care organisations, midwifery practices and youth healthcare services. More than half of all neonates now receive certified care (meeting set standards).

A revised version of the bulletin advising healthcare workers on the nutrition of children aged 0-4 years is being published at the end of 2006. Support for breastfeeding is an important element of the advice. The bulletin advises that breastfed babies should be given a vitamin K supplement during the first three months of life and that children up to the age of four years should be given a vitamin D supplement to ensure good bone development. The Health Care Inspectorate has been involved in the drafting of the bulletin.

A new, innovative public education campaign on healthy nutrition and other aspects of parenting started at the end of 2006. Conducted via the internet, it is called 'Hello World'.

Every child born in the Netherlands will be officially welcomed. The aim is to offer systematic help to lay the foundations of a healthy life even while the baby is still in the womb and during the first years of its life. This should reduce the risk of the child suffering from chronic disease and/or obesity in later life. The project involves cooperation by a large number of parties, national and local, in both the public and the private sector.

The Netherlands is also keen to ensure that children (aged 4-12) and young people (aged 12-18) eat a healthy diet that will reduce the risk of chronic disease and obesity in later life. For example, central government is providing support for a project ensuring that primary school children learn about fresh fruit and vegetables and experience eating them in the classroom. Central government is also co-promoting a project encouraging secondary schools to provide 'healthy options' in their canteens.

It is not easy to change the behaviour of children and young people. Many factors are involved. In 2006 an action plan on obesity was launched,, resulting from a voluntary agreement on obesity which the government concluded in 2005 with the food industry, hospitality sector, catering industry, the supermarkets, healthcare insurance companies, employers and organised sport sector. The aim is to tackle obesity in a coherent and effective way by encouraging people to eat a healthy diet and take sufficient exercise. Some of the projects mentioned above are part of this action plan.

HIV/AIDS

The Committee recommended the Netherlands to take all necessary measures to reduce mother-to-child transmission of HIV/AIDS. In 2004, partly in response to this recommendation, the Netherlands introduced universal HIV testing of pregnant women with the aim of providing pre and post-natal treatment to prevent the transmission of the virus.

Over the last few years, testing for sexually transmitted diseases (STDs) has been strongly encouraged. Various campaigns have been run and action has been taken to step up supplementary curative action by municipal STD clinics (that is, supplementary to the treatment available from general practitioners). At-risk groups (including teenagers) are being actively and specifically targeted.

For schoolchildren, there are specific teaching packs designed to serve as a basis for discussion of sexuality, STD prevention, unwanted pregnancy and (unnecessary?) violence.

National Vaccination Programme

In response to the Committee's recommendation, the Netherlands is taking all necessary measures, in cooperation with parents and religious leaders, to ensure universal vaccination of children. Although the take-up rate is lower in municipalities with large concentrations of people who object to vaccination on religious grounds, it is high nationwide and has risen again slightly over the last few years. The average rate of vaccination is over 95%, which is well above the minimum level recommended by the WHO. The National Institute of Public Health and the Environment's Centre for Infectious Disease Control (RIVM/Cib) already makes a special effort to educate sections of the population who have religious objections about the National Vaccination Programme. The main aim is make them more aware of the problem. In the past, however, activities to persuade them to participate have had little effect and in the Netherlands vaccination is not compulsory.

Since the previous periodic report, the following changes have been made to the National Vaccination Programme:

- Since 2001 four-year-olds have been given a "booster" jab of acellular whooping cough vaccine.
- Since 2002, children are vaccinated at the age of 14 months against meningitis C. In the same year, there was a campaign to vaccinate all children up to the age of 18 years against meningitis C.
- Since 2005, children have been vaccinated against hepatitis B if at least one of the parents was born in a country where the virus is highly or moderately endemic (at 2, 3, 4 and 11 months) or if the mother is a bearer (extra vaccination and immunoglobulin directly after the birth).
- Since 2005, the whooping cough component of the DTPP+Hib vaccination has been replaced by an acellular component.
- Since 2006, vaccination against pneumococcus has been included in the vaccination programme for children at the ages of 2, 3, 4 and 11 months.

Drugs and alcohol

In response to the Committee's recommendation to take all necessary measures to prevent drug and alcohol abuse, the Netherlands has done what it could over the last few years to prevent alcohol abuse by children and young people. The House of Representatives has agreed to various policy proposals on Alcohol and Young People contained in the government's letter of 24 March 2005 on the subject. The principal measures are:

- * stricter enforcement of the minimum legal age of 16 years for mild alcoholic beverages and 18 years for strong liquor;
- * introduction of a new educational slogan in all media advertising of alcoholic beverages conveying the message "not for the under-16s";
- * development of a large-scale campaign targeting parents and advising them to delay the consumption of alcohol by their children for as long as possible;
- * a greater stress on the links between alcohol and violence.

Pre and postnatal health

It is in the best interests of children to act early to identify behavioural difficulties, assess the risks they pose and where necessary provide appropriate treatment without delay. The relevant parties in the youth healthcare services are drawing up guidelines for the early identification of psychosocial problems. These will address the period from pregnancy to the child's 19th birthday. The need for close cooperation and smooth handovers between prenatal, postnatal and youth health care services is also recognised and the relevant parties are now preparing written protocols for this too.

On 27 January 2005, the Health Council of the Netherlands published a report on the risks of alcohol consumption related to conception, pregnancy and breastfeeding. According to this report, it is not possible to indicate a safe limit for alcohol consumption around the time of conception and during pregnancy and breastfeeding. The only safe option is to abstain from alcohol consumption altogether. The Health Council also feels that couples wishing to conceive should be offered one-to-one counselling about alcohol and pregnancy.

This is now going to be provided. In 2006 the Royal Dutch Obstetricians' Association (*Koninklijke Nederlandse Organisatie van Verloskundigen*, KNOV) launched a nationwide pilot project on the provision of preconception care by midwives. At various places in the Netherlands, midwives are providing individual counselling for would-be mothers on alcohol consumption and other issues. Following the pilot, preconception care will be rolled out nationwide so that all women can receive professional advice tailored to their needs before they become pregnant.

Youth mental health services

Legislation

The Youth Care Act, which entered into force on 1 January 2005, provides that the youth care offices must decide what care young people with severe developmental and behavioural difficulties and psychiatric problems should receive and are the sole gateway to such mental health services for young people. The only exception to this rule is that a doctor (usually the family doctor) may refer directly where there are self-evident signs of psychiatric disturbance.

In 2005, the fact that such care can only normally be obtained following a specific needs assessment by a youth care office proved problematical. This prompted central government to make an extra €17 million available in that year on a one-off basis for intake and diagnostic work in the youth mental health sector; from 2006 onwards, an extra €16 million a year will be provided for this work on a structural basis.

A protocol developed in 2006 for the assessment of young people with psychiatric problems is intended to improve the division of diagnostic duties between the youth care offices and youth mental health services. Discussions have been held on how the flow of clients currently reaching the mental health services via family doctors can be rechannelled through the youth care offices.

Unfortunately, children with behavioural, developmental or psychiatric difficulties are still having to wait too long to receive attention from the youth care system and youth mental health services. On 1 January 2005 there was a waiting list of 20,000 for youth mental health services (compared with 13,500 on 1 January 2004). Of these, 5000 were in the intake phase, 11,3000 in the diagnostic phase and 3,800 awaiting treatment. It is

possible that the growing waiting lists are due to improved diagnosis by the youth care offices and youth mental health services; cries for help which used to go unheard are now being recognised at an earlier stage. There is also a shortage of psychiatrists trained to treat children and adolescents. More funding is to be earmarked to reduce waiting times and an action plan has been drawn up to tackle waiting times for youth care. This includes performance targets for all the parties concerned.

Supply of services

Increasing numbers of children with psychiatric problems and behavioural difficulties are making use of youth care services, chronic care provision and special forms of education. The growth in uptake is partly due to earlier diagnosis of children's problems. However, there may also be a growing social tendency to medicalise children's problems by labelling unacceptable behaviour as symptomatic of ADHD, PDD-NOS etc.

The Committee recommends the State party to take all necessary financial and administrative measures to ensure adequate availability of mental health services. In the Netherlands, youth mental health services are provided by the child and youth departments of the Regional Institutes for Outpatient Mental Health Care (RIAGGs, now generally part of integrated regional mental health care institutions) and the general psychiatric hospitals, the children's departments of the teaching hospitals and the outpatient clinics at psychiatric institutions serving children and adolescents.

These are primarily concerned with treating mental disorders among children and adolescents. However, these often occur in combination with developmental and behavioural difficulties, which are the responsibility of the youth care system. For this reason, the youth mental health care services are part of the youth care network, as well as part of the networks surrounding other areas of the health services, such as primary and specialist health care. Close cooperation and coordination between youth mental health care and the somatic care services are vital in this respect. Likewise, the youth mental health care services play a major role in the care and welfare network, both by preventing mental disturbance and by identifying the early signs of it in schoolchildren and school drop-outs.

In recent years, there has been rapid growth in the youth mental health care sector. For example, the number of beds in clinics was 1409 in 2003, compared with only 1230 in 2000. Similarly the number of patient days was 479,000 in 2003, compared with 387,000 in 2000; the number of part-time treatments that year was 175,000, compared with 118,000 in 2000; and the number of outpatient contacts was 636,000, compared with 559,000 in 2000. In the course of 2003, 35,000 children were registered as new patients, 62,000 children had at least one contact with a mental health institution and 32,000 children were discharged from patient registers. Of the children who had contacts with institutions, 95% received outpatient care, 1% inpatient care and 4% a combination of the two. (Source: *GGZ in tabellen, Trimbos Institute.*)

The total cost of mental health care in 2003 was just over €3.5 billion (source: *Statistics Netherlands*). This is 10% of total spending on health care in that year. The child and adolescent psychiatric units cost €172 million. Over the 2001-2003 period, the total cost of mental health care increased by 21%. In the case of the psychiatric units serving children and adolescents, however, the increase was 30%. (Source: *GGZ in tabellen, Trimbos Institute.*)

Orthopsychiatry

In 2007 the Ministry of Health, Welfare and Sport will become responsible for the treatment of young people with serious behavioural problems, who are at present committed to young offenders' institutions under civil (i.e. not criminal) law; at present, the Ministry of Justice is still responsible for such young people (for further information, see Art. 18, para. 2). Some of the juveniles concerned suffer from multiple problems: severe developmental and behavioural difficulties in combination with psychiatric problems. They need to be treated within the youth mental health care system and extra capacity will be made available for this over the next few years; at present, this means an extra 176 inpatient places in orthopsychiatric institutions.

In 2005 the government earmarked an extra €5 million in an emergency plan to create extra crisis treatment places in the youth mental health care system. Institutions were able to use this money in that year to reach agreements with the youth care office on the provision of extra care.

Access to care

On 1 January 2006, a new health insurance system was launched in the Netherlands. The whole population of the country now have to take out private health insurance. The health insurance companies have to accept everyone who applies and children under the age of 18 are insured free of charge.

On 1 January 2008, curative mental health care is to be transferred from the Exceptional Medical Expenses Act (AWBZ) system into this mainstream system. Youth mental health care institutions will then have to deal with the insurance companies on behalf of their patients; the treatment of a small group of chronically ill patients will continue to be funded under the AWBZ system (because it is long-term in nature).

Young homeless people

The government and the four major cities in the Netherlands (the G4) have drawn up an action plan designed to offer rough sleepers and other homeless people a better life and, by doing so, reduce public nuisance and crime. The plan includes action on the young homeless. An integrated, individually tailored approach is to be adopted to ensure that they and other homeless people no longer fall through the net but are referred, like other members of the community, to the appropriate care services. Coordination of the operation is in the hands of the municipalities. This highly individual approach is to be adopted not only in the G4, but also in 39 other regional urban centres. By 2008, they should all have arrangements in place for this.

Cooperation with developing countries

The Netherlands invests considerable effort in international cooperation on health care. The emphasis is on assisting the least developed countries and on improving basic health, in particular health care systems, and the manpower necessary for this.

Considerable financial and technical assistance is given to improve health in the broadest sense of the word, and this assistance is growing. It is distributed via bilateral cooperation, multilateral organisations (mainly WHO, UNICEF, UNFPA and UNAIDS), national and international NGOs and Global Health Initiatives. These include various activities which are especially relevant to children, such as mother and child programmes and initiatives, sex education, vaccination programmes (e.g. the GAVI

campaign), the provision of essential medicines, and programmes for the control and treatment of infectious diseases like malaria, TB and HIV/AIDS. In 2005, the Netherlands was the fourth biggest UNICEF donor in terms of US dollars.

Health and nutrition

For many years, the Netherlands has targeted aid at multilateral organisations and national/international NGOs to help them protect breastfeeding and promote the practice of exclusive breastfeeding during the first six months of life.

Within the context of development cooperation, the Netherlands has striven to publicise the Convention as a means of improving child nutrition and child health. For example, it helps UNICEF and the International Baby Food Action Network (IBFAN) to give technical advice to the Committee on the Rights of the Child. This includes, for example, the selection of appropriate indicators for inclusion in reports from countries and NGOs. It also includes the interpretation of legislation in the nutrition and health field, in particular concerning breastfeeding and the International Code of Marketing of Breastmilk Substitutes.

In addition, the Baby Friendly Hospital Initiative (BFHI) has done much to advance policy on infant nutrition and to train health workers. The Netherlands continues to support the BFHI and its expansion from hospitals into the community, and also to support organisations engaged in training for the protection, promotion and support of breastfeeding.

More action is still needed to reduce anaemia due to iron deficiency. The Netherlands has for several years been funding the purchase of iron tablets by UNICEF, but this is still only a drop in the ocean. It is also encouraging initiatives to enrich foodstuffs with iron.

HIV/AIDS

The Netherlands provides support via many channels for a host of activities relating to HIV/AIDS prevention and the care of AIDS patients. It makes a substantial contribution to UNAIDS and also to its special Africa Initiative. In 2005, the Netherlands was the third

largest donor to UNAIDS in terms of USD. It is also the largest donor to UNFPA, which tackles the problem mainly through prevention.

Prevention is still the main way to stem the HIV/AIDS pandemic. Intensive action is required to promote behavioural change amongst adolescents but this will necessitate action in many different areas to change the prevailing culture. One essential means of change is to create new balances of power between the sexes, in adolescence as well as adult life. The necessary diversity of action is illustrated by the many different kinds of activity supported by the Netherlands: social marketing of condoms; life skills training in secondary schools; the provision of information to ethnic minorities and immigrants; public education via street theatre, etc.

Prevention of Mother-To-Child-Transmission (MTCT) of HIV is part of the overall approach. Making sure that mothers-to-be do not themselves become infected with the virus is still the most important thing for both mother and child. MTCT can now to some extent be prevented by the administration of drugs. The Netherlands is supporting initiatives to improve access to these drugs.

Transmission of HIV via breastmilk is possible, but exclusive breastfeeding (without supplementary bottle-feeding) increases babies' chances of survival. The risk of dying as a result of infected breastmilk is still less than that of dying as a result of not receiving breastfeeding. Greater clarity is still required regarding factors such as the role of exclusive breastfeeding, the timing of transmission via breast milk, and the advantages and risks of alternative types of baby food, especially in developing countries. Much more research is needed on the medical, ethical and nutritional aspects, and certainly on the long-term effects. The Netherlands is pressing strongly for such research to be conducted and is making financial resources available for it, for example via the WHO and UNICEF.

Young mothers and family planning

The World Conference on Population and Development held in Cairo in 1994 saw the introduction and acceptance of the concept of 'reproductive health', meaning the universal right to a healthy reproductive life, including the right to decide on the number

and spacing of children. The term covers not only maternal health and family planning, but also sex education.

Sexual and reproductive health and associated rights are extremely important aspects of Dutch development cooperation policy. Young people are seen as the key to improvement and the Netherlands supports their right to information and facilities in this area. Other Dutch priorities are:

- * promoting safe motherhood, with a greater focus on the safety of neonates;
 - * action to improve the availability of and access to reproductive health facilities, including contraceptives and condoms (not just for family planning, but also for the prevention and control of sexually transmitted diseases, including HIV/AIDS);
 - * promoting the availability of facilities and properly trained staff for the provision of safe abortions;
 - * promoting the availability of reproductive health services for refugees and people in conflict and crisis situations.
 - * action to combat violence against women and children (often including sexual abuse).
- The Netherlands provides support for the care and assistance of victims, as well as for prevention.

Dutch funding in these areas is often deployed via the UN and national/international NGOs. The Netherlands also raises these subjects as human rights issues.

C Art. 26 and 18, para. 2 Social Security and Youth Care

New health Insurance system

The Dutch health insurance system has recently been radically reformed following the passing of an Act governing social insurance for health care for the entire population (the Healthcare Insurance Act). This created a new form of social health insurance for curative care. The new healthcare insurance system came into operation on 1 January 2006.

Chief characteristics

- Everybody who is insured under the Exceptional Medical Expenses Act (*Algemene Wet Bijzondere Ziektekosten*, AWBZ) is obliged to take out health care insurance under the

Healthcare Insurance Act. This means that everyone who resides or works in the Netherlands is obliged to take out medical insurance.

- The private healthcare insurance companies who are implementing the Healthcare Insurance Act are obliged to accept every applicant who falls under the Act.
- The standard insurance package is specified by law, depending on the type of care to be provided. The health care insurers can themselves specify the person or institution to provide the health care in question, so long as that person or institution is legally entitled to do so.
- Healthcare insurers must in all cases offer a care insurance policy with zero excess. They may also provide policies with statutorily determined amounts of excess.
- All insured persons aged 18 and older pay their insurer a nominal premium unrelated to their income. Care insurers are free to set their own premiums. Premiums may vary for different variants of the insurance policies they offer, but must be the same for everybody who chooses the same variant.
- Persons below the age of 18 are not obliged to pay a nominal contribution. This is a change compared with the former situation, in which many parents had to pay nominal contributions for their children as well.

Exceptional Medical Expenses Act (AWBZ)

The Exceptional Medical Expenses Act provides for a national insurance scheme for the long-term care of the disabled, elderly etc. The Act creates a universal entitlement to appropriate long-term care in case of chronic illness or disability.

In recent years, government has worked hard with civil society organisations to make such provision more client-centred. On 1 April 2003 a major advance was achieved with the introduction of new rules giving clients more options, greater freedom of choice and more say in their care.

The last few years have seen both a sharp rise in the cost of care and a steady increase in demand. The government is having to take action to ensure that this type of care remains affordable. A proportion of it is to be transferred to a different statutory scheme implemented by the municipalities (under the Social Support Act) and another proportion to the Healthcare Insurance Act. The Exceptional Medical Expenses Act scheme will then be used chiefly to insure 'intensive chronic and continuous care'.

Where children are concerned, the basic philosophy is that they should live at home, even if they are severely and/or multiply disabled. This gives disabled children the chance to experience a comparatively normal childhood. The aim is that they should, wherever possible, go to school. In cases of severe multiple disability, they can receive a personal budget for special needs support at school. In cases of very severe disability, there are medical day nurseries (part of the youth care system) and special daycare centres for children with learning difficulties (funded under the Exceptional Medical Expenses Act scheme).

Social Support Act (*Wet Maatschappelijke Ondersteuning, WMO*)

The Social Support Act will enter into force on 1 January 2007. The Act is designed to ensure that everyone has the chance to participate in society, whatever their age – adult and child alike.

It is primarily up to municipalities to encourage such participation and make it possible. The Act contains specific provisions on participation by people (including children) with disabilities. It includes a 'duty to compensate', meaning that municipalities have an obligation to make general and individually tailored provision in the fields of housing, transport, home helps and social life to make it possible for disabled people to participate in the life of society. Municipalities should realise that it is cheaper in the long run to design mainstream provision to be accessible for the disabled than to make specific provision for that section of the population. Infrastructure in local communities will now be more accessible to all.

The Social Support Act replaces the Social Welfare Act and the Services for the Disabled Act. Responsibility for educational provision and for guaranteeing work and income for the disabled had already gradually passed into the hands of the municipalities. Central government expects this combination to lay the foundations for integrated solutions in the various policy fields.

Reservation to the Convention

The Committee advises in recommendation 11 on the second report of the Netherlands that it review its reservation to article 26. The Netherlands has adopted article 26 of the Convention subject to the reservation that it does not confer an independent right to social security on children themselves. Children enjoy the benefits of the Netherlands' social security system via their parents. Where necessary, the Netherlands provides financial assistance for children via their parents. This and other reasons gave rise to the Dutch reservation to article 26 of the Convention. Since that time, there have been no changes that might cause the Netherlands to adopt another position.

Entry into force of the Youth Care Act

The Youth Care Act (*Wet op de Jeugdzorg*) entered into force on 1 January 2005. This legislation represents an important step towards a more client-oriented, joined-up youth care system. Under the Youth Care Act, young people up to the age of 18 with serious developmental and behavioural difficulties who cannot be assisted through general channels such as the education system, youth health care services or social work have a statutory right to youth care. Youth care services are also available for their parents or others with responsibility for their upbringing. However, it should be noted that in this case the service provided is intended merely as assistance. Youth care is also available for young people up to the age of 23 if the youth care office believes it is necessary to prolong the assistance already being provided in connection with the young person's developmental and behavioural difficulties.

Youth care services are not provided simply as a matter of course. The government also looks at what the child's family and social network can do to solve the problems. A relatively small problem can severely disrupt a family that has little capacity to deal with it. Other families, on the other hand, are more resilient, and are able to tackle problems quite effectively with the help of their social network. In short, therefore, in assessing whether youth care services are needed, the youth care office carefully considers whether the family and social network can cope.

Youth care encompasses all care provided to parents and children to address severe developmental and behavioural problems. The care might be provided in the family home or elsewhere, such as a youth care institution or foster families. Several hours of

care a week might be provided over a few months, but in some situations it might be better for the child to live away from the family for a time.

The provincial authorities are responsible for the youth care services provided under the Youth Care Act. However, other types of publicly-funded specialist help for young people and/or their parents are also available:

- provincially-funded care (Youth Care Act)
- youth mental health care (Exceptional Medical Expenses Act, AWBZ)
- care for young disabled people (AWBZ)
- civil-law placement in a young offenders' institution (Young Offenders' Institutions Framework Act)

In accordance with the UN Committee on the Rights of the Child's recommendation 44B, the Youth Care Act complies with the principles of the Convention. Its entry into force was also expedited, as recommended.

The Youth Care Act has two aims. Firstly: to provide better care for young people and their parents (youth care service clients). Secondly: to strengthen their position. The effectiveness of the Act is monitored in various ways, to ensure that it caters adequately for the need that exists. The Act has, for instance, been evaluated, and a Youth Care Brigade has been established.

Evaluation of the Youth Care Act

The Youth Care Act entered into force on 1 January 2005. During its debate on the Act, the Senate adopted a motion submitted by Soutendijk et al.³ This motion requested that the government report to the Senate within two years on the following matters:

- progress with the organisation and streamlining of youth care services;
- practical experience of implementation;
- funding and control.

Under the terms of the motion, the legislation should achieve the desired cohesion and efficiency in youth care services within four years. The evaluation was launched in late

³ Senate 2003-2004, 28 168, F.

2005, and the report and the government's response will be available by the end of 2006.

Youth Care Brigade

The government has set up a 'Youth Care Brigade' to tackle unnecessary bureaucracy in the youth care system. Since September 2004 the Youth Care Brigade has been working with young people, parents, youth care workers and the authorities to identify unnecessary bureaucracy and how things can be done differently. It has also made recommendations as to how unnecessary bureaucracy can be avoided. In its final report of June 2006 the Youth Care Brigade concluded that the youth care system is workable, and that the rules and bureaucracy are commensurate with the specific nature of the sector. However, bureaucracy could be reduced, and the Brigade made 92 recommendations to this effect. In response to one of its recommendations, a bill has been adopted that will prevent some ten thousand unnecessary indication procedures or case review processes.

Prevention

The Youth Care Act comes into play in cases of severe developmental and behavioural difficulties. In recent years the government has made major investments in prevention, to stop these problems occurring in the first place. In the Netherlands, local authorities are responsible for preventive youth policy. Local authority responsibilities in this area have been defined more clearly (see the section on the Social Support Act elsewhere in this report). Timely identification and effective intervention when problems threaten to arise will remain the priority over the coming years. Local Youth and Family Centres and a referral index will help (see under art. 3). The idea is that the demand for youth care services should eventually diminish.

Children's interests

Following a number of tragedies involving children, changes have been made to ensure that children's interests are better reflected in social work practice. For example, under the Youth Care Act a youth care office no longer has to wait for a request from the parents; it can now approach a family after a report has been made by a third party.

Principles of the Youth Care Act

Other important changes introduced by the Youth Care Act include:

1. *Client needs are key*

Young people are the focus of the Youth Care Act. Youth care services must be provided on the basis of the client's needs, as stated in several places in the legislation. Every client has a right to care, and must agree to the assistance plan. This does not, however, apply to child protection. Youth care offices and care institutions must also have an independent confidential adviser, a client council and a proper complaints procedure. Some institutions have a separate youth council.

The provincial authorities and central government must also coordinate their policies with client organisations. Their implementation programmes must for example be submitted to the client organisations.

The National Youth Care Client Forum, which includes representatives of local and provincial client councils, has been active since 2005. The national forum encourages and assists local and provincial client councils, and runs youth participation projects and a national website, among other things. In January 2006 the national council held its first national client day. The 'C Test' has been developed for youth care institutions, to help them to elicit feedback from clients. It is currently being used in around 40 institutions.

2. *A single central, recognisable portal for youth care*

The Youth Care Act has placed the youth care offices on a statutory footing. Each province has a youth care office, which acts as the central portal for youth care services. As a result, parents and young people experiencing severe developmental or behavioural difficulties can turn to a single institution. The office provides access to provincially-funded care, youth mental health care, care for young people with a slight disability and civil-law placements in young offenders' institutions. They will not begin providing access to care for young people with slight learning difficulties until 1 January 2008, in view of the complexity of this particular matter. The new legislation represents an important step towards better cooperation between youth mental health care services and care providers in this field. A partnership protocol states clearly who is responsible for what, and on what criteria decisions are to be based. It sets out requirements concerning indication procedures for young people with psychiatric problems.

3. *The Youth Care Act confers a right to care*

Clients receive care only if they have an indication from the youth care office. To ensure that the right to youth care can be exercised, sufficient treatment and residential capacity will be needed to prevent unnecessarily long waiting times and waiting lists.

The present government has prioritised the reduction of waiting lists and waiting times for youth care. In 2003, structural extra funding of €11.7 million was earmarked for this purpose, rising to €39.4 million from 2007 to increase the supply of care. In response to the rising number of care orders, a further €5 million was provided in 2006, and €33 million for the subsequent years.

Extra money has also been provided to ensure that, by the end of 2006, children receive care within a maximum of nine weeks. A lump sum of €100 million has been made available for this purpose: €50 million in 2006 and €50 million in 2007. In response to the growing demand for youth care services, the government is to provide a further €40 million a year from 2007. The State Secretary for Health, Welfare and Sport has concluded performance agreements with each province, to ensure that, by the end of 2006, children actually receive the care they require within nine weeks. Together the provinces are providing care for an extra 7,700 children in 2006.

The government hopes that the extra funding and the agreements reached with the provincial authorities will mean children with often severe problems will receive the help they need much sooner. It has also made major investments (along with the other parties involved) to reduce the waiting lists at Advice and Reporting Centres for Child Abuse and Neglect (AMKs). A one-off sum of €6 million was provided for this purpose in 2005. The government recently (in 2006?) decided to provide an additional €5 million. Demand is rising sharply and the AMKs' waiting lists, while at one point perhaps reduced to almost nothing, can quickly increase again. More information on developments concerning child abuse and neglect can be found under article 19.

4. *Quality*

The care itself must be good, and comply with certain conditions. For example, effective alert systems and interventions are being developed. The sector itself is introducing quality systems and performance indicators to allow it to assess its own work.

5. *Care available*

A broad range of care is available, from community to residential (institutional) care. There have been new developments in two specific forms of care: foster care and treatment in a secure setting.

Foster care

Under the new legislation, foster care constitutes a special form of youth care. After all, foster parents voluntarily provide a new home, free of charge, for children who are unable to live in their own home. More and more children are being placed in foster care, with figures rising from 12,000 in 2000 to 17,500 children a year in 2005.

At the same time, placements in foster care have been growing shorter over the past few years, particularly in cases involving older children. In 2005, over 35% of all foster placements lasted for under three months. A third of children in foster care are placed with people they know: grandparents, aunts and uncles, teachers or neighbours. About a third belong to ethnic minorities. In 2005, as many boys as girls were placed in foster care. 37% of the children requiring foster homes are under the age of five. Sixty per cent of all foster children are removed from their home under a child protection order issued by a court. Some 10% of the children have a learning or physical disability. The proportion of foster children from an ethnic minority background has risen in recent years from 15% in 1998 to 35% in 2004. The Netherlands has 28 foster care centres (Source: Factsheet on Foster Care 2005, *Pleegzorg Nederland*)

In recommendation 42, the UN Committee on the Rights of the Child recommended that foster care be strengthened and further developed. The government has taken steps to ensure this is the case, with one major improvement in the form of the annual indexation of the foster care allowance and supplements from 2006. Index-linked increases are now paid in advance, too, rather than retroactively. Foster care has also benefited from the extra money the government has made available to tackle waiting lists and waiting

times, which has increased capacity. There are now no capacity problems related to lack of funding; it is now mainly a matter of finding enough foster parents.

Some improvement measures are still in progress:

- The possibility of strengthening the position of foster parents by means of a statutory regulation in the Youth Care Act is being examined. Problems in child protection legislation affecting foster care are being tackled.
- The individual contribution – which the Youth Care Brigade has recommended be abolished – is currently being evaluated.
- A national recruitment campaign for foster parents continues.

Secure youth care

A growing group of young people in the Netherlands have such severe behavioural problems that they need to be treated in a secure institution. This is not yet possible in the regular youth care system. These young people must therefore be sent for treatment in a young offenders' institution (*Justitiële Jeugdinrichtingen, JIJ*), even though they have not been convicted of any crime. Regular youth care institutions are unable to help them because of their specific problems and their need for treatment in a secure setting. Furthermore, there is not always enough capacity to treat these young people. However, placing young people with no criminal record alongside those who have been convicted of crimes is now widely regarded as undesirable in the Netherlands.

In May 2005 the Minister of Justice and the State Secretary for Health, Welfare and Sport therefore decided, partly in response to recommendation 57D of the UN Committee on the Rights of the Child, that these two groups should be housed separately. The Youth Care Act will be amended accordingly. From 2007 young people who at present are committed to a young offenders' institution by a civil court will be committed to a non-custodial form of secure youth care. They will no longer be placed alongside young people who have been sentenced to a young offenders' institution by a criminal court.

This amendment will allow the young people in question to be treated in a secure setting. First, the youth care office will have to issue an indication, and a children's judge will have to issue an order for secure treatment. The new secure youth care system will

focus particularly on intersectoral assistance, providing its clients with both youth care services and help with mild learning difficulties and mental health care. For orthopsychiatric care in the context of mental health care, see article 24.

The State Secretary for Health, Welfare and Sport (not the Minister of Justice) will thus be responsible for young people placed in secure care by a civil court.

The treatment capacity needed to care for these young people with severe behavioural problems will be created within three years. Measures are already under way, with the conversion of a number of young offenders' institutions to new non-custodial institutions, and the establishment of new intersectoral care provision.

Inspectorates

Central government inspectorates are charged with the statutory supervision of most types of youth care, and have the requisite powers. If necessary, the competent administrative authority will take enforcement measures.

Five inspectorates are concerned with young people:

- the Youth Care Inspectorate
- the Health Care Inspectorate
- the Education Inspectorate
- the Public Order and Safety Inspectorate
- the Work and Income Inspectorate

These inspectorates will work in closer partnership, under their joint Youth Supervisory Programme 2007-2012. The key themes of the programme are: child safety in the community; continuity of care; and the expertise of professionals. The inspectorates conduct project-based joint integrated studies of social problems involving young people. The five inspectorates also coordinate their regular individual supervisory activities where possible.

Youth care in figures

1. Youth care office registration

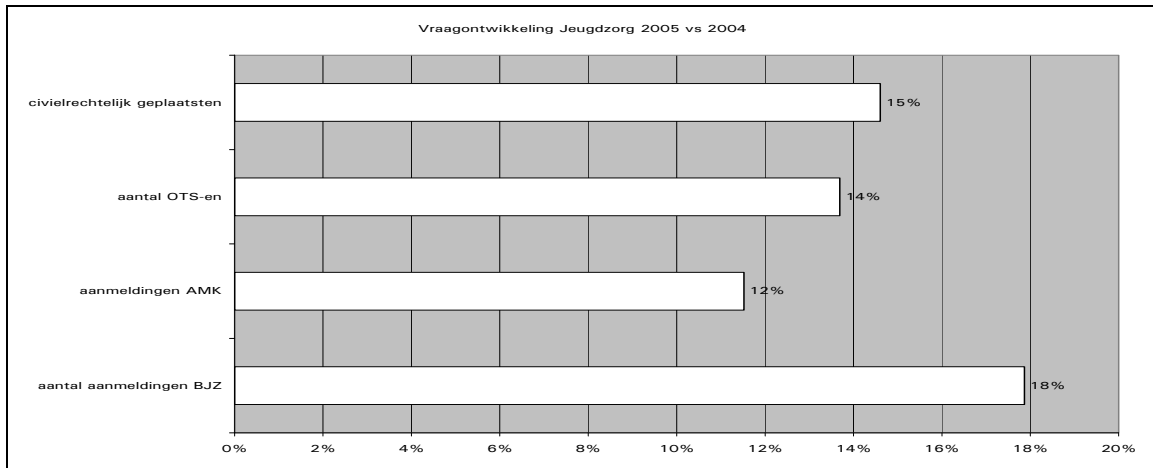
Province/ metropolitan region	2004	2005	difference (%)
Groningen	944	1537	63%
Friesland	1312	1338	2%
Drenthe	1699	1832	8%
Overijssel	2928	3039	4%
Gelderland	5500	7043	28%
Flevoland	1634	2254	38%
Utrecht	3308	3433	4%
Noord-Holland	4922	3686	-25%
Zuid-Holland	5724	6589	15%
Zeeland	441	1175	166%
Noord- Brabant	4778	7454	56%
Limburg	5072	5837	15%
Amsterdam	7017	7478	7%
Rotterdam	1870	2982	59%
Haaglanden	4980	6221	25%
Total	52129	61898	19%

Source: Youth Care policy information

2. Trends in the demand for youth care services

In the first three quarters of 2005 18% more children were registered with a youth care office than in the same period of the previous year (46,000 registrations as opposed to 39,000). Some of the increase was caused by the fact that youth care offices now serve as gatekeepers to the youth mental health care system, alongside family doctors. However, the vast majority of cases concerned youth care services provided by the provincial authority.

There is not only more demand for provincially-funded youth care; the pressure is in fact being felt on several fronts in the youth care sector. The number of children being placed under a supervision order has risen by 14% over the course of a year; the number of reports of child abuse saw a 12% increase, and the number of children being placed in a young offenders' institution by a civil court (crisis placements) has risen by 15% (see figure below).



Source: Youth Care policy information

Trends in demand for youth care services, 2005 v. 2004

placements by civil court
supervision orders
child abuse reports, AMKs
YCO registrations

3. Reducing waiting times for youth care services

		Budget	No. of children
A	Waiting list > wait longer than 9 weeks, as at 1 January 2006		5,000
B	Projected growth in waiting list in 2006 due to extra demand		+ 2,700
C	Total number waiting longer than 9 weeks, 31 December 2006 (A + B)		7,700
D	Extra money from government on taking office in 2002 (coalition agreement, and in response to increase in care orders), and children it is to be spent on	€43 m	- 1,900
E	Remaining number of children waiting, 31 December 2006 (C-D)		5,800
F	Extra money for govt. plan of attack	€100 m	
	- Youth care office community care		- 600
	- Extra efforts by care providers		- 5,200
G	Eventual waiting list > 9 weeks on 31 December 2006		0

4. Use of provincially-funded youth care services (incl. developments in no. of young people in/clients of foster care)

Table 1. Trends in use of provincially-funded youth care services

	1998	1999	2000	2001	2002	2003	2004	2005
Community care indicated	2,114	5,753	6,740	7,761	9,999	11,474	-	-
Day treatment	9,020	8,301	8,491	8,670	9,276	9,299	-	-
Foster care	11,566	11,738	11,646	14,081	13,852	14,929	15,960	17,581
Residential	17,243	17,077	17,044	16,291	16,633	16,013	-	-
Total	39,943	42,869	43,921	46,803	49,760	51,715	-	-

Source: SRJV, Pleegzorg Nederland (2004, 2005)

Table 2. New clients in provincially-funded youth care

	2001	2002	2003	2004
Community care indicated	4,972	6,331	6,978	6,241
Day treatment	4,179	4,632	4,703	3,930
Foster care	4,477	4,233	3,302	6,349
Residential	10,162	10,637	10,383	3,027
Nationally operating institutions				193
Total	23,790	25,833	25,366	19,547

Source: SRJV, PWC (2005)

Remarks:

The number of users of indicated community care, day treatment and residential care cannot be calculated for 2004, as no figures on the number of young people receiving assistance were recorded at the beginning of that year. Influx = new clients receiving assistance for the first time in the year in question.

Data on care provided by nationally operating institutions were not kept separately until 2004. They were included in the figures for foster care and/or residential care. These institutions saw an influx of 193 young people in 2004.

D Art. 18, para. 13 Childcare services

Legislation

Childcare Act 2005

There have been many developments since 2002. In a growing number of families in the Netherlands, both parents work and more and more children spend time away from the home. In 2006, some 340,000 children were in some form of childcare at over 3,500

daycare centres. The costs of childcare are shared between parents, employers and the government. Childcare has been high on the agenda in recent years, reflecting a desire for both better quality and increased capacity. An adequate supply of childcare allows parents more opportunity for combining work and care responsibilities.

The new Childcare Act entered into force on 1 January 2005, reforming the childcare system. 'Demand-side financing', provided via parents, has replaced 'supply-side financing', provided by local authorities. As a result, childcare organisations are now subject to market forces.

The Childcare Act provides for a new method of funding childcare. It assumes that the costs of childcare will be borne collectively by parents, employers and the government. The employer's contribution is voluntary, and in most cases is one of the terms of a collective labour agreement. The aim is for 90% of employees to be receiving a contribution towards their childcare costs from their employer by 2008 (the figure was 73% in 2004). An evaluation of developments in collective labour agreements in terms of employer contributions has led to the conclusion that this target will not be achieved. Employers will therefore pay a mandatory contribution from 2007 onwards.

Parents receive the government's contribution towards the cost of childcare via the tax system. Direct subsidisation of facilities has achieved results. Childcare institutions are competing on price and quality, now that parents are able to move to another organisation if the price is too high or the standard too low.

The new legislation does not set any specific quality requirements for childcare centres. This gives the sector more freedom to set its own rules to ensure it meets the statutory requirement of providing responsible childcare. Each childcare institution must identify its own health and safety risks. It must also be able to show that it is paying due consideration to other matters, such as the staff/child ratio, the size of the group and the qualifications of staff. Furthermore, a childcare institution may ignore the recommendations of the parents' committee only if it provides a written explanation. The local authorities ensure that the quality requirements are met, carrying out inspections and keeping a register of organisations that meet the requirements.

With the Childcare Act, the government wishes to encourage the transformation of the childcare sector, introducing more market forces and allowing parents more choice. The reduction in the number of rules should reduce the administrative burden on childcare institutions. The impact of the Childcare Act will be studied in due course.

Government funding

During the period 2005-2007 government spending on childcare rose from €680 million to €1,580 million.

Balancing supply and demand

In anticipation of the Childcare Act, an incentive programme was launched to increase the number of childcare places to an adequate level. As a result, a balance was struck between supply and demand, with 207,000 daycare places available in 2004.

Funding

During the period 2005-2007 government spending on childcare rose by €900 million, from €680 million in 2005 to €1580 million in 2007. A total of 339,000 children used childcare services. This number exceeded the total number of places available, as few children were in full-time daycare. Generally speaking, there are no longer any waiting lists for childcare places.

Childcare 1998-2004

		1998	2002	2004
<i>Capacity (no. of full-time places)</i>	<i>Age groups</i>			
Centres	0-3	66,380	107,211	124,386
Centres	4-12	19,278	54,995	74,125
Registered child minder	0-12	8,208	10,447	8,203
	Total	93,866	172,653	206,714
<i>Children in daycare</i>	0-3	130,828		213,848
	4-12	52,082		126,141
	Total	182,910		339,989
<i>% of children in daycare</i>	0-3	16.9%		26%
	4-12	3.0%		7%
	Total	7.3%		13%

<i>Capacity per 100 children</i>	0-3	9.19		15.2
	4-12	1.86		4.1
	Total	4.11		7.9

From 1 August 2007 schools will be legally obliged to provide out-of-school care between 7.30 and 18.30, or offer facilities for other parties to do so and set requirements for them to meet. This should allow better coordination of school hours and parents' working hours, reducing the burden both on parents and on school-age children.

Parents will remain responsible for the care of their children, but schools must facilitate the alignment of education and childcare if parents so wish. Working parents with school-age children up to the age of 12 need more help in combining work and raising a family. It is easier to strike a better work-life balance once their organisational problems are solved, providing parents with the opportunity to work longer hours. The key concern is that every child should have the opportunity to develop to its full potential.

Collaboration between schools and childcare organisations will make an important contribution to this. The government wishes to see well-coordinated provision in the fields of education, childcare, sport and culture – known as 'wraparound care' – for every child.

E Art. 27, para. 1-3 Standard of living

Trends, 2001-2004

The Netherlands has a comprehensive system of social insurance and other provisions that guarantee residents a minimum income. A minimum income does not equal poverty; it is enough to cover a person's living costs, provided they use the income support available and exercise financial discipline.

The economic recession has caused a rise in the number of households in receipt of the minimum income: from 451,000 in 2001 (7.1%) to 515,000 in 2004 (7.9% of all households). More recent statistics are not available.

Table Trend in the proportion of households in receipt of an income around the minimum⁴

	Total			Long-term		
	To 101% of minimum	To 105% of minimum	To 110% of minimum	To 101% of minimum	To 105% of minimum	To 110% of minimum
2001	6.6	8.6	11.0	.	.	.
2002	6.7	8.8	11.0	.	.	.
2003	7.4	9.4	11.7	1.9	3.3	4.9
2004	7.9	10.0	12.2	2.1	3.6	5.1

Source: CBS 2000 and 2004 figures provisional

Guide: In 2004, 7.9% of all households in the Netherlands received the minimum income for a whole year; 2.1% had been in long-term receipt of the minimum income.

The table below shows both the trends in the number of households on the minimum income and the proportion of *all* households of a certain type in receipt of the minimum income (long-term or otherwise).

Table Proportion of households in receipt of an income up to 101% of minimum

	Total no. / % of households				Long-term	
	2000	2000	2004	2004	2004	2004
	%	N *	N *	%	N *	%
Under 65		1000	1000		1000	
Single man	11.4	82	102	13.9	29	3.9
Single woman	15.0	83	89	15.7	33	5.8
Lone-parent family	21.8	82	97	23.8	23	5.6
Couples with child	3.0	58	77	4.0	10	0.5
Couples without child	3.4	45	51	3.9	10	0.7
65 and over						
Single man	7.2	11	10	5.6	3	1.9
Single woman	9.9	55	52	9.2	21	3.6
Couple (one or both over 65)	2.7	17	19	2.9	4	0.7
By source of income						

⁴ The income statistics were revised in 2000, with improvements being introduced in the derivation of income definitions. The results of the series prior to 2000 are not therefore comparable with the results of the 2000-2004 series. Given the fact that the review of the income statistics is incomplete, the figures for 2000 to 2004 are provisional. Figures on the number of households in long-term receipt of the minimum income are available only from 2003 onwards, as a result of the review of the income statistics in 2000.

	Total no. / % of households				Long-term	
	2000	2000	2004	2004	2004	2004
				4		
<i>Salaried employment</i>	2.1	75	89	2.5	7	0.2
<i>Self-employed</i>	10.5	70	106	14.8	15	2.1
<i>Unemployment benefit</i>	9.5	5	16	18.3	1	0.9
<i>Sickness/invalidity benefit</i>	14.3	36	42	17.3	14	5.6
<i>Social assistance</i>	66.4	166	161	67.5	65	27.1
<i>Old-age or widow's pension</i>	6.0	93	93	5.7	30	1.9
By ethnicity						
Ethnic Dutch	5.8	312	341	6.2	91,000	1.7
Non-western immigrant	19.9	87	113	23.4	26,000	5.3
Western immigrant	9.1	53	61	10.2	18,000	3.0
Total:	7.1	451	515	7.9	134,000	2.1

Source: CBS 2000 and 2004 figures provisional

1. Labour market participation among single parents

The number of single parents on social assistance is falling: from 92,350 at the end of 2001 to 87,850 in March 2006. The proportion of single parents on social assistance also fell between 2001 and 2005: from 29% to 27% (see table 1).

Table 1: Number of households in receipt of social assistance (members of household < 65 years of age) 2001-2006, by type of household

	Total	Single	Single parent	Couple	Other/ unknown
end of 2001	322080	175880	92530	53010	660
	100%	55%	29%	16%	0%
end of 2002	320100	176630	91400	51500	570
	100%	55%	29%	16%	0%
end of 2003	335425	188035	93870	53025	500
	100%	56%	28%	16%	0%
end of 2004	338575	192070	92750	53110	640
	100%	57%	27%	16%	0%
end of 2005*	328010	186120	88950	51720	1220
	100%	57%	27%	16%	0%
31 March 2006*	325850	185940	87850	51100	960

	100%	57%	27%	16%	0%
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Source: CBS, * provisional figures

Nevertheless, the proportion of single parents coming off social assistance between 2003 and 2004 was lower than the figure for other forms of household. However, more single parents on social assistance were able to find a job, with a slight increase in 2005 (22.6%; February to September 2005) relative to 2003. Among single parents on social assistance, 37% have a basic labour market qualification (secondary vocational qualification or higher), as against a figure of 35% for the entire group of social assistance claimants and 28% among couples. 42% of single parents on social assistance are of non-Western origin. The proportion of single parents who have received social assistance for over five years is slightly lower than the figure for other households, at 37% versus 43% (one-person household) and 45% (couples).

Between 2001 and 2004 many more women joined the labour market. Strikingly, over 25% of them were single mothers. Over this period, the total number of single mothers on the labour market rose by 39,000 to almost 200,000.⁵ Statistics Netherlands (CBS) has put this down to the introduction of new social assistance legislation which no longer automatically relieves single parents with children under 5 of the obligation to seek work. Women have also changed their attitude to combining work and care responsibilities, as evidenced by the growing proportion of mothers who remain in work.⁶

Work and Social Assistance Act

On 1 January 2004 the Social Assistance Act (*Algemene bijstandswet*) was replaced by the Work and Social Assistance Act (*Wet werk en bijstand*, referred to below as the WWB). Local authorities have more freedom to pursue their own policies in implementing the WWB. This allows them to approach individual single parents to encourage them back to work. The WWB has proved effective in getting women off social assistance and back into work.

⁵ CBS, 6 February 2006.

⁶ *Idem*.

The weak labour market status of single parents with children is adequately taken into account. The obligation to seek work applies only to single parents with children up to the age of 12 if the municipal executive has established that suitable childcare and sufficient training are available, and that the parent can actually cope with going back to work. The local authority also weighs up the importance of working against the manner in which the parent wishes to fulfil his or her duty of care for the children.

The WWB includes important incentives to entice women on social assistance back into work, and encourage other women to stay in work, on a part-time basis if they are not able to work full-time. A one-off payment is available, and social assistance claimants can now earn extra income for up to six months without this having implications for their benefit.

Single parents with a child aged below five who have income from work are also entitled to care-related tax credits (supplementary single parent's tax credit, combination tax credit and supplementary combination tax credit).

Childcare and social assistance

The new Childcare Act that came into force on 1 January 2005 replaced specific local authority schemes for single parents. Single parents are now covered by the new legislation. If they are on a reintegration programme they are entitled to an allowance from the local authority for the costs of childcare. In practice, childcare then costs them almost nothing. The allowance may be continued for up to six months after completion of the reintegration programme, to allow the parent to apply for jobs more easily.

2. Social assistance for young people

Young people up to the age of 18 have no individual entitlement to social assistance, as their parents are obliged to provide for their maintenance. Under the WWB families, single people living alone and single parents receive a standard amount of benefit.

Young people aged 18 to 21 have an individual entitlement to social assistance benefits, though they are expected to call upon their parents to provide for their maintenance. The amount to which they are entitled is equal to child benefit.

Young people up to the age of 21 who are living away from home are eligible for additional payments only if they meet certain requirements. Firstly, their essential living costs must be higher than the standard amount paid in social assistance. Secondly, they must be in a situation whereby they cannot reasonably be expected to call upon their parents for assistance.

Table 1 shows that few young people received social assistance in 2006. In percentage terms, the figure has for years been fairly stable relative to the total number of social assistance claimants below 65 years of age, fluctuating between 1.7% and 2.5% in the period 2001-2006.

Table 1: Number of social assistance claimants below the age of 21

	Young people aged 21 or under	< 65	%
4th quarter 2001	7960	322080	2.5
4th quarter 2002	8840	320100	2.8
4th quarter 2003	9540	335425	2.8
4th quarter 2005	8415	337010	2.5
4th quarter 2005	6275	327925	1.9
mid-2006	5490	321970	1.7

Source: CBS

Young people may not be out of work for longer than six months. The youth unemployment action plan stipulates that they must either return to school or find a job within this time. Local authorities apply this rule strictly, and young people are not granted social assistance as a matter of course. In Rotterdam, they receive social assistance only if they participate in a work programme with a cleaning company.

Amsterdam has raised the minimum age for social assistance to 27. Instead of benefits, young people are offered a job, a work placement or training.

42% fewer young people up to the age of 21 now receive social assistance for less than six months. The fall has been less pronounced among those receiving benefits for longer than six months, at 14%.

Social assistance claimants (WWB), end of 2004 and 2005

Duration of benefit	Under age 21			Under age 21	
	2004	2005	%change	2004	2005
	<i>Absolute numbers</i>			<i>% distribution</i>	
Total	8,625	6,275	-27%	100%	100%
<1 quarter	2,380	915	-62%	28%	15%
1-<2 quarters	1,745	1,475	-15%	20%	24%
<6 months	4,125	2,390	-42%	48%	38%
»6 months	4,500	3,885	-14%	52%	62%
2-<3 quarters	925	895	-3%	11%	14%
3-<4 quarters	955	845	-12%	11%	13%
4-<5 quarters	665	595	-11%	8%	9%
5-<6 quarters	555	400	-28%	6%	6%
6-<7 quarters	385	265	-31%	4%	4%
7-<8 quarters	300	270	-10%	3%	4%
8-<9 quarters	240	195	-19%	3%	3%
9-<10 quarters	185	160	-14%	2%	3%
10-<11 quarters	120	110	-8%	1%	2%
11-<12 quarters	75	70	-7%	1%	1%
»3 years	90	80	-11%	1%	1%

Source: CBS

Children residing legally in the Netherlands

On 24 January 2006 the Central Appeals Tribunal for Public Service and Social Security Matters made a decision to the effect that children residing legally in the Netherlands with no residence permit are entitled to social assistance from the government. With effect from 1 January 2007 these children are eligible for an allowance equal to the standard amount of social assistance for single young people below the age of 21. The Benefits for Specific Categories of Aliens Order has been amended to this effect. This is a specific scheme for certain categories of aliens, not general social assistance.

VII Education, leisure and cultural activities

A Art. 28 Education, including vocational training and guidance

Primary and secondary education

Under the Compulsory Education Act (*Leerplichtwet*), children must attend school full-time between their 5th and 16th birthdays; thereafter they must continue to attend part-time until their 18th birthday. From August 2007, young people who do not have a basic qualification will be obliged to attend a programme combining work and study. Children *may* in fact attend school from their 4th birthday, and 97% actually do so.

Minor asylum seekers and asylum seekers' children are also obliged to go to school. They attend either a school attached to an asylum seekers' centre or a mainstream primary school. Some municipalities provide special bridging classes with intensive language teaching, which help to prepare pupils, including minor asylum seekers and asylum seekers' children, for normal classes. The role of special education is examined in Chapter VI, at B.

After eight years (groups) at primary school, children move on to secondary school. There are several types of secondary education (in descending order of academic emphasis): pre-university education (VWO), senior general secondary education (HAVO) and pre-vocational secondary education (VMBO). The basic knowledge and skills regarded as necessary to function properly in society have been laid down in attainment targets. Schools have a great deal of freedom in how they ensure their students achieve the required standard. Parents and students choose the kind of secondary school the child is to attend, though they usually follow the recommendation of the school. However, this recommendation is not binding, and it is schools that ultimately decided who is admitted. VMBO provides support for students who have difficulty coping with the more academic types of secondary education.

In the 2005/2006 academic year the government abolished school fees for the three forms of secondary education mentioned above, and for secondary vocational education up to the age of 18. Parents are no longer required to pay a contribution towards the costs of their child's education. Parents/students buy the books used in secondary

schools themselves. They may be reimbursed for some of the costs, depending on the family income. School fees should therefore present no obstacles to a child's continuing in education. Schools may however ask parents for a voluntary contribution to pay for things like school trips, though this must have no impact on whether a child is admitted to the school.

The parents of minor children attending secondary vocational education (MBO) may also be eligible for reimbursement of costs. However, secondary vocational students aged 18 and over are liable for school fees. Students are eligible for a government grant from the age of 18. The amount they receive depends on the fees payable and the costs of study aids such as course books.

Higher education

Institutions of higher education may set requirements regarding the suitability of applicants for places. Applications and the awarding of places are managed centrally. Higher education institutions charge tuition fees, but the student finance system makes it financially feasible for all students to take a higher qualification. Students with parents on a low income may be eligible for a supplementary allowance.

The provision of information on education

Primary education

All parents/carers are sent the national guide to primary education in the year that their child turns three. The guide contains information on the choice of school, registering your child, rights and obligations, and legislation. Every year, the Ministry of Education, Culture and Science asks primary schools to draw the attention of pupils and parents in years 7 and 8 (the final two years of primary school) to the national guide to secondary education. 'Secondary School – A guide for parents, carers and pupils' contains information on all types of secondary education.

Parents/carers with children at primary or secondary school can turn to the national parents' information centre for help and advice.

Secondary education

Most secondary schools have open days so that potential pupils and their parents can get an idea of what the school is like and what kind of teaching is provided. These are usually followed by other information sessions for parents and pupils. The move from primary to secondary school is made easier by a transition class; some schools also have special introductory activities. After the second year of basic secondary education secondary schools must advise pupils on the choices they have to make regarding their subsequent school career. The first two years of secondary school provide a wide-ranging basic educational programme to prepare pupils for the various programmes available throughout the rest of the school. It is the school's responsibility to inform pupils as to how their choice of subjects will affect their study and career prospects.

Various other bodies also advise pupils and teachers on children's choice of subject, school and career. A career guidance test is available. The teaching unions can provide information on the test. Most schools have ties with a teaching union, and receive funding for that purpose from the education ministry. The Secondary Education Act pays for school choice and career guidance.

Vocational education

Institutions of vocational education are legally obliged to offer their students careers advice and guidance. In 2005, the government made an extra €2.5 million available for the purpose. The Education Inspectorate monitors the quality of the service provided, while the government provides encouragement and support. Since 1 December 2005, an internet portal (www.opleidingenberoep.nl) has provided access to all information on course and career choices and the labour market for students in vocational education. They will soon also have access to a specialist telephone helpline on courses combining work and study. These new courses will allow young people who have temporarily dropped out of education to explore what they might like to do later on, rather than immediately making a specific career choice.

Early childhood education

Children who have a good start are able to develop better and enjoy more success in education and society at large later in life. The government therefore makes substantial investments in early years education, an essential phase in a child's development, in which any potential disadvantage can be identified and tackled at an early age. In recent

years the budget for early years education has risen steadily, reaching €170 million in 2006. Until 31 July 2006, municipalities were responsible for early years education for both pre-school age and school age children. This has now changed. As of 1 August 2006, municipalities are responsible for early years education for pre-school children and schools themselves for school-age children. The government's aim is for around 70% of children with an educational disadvantage to take part in early years education by 2010. In the longer term, the idea is that all children should receive early years education, to maximise their prospects of development. This should mean that disadvantaged children start school with considerably fewer language and developmental difficulties. Some 137,000 children aged 2 to 5, particularly certain ethnic minority children and children with poorly educated parents, are in need of this kind of help.

Measures will be taken to ensure that all children from this target group receive help and any (potential) developmental disadvantage is identified at a very young age. Parents will also be encouraged to allow their children to attend early years provision, such as play groups or daycare. The aim is to provide comprehensive services in collaboration with baby and toddler clinics, play groups and primary schools.

Preventing dropout

The Dutch government intends to take stringent measures to tackle the intractable problem of early school-leavers. The Minister of Education, Culture and Science submitted a memorandum on future prospects (*Aanval op de uitval*) on the subject to the House of Representatives on 28 April 2006. The memorandum and agenda for action that accompanied it set out a target of halving the 2002 figure for early school-leavers by 2010, in an attempt to meet the European Union's Lisbon objective.

First, disadvantage at the early years stage will be tackled. The transitions between primary, secondary and secondary vocational education will also be eased. A good registration system, sound policies on truancy and strict enforcement of the school-leaving age will mean that youngsters cannot drop out of school unnoticed. More than half of young people who leave school early without qualifications have a job (68%). They will be encouraged to continue studying. Unemployed school dropouts will be given special treatment. They will be given 'tailor-made' assistance combining work and study, provided jointly by schools, local authorities, care institutions, Centres for Work and

Income, social services, the justice system and employers. The government is encouraging the establishment of one-stop shops (*Jongerenloketten*) for young people to provide them with all the help and services they need.

The education minister has reached agreement with the twelve regions with the highest school dropout rates on a 10% reduction in the 2006/2007 school year. Compulsory work and study will also be introduced from August 2007. Local authorities will be given powers to introduce compulsory work and study as a last resort in combating school dropout. They will be able to force young people aged 18-23 to take a job or return to education.

The government wants as many young people as possible to leave school with a good education. This is not always a simple matter for some secondary school pupils. Certain pupils can prepare themselves well for the outside world if given extra support, while others have much poorer prospects, in view of their abilities and their poor social and emotional development. For the former group, pre-vocational education offers learning support, while the second group have access to practical training. National criteria apply in both cases. This special provision targets pupils with both social and emotional problems, and educational disadvantages.

Learning support is not a separate type of education. It is in fact one of the four programmes available in pre-vocational education, and takes various different forms (depending on the programme and the individual support provided).

Practical training, on the other hand, is a separate type of education, catering for pupils aged between 12 and 18. Each pupil has his or her own individual development plan which serves as the basis for the education they receive at school. The behavioural problems of certain pupils are also dealt with. Ultimately, the aim is to prepare these pupils for a job in their region.

Some pupils cannot be catered for in a regular school environment, as their behaviour makes them too difficult to handle. Separate rebound programmes are available for these at risk pupils. They attend special 'second chance schools' – partly to improve safety in their regular school – where they receive help with their problems, and later

return to their own school. By 2007, rebound programmes must provide places for 4500 pupils. Efforts are also being made to improve collaboration between schools and institutions providing youth care services either in or outside school.

School discipline and the Convention on the Rights of the Child

Although, under article 23 of the Dutch Constitution, the running of schools is left primarily to individual school authorities, in practice this does not conflict with the requirements of the Convention on the Rights of the Child as regards the way in which discipline may be maintained at school. Adequate safeguards exist in the shape of the supervision provided by the Education Inspectorate, the powers invested in parents in the participation council and – in secondary education – the pupils' charter. At many schools pupils can talk to confidential advisors if they are experiencing problems at home or at school. The obligations of pupils and parents vis-à-vis schools and vice versa are clearly set out, in agreements about discipline, school handbooks (listing parents' and pupils' rights and obligations) and complaints procedures that provide for an independent complaints committee.

Safety in schools

A safe school environment is essential if children are to learn properly. Schools are primarily responsible for providing a safe environment. This includes tackling bullying. The government helps schools fulfil their responsibilities in this area.

A number of new measures have been introduced since 2004. For example, the government is investing in school welfare services and pupil counselling in primary and secondary schools. Problems involving pupils can be identified and tackled at an early stage. Special services are now also available for pupils with behavioural difficulties who cannot be handled by regular schools, on either a temporary or a permanent basis. Schools can also use the expertise and advisory services of the Centre for School and Safety, which runs a special anti-bullying website (pestweb.nl) and a telephone helpline. A guide to ways of developing social competence is also available.

The Education Inspectorate monitors safety and safety policy in schools. It also has confidential inspectors to whom schools, parents and pupils can report incidents of physical violence, severe bullying, extremism and discrimination in school. Any school

that has reason to suspect that a sexual offence has been committed is obliged to report this to a confidential inspector.

Functional illiteracy

Functional illiteracy is a problem affecting many Dutch people. The education ministry has developed a plan of action (*Van A tot Z betrokken*) to tackle the issue over the period 2006-2010. The plan involves the entire education sector, from early years education to teacher training, in the fight against functional illiteracy. It both promotes reading and encourages illiterate people who are in work to learn to read and write.

Three organisations are implementing the action plan: CINOP, The Reading and Writing Foundation and educational TV channel ETV.nl. They have a joint budget of 4 million euros a year for the purpose, representing a substantial increase in the funding available for tackling functional illiteracy.

The new action plan ensures that children aged 2 to 6 who have a language disadvantage take part in early years education, and that programmes are developed to help identify whether a child is behind in its language development at an early stage once it goes to primary school. Children can catch up in special bridging classes, where they are given intensive language teaching for a year.

International cooperation in the field of education

The Netherlands is keen for its education system to keep pace with that of other countries. This is necessary to prepare pupils for European integration and for increasing globalisation. International comparison and knowledge acquisition can also improve the quality of our education.

Pupils (and teachers) in primary, secondary and vocational education are increasingly benefiting from exchanges and other types of international contact. The previous report mentioned several policy documents pertaining to this matter. Policy has since been further fleshed out in several letters to the House of Representatives, most recently the 'Europe letter' (*'Europabrief'*) from the minister of education (March 2006). This policy also encourages the internationalisation of curricula, with a strong focus on intercultural issues.

The EU Lifelong Learning programme provides a multilateral framework for internationalisation. Within the EU, the Netherlands is keen for European education systems to learn from each other (through a process of 'open coordination') and supports measures to this effect. This is also in line with the agreements reached at the European Council in Lisbon (March 2000) linking the ambition of creating a knowledge-based economy with a desire to achieve greater social cohesion. The Lisbon process has given rise to EU performance comparisons – of reading skills in 15-year-olds, among other things. A progress report is produced once every two years.

This trend was reinforced during the Dutch presidency of the EU in 2004, and 'learning from each other' has become standard practice in European cooperation. The expertise of the OECD is often called on for this purpose. UNESCO and the Council of Europe provide frameworks for the evaluation of trends in human rights education, tolerance and democratic citizenship in the Netherlands.

From the 2007/2008 academic year, the Netherlands intends to allow Dutch student finance to be used worldwide, rather than only on Dutch territory. Students will be entitled to student finance if they study at a higher education institution anywhere in the world, provided it meets certain standards. This should enhance the international mobility of students.

European cooperation is the most common form of cooperation in vocational education. In the Copenhagen Declaration (2002) and Maastricht Communiqué (2004), the EU laid down agreements for closer cooperation on vocational education and training. The Netherlands is currently putting those agreements into practice at home. Mobility is encouraged mainly via the European 'Leonardo da Vinci' programme. The Netherlands also has bilateral programmes with Germany and Flanders. More and more regional training centres (ROCs) also have an internationalisation strategy and their own exchange programmes. Finally, since 2005 pupils in secondary vocational education have had limited opportunities to study abroad under the Dutch student finance scheme.

Cooperation with developing countries in the field of education

Education is also one of the key themes of Dutch development policy. The Netherlands supports developing countries that make serious education plans and actually implement them. In these efforts, the Netherlands works with other countries, international organisations and civil society organisations both at home and abroad. The UN Millennium Development Goals are a key focus of this work.

The Netherlands is spending more and more on education in the framework of development cooperation. In 2001, partly in response to strong public and political support for the UN's Education For All programme and the Millennium Development Goals, the House of Representatives adopted a motion raising the basic education budget to 15% of total spending on official development cooperation in 2007. In absolute terms, this represents an increase from some 200 million euros in 2003 to around 700 million in 2007. The money is spent via bilateral and multilateral cooperation and non-governmental organisations.

The emphasis is on 'basic education', with scope for supporting activities in various other subsectors, such as vocational education, preschool development, HIV/AIDS education, non-formal education, education for the socially excluded and literacy programmes.

- Bilaterally, the Netherlands works with 15 countries: Bangladesh, Bolivia, Burkina Faso, Ethiopia, Indonesia, Macedonia, Mali, Mozambique, Pakistan, South Africa, Suriname, Tanzania, Uganda, Yemen and Zambia. The Netherlands provides financial support for the education sector, though the responsibility for good educational policy and its implementation rests with the national authorities, in consultation with civil society organisations and other donors. In a number of other countries, the Netherlands provides financial support for education programmes run by other countries or organisations, in a system known as silent partnership. The Netherlands is also one of the countries that initiated and takes a leading role in the Fast Track Initiative (FTI), an international partnership involving donors and developing country government set up in 2002 to accelerate the pace of educational reform. FTI is a worldwide platform that aims to boost basic education and raise levels of funding.

- Multilaterally (via international organisations) the Netherlands supports programmes run by UNICEF, the UNESCO/International Institute for Education Planning, the International Labour Organisation and a number of regional partnerships.
- Dutch embassies encourage civil society organisations to take an active role in educational reform. Many Dutch development organisations that receive money from the development budget are actively involved in basic education. For example, the Netherlands funds an Education International programme designed to give civil society organisations, teachers' unions and teachers a say in their country's education policy.

B Art. 29 Aims of education

Primary education, secondary education and special education

Education legislation ensures that pupils can follow an uninterrupted process of development, linked to each child's individual development. Education therefore targets children's emotional and intellectual growth, and should equip them not only with knowledge but also with social, cultural and physical skills.

Another basic assumption of Dutch education policy is that children grow up in a multicultural society. Education therefore promotes active citizenship and social integration, ensuring children have knowledge and experience of the different backgrounds and cultures of their peers. This task is also defined in the Primary Education Act, the Expertise Centres Act and the Secondary Education Act.

The educational side is explicitly dealt with in the school plan and the school prospectus as well as the pupils' charter which secondary schools must produce every two years. Respect for the point of view and culture of others are the most recurrent themes in these documents.

Since the 1990s, secondary schools have offered more teaching in Arabic and Turkish – two of the most common ethnic minority languages. Schools may offer these languages as an exam subject if they wish.

One of the basic premises of Dutch education – indeed, of Dutch society as a whole – is that people should not be discriminated against because of their gender. Dutch education policy is explicitly geared to offering equal opportunities to boys and girls, with a focus on teaching materials and textbooks that combat gender stereotyping. The attainment targets devote specific attention to equal opportunities for girls.

One of the aims of the attainment targets for history and social studies is to enable pupils to form an independent and balanced judgment, based on their own values and those of others. Geography teaching, too, devotes considerable attention to intercultural issues. Primary schools are required to teach children about different religions and belief systems. Intercultural education in many schools also covers subjects such as peace and international cooperation. Science and environmental education and biology teach children respect for the environment and a responsible attitude to sexuality and health.

In the province of Friesland the Frisian language is taught in primary schools, in special schools and in the initial years of secondary school. The lessons are in principle intended for all pupils, so the syllabus takes account of pupils from both Frisian-speaking and non-Frisian-speaking backgrounds. Differentiated attainment targets are set for Frisian at four levels, for Frisian-speaking and non-Frisian-speaking pupils in primary schools and basic secondary education.

Pupils may take Frisian as a final examination subject at the end of secondary school, if their school avails itself of the statutory freedom to include Frisian as optional subject in the second stage of pre-university and senior general secondary education. Frisian can also be used as the language of instruction in daycare, primary and secondary education.

Human rights education

The Dutch government expects the education sector to live up to its responsibility towards society, deciding for itself how teaching should be organised and structured. A government that interfered with the way in which schools fulfil this responsibility would be incompatible with this philosophy. Schools and school boards are given the freedom to live up to their responsibilities, provided they fulfil certain tasks.

The government guides primary and secondary education by means of attainment targets, which are worded in general terms. In the 'Discovering yourself and the world' subject area, the attainment targets relate directly to good citizenship. For example, pupils learn roughly how the Dutch state and European Union work, and the role of citizens. They also learn to show respect for generally accepted values.

Since 1 February 2006 schools have been legally obliged to promote citizenship and social cohesion. The government has commissioned guidelines to help schools in this task (*Een basis voor burgerschap*, Stichting Leerplanontwikkeling, Enschede, March 2006). The guidelines explicitly mention human rights as an integral part of citizenship education.

The attainment targets for citizenship and social cohesion are designed to ensure that more people from all parts of society learn to participate. They make clear to all schools what citizenship is about. Since schools help form the basis for good citizenship, it is important that they think about how to teach it. Citizenship is not the preserve of a single individual or body, it belongs to us all. 'Discovering yourself and the world' covers matters such as interaction with other people, solving problems and attributing meaning. The attainment targets help ensure that children learn what they need to know about citizenship.

Dutch education policy is affected by international bodies and legislation. There are no internationally binding regulations on education. However, countries do use the open method of coordination, based on exchange and best practice, to learn from each other and grow closer. International declarations and conventions such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child guide this process, of course. Active citizenship and social integration also involve combating discrimination, and require that freedom to shape one's own identity, as well as freedom of religion and belief, and freedom of expression, are guaranteed. Young people must also have a say on matters that affect them. Education for democratic citizenship is strongly encouraged at European level. The Education for Democratic Citizenship project has been running for many years, and 2005 was declared the Year of Active Citizenship Through Education.

Citizenship featured in the debate that the Ministry of Education, Culture and Science initiated during the Netherlands' presidency of the EU in 2004. The debate focused on citizenship education in Europe, following on from one of the aims of the Portuguese presidency in 2000: to underline the importance of active citizenship and social participation. A study entitled 'Citizenship – Made in Europe: living together starts at school' was published in support of the debate. It calls for the social function of education, and the importance of cohesion and shared values, to be underlined.

The present government is drawing up an action plan on human rights education in collaboration with non-governmental organisations and other stakeholders, in order to implement a motion adopted by parliament, and as part of the UN's World Programme for Human Rights Education. The action plan will both catalogue current activities in this area, and identify any gaps that need to be filled.

Highly gifted pupils

The Ministry of Education, Culture and Science is encouraging the building of expertise, by various means, to enable highly gifted pupils to be identified and assisted.

It is no simple task for schools to do this alongside their regular activities, as has been shown by the experiences of various networks, the information centre for highly gifted pupils in secondary education (*Informatiepunt Hoogbegaafdheid Voortgezet Onderwijs, Christelijk Pedagogisch Studiecentrum*) and three education ministry-funded pilot projects in schools. Proper provision for these children involves much more, and the issues surrounding care, teaching methods and the organisation of teaching are complex. A structural approach has been in place since 2003. Each region must have a school with expertise in teaching highly gifted youngsters. A start was therefore made in 2004 on the creation of a comprehensive national network of schools with extra provision and special teaching for highly gifted pupils (*begaafdheidsprofiel scholen*). They can provide help and advice on how to deal with highly gifted pupils at the request of other schools in the region. The project is being implemented in stages. The first six schools aspiring to this status were launched in September 2004; a further nine were added in September 2005, and the final batch of specialist schools will be designated in August 2006.

The aim of the project is that, by 2009, on the basis of quality criteria currently under development:

- these specialist schools should be identifiable as institutions that provide high-quality education and guidance to highly gifted pupils;
- there should be national coverage (approx. 25 schools), to guarantee accessibility for parents and pupils;
- continuity should be guaranteed.

Vocational education

The government sets the attainment targets for each vocational qualification, on the basis of proposals from representatives of the education sector and the private sector. This ensures that vocational education complies with the requirements of article 29 of the Convention.

Freedom of education

Article 23 of the Constitution ensures that the Netherlands complies with the provisions of article 29, paragraph 2 of the Convention, since the freedom of education guaranteed by this article makes it possible to set up schools and provide education. To qualify for funding, schools must meet certain conditions, including a minimum number of pupils, competent teaching staff and a proper qualification structure. Religious or ideological groups may set up their own schools. If they meet all the conditions these private schools are funded in the same way as public-authority schools. The majority of schools in the Netherlands (some 65%) are private schools. Similar freedoms exist regarding the provision of religious education.

In practical terms, there is some segregation in the Dutch education system. Children from certain population groups tend to go to the same school. This is due largely to the segregation that exists in neighbourhoods, where people from the same population group tend to congregate. Parents in the Netherlands may send their children to the primary school of their choice, and the vast majority opt for their neighbourhood school.

Partly in response to the Committee's recommendation 31, the government is attempting to ensure more mixed schools are created, and has taken several measures to this

effect. From the 2006/2007 school year, primary and secondary schools must hold annual consultations with the local authority to decide where steps can be taken to combat segregation and promote integration. Local authorities and schools agree the contribution schools (and the local authority) are to make. The Ministry of Education, Culture and Science helps local authorities, schools and parents to put the agreed measures into effect. Possibilities include information material for parents, a website to act as a forum where parents can exchange ideas, examples of good practice for local authorities and schools, and research measuring the effects of segregation on schools.

C Art. 31 Leisure, recreation and cultural activities

School hours and leisure

In the first two years of secondary school and in the third year of senior general secondary education (HAVO)/pre-university education (VWO), schools must provide at least 1040 hours of teaching. In the upper grades, at least 1000 hours of teaching are provided each year, and in the final examination year, 700 hours. Schools may set their own timetable according to their own ideas about education, within certain boundaries.

Schools must provide primary school pupils the opportunity to eat at school during the lunch break. From 1 August 2007 primary schools will be obliged to offer out-of-school care between 7.30 and 18.30, or provide facilities for other parties to do so, under certain conditions. Schools may offer all kinds of after-school activities, in some cases in collaboration with parents. Sports clubs, music societies, cultural institutions and other organisations are also involved. Such activities, which are available at many schools, are a good way of offering children something extra out of school hours.

After-school activities are not governed by legislation. This gives parents and schools maximum choice and flexibility, and removes any unnecessary administrative burden. Schools and local authorities may look at how such activities tie in with out-of-school care, to provide comprehensive facilities and wrap-around care that is attractive to children. This applies particularly to sport. Central government is in negotiation with national education, sport and daycare umbrella organisations on ways of further improving links between sport at school and after-school care.

Secondary school pupils receive an average of 7 to 10 hours' homework each week. The study burden in the upper grades of senior school (HAVO/VWO) is an estimated 40 hours a week, including sport and cultural activities that form part of the curriculum.

These days, young people spend less of their free time on collective activities in a public setting (on the street or playing fields) and more on individual activities in a private setting. Young people also have less leisure time than they did ten years ago. A young person at school has an average of 40 hours' free time each week. Less and less of this time is spent with the family. As a result, young people are doing less voluntary work and participating less in social and cultural activities organised by youth services.

Culture

The Ministry of Education, Culture and Science is keen for all school-age children to be exposed to culture at school. Its Culture and School project aims to encourage more teaching about and involving culture. To achieve this, the Ministry is working with local and provincial authorities, cultural institutions and educational organisations. Central government focuses on facilities for schools, teachers, pupils and cultural institutions. Many cultural institutions are specifically involvement in cultural education.

The Ministry is investing extra funding in this project, rising from four million euros in 2004 to 22 million in 2007. The money is being spent in various ways:

- Encouraging schools to set out their vision of cultural education and incorporate it into school policy.
- Encouraging schools and cultural institutions to work together.
- Primary schools may apply for €10.90 per pupil per year for cultural education activities.
- Secondary school pupils receive vouchers and a young person's cultural discount (CJP) which allows them to participate in cultural activities at a reduced price. Pupils in the first stage of secondary education receive €5.70 a year (per pupil) and pupils in the upper grades a one-off payment of €22.50 (per pupil) for culture and the arts.
- Cultural institutions and schools can jointly apply for funding for cultural education projects under the cultural education scheme.

- Agreements have been reached with local and provincial authorities concerning support for cultural education in schools.
- Art and culture are also important elements of community schools (partnerships between schools and the local community, generally providing education, sport, care and cultural activities), boosting the relationship between cultural education at school and out of school.

Sport

Various activities were organised in 2004 as part of the European Year of Education through Sport. The focus was on young people's participation in a range of sporting activities. Following on from the success of this special year, the government stepped up the collaboration between schools and sporting organisations with the establishment of the School and Sport Alliance (*Alliantie School en Sport*). This venture, involving the Ministry of Education, Culture and Science, the Ministry of Health, Welfare and Sport and National Olympic Committee*National Sports Federation (NOC*NSF), focuses mainly on schools for primary, secondary and vocational education and on sports clubs. The idea is that by 2010 all the pupils at 90% of schools will be able to take part in sports on a daily basis, both in and outside school hours. Other schools tailor their teaching programme to the sporting ambitions and competition schedules of talented young sportsmen and women.

2004 also saw the launch of the neighbourhood, education and sport incentive scheme (known in Dutch by the acronym BOS, *Buurt Onderwijs en Sport*). The government is using sporting activities targeted at particular neighbourhoods to reduce the disadvantage suffered by some young people in terms of health, wellbeing, education, training, sport and exercise. The scheme is also designed to tackle the nuisance caused by some young people. Collaboration between schools, community organisations and sports clubs is key.

The Minister for Immigration and Integration believes that sport is an excellent way of helping young immigrants to establish themselves in Dutch society. The initial results of a study by the Netherlands Organisation for Scientific Research[nwo.nl] (NWO) into the role and significance of sports clubs in a multicultural society are promising. Sports clubs

provide a setting for important learning processes, where young people can learn how to interact with others, make contacts and resolve conflicts.

A special programme ('*Meedoen allochtone jeugd door sport*') is designed to help ethnic minority youngsters and their parents with bonding, parenting and integration through participation in sport. The programme is intended to encourage ethnic minority youngsters to join sports clubs. This is not only good for integration, it will also raise the numbers of ethnic minority youngsters playing sports, helping them catch up with other sectors of the population.

The Youth Sport Fund (*Jeugdsportfonds*) encourages disadvantaged children to join sports clubs. It pays the membership fee and buys kit and equipment for any child who is keen to take up a sport, but whose parents cannot afford it. The Fund targets schools, youth care services and social welfare institutions rather than parents or children. The government has helped put the Youth Sport Fund concept into practice in various locations throughout the country.

Sexual harassment and other abuses of power are known to occur at swimming pools. Over the past ten years both sporting organisations and swimming pools have made attempts to tackle this problem, with the support of the Ministry of Health, Welfare and Sport (VWS). They have invested in a comprehensive system of measures and facilities to prevent such incidents.

Space for the young

Local authorities are responsible for the local environment in which people live. Central government tries to encourage them in this task. A recent policy letter on outdoor playing areas and a competition for child-friendly projects in public spaces are just two examples of the government's efforts in this area. Local authorities and organisations are being exhorted to think about how the living environment can be modified to give children more room to develop.

Central government is keen for local authorities to take the interests of children into account in developing and zoning the living environment. It has drawn up a special handbook on play areas (*Handboek Speelruimtebeleid*) with the Child Friendly Cities

network. It offers guidance to local authorities seeking to introduce a comprehensive policy on play areas, or to improve their existing policy. The 70 competition entries have also been published in a booklet to inspire others.

For the handbook and booklet, see www.kindvriendelijkestedden.nl.

VIII Special protection measures

A Children in emergency situations

I Art. 22 and 29 Refugee children

The Committee made a number of recommendations which are examined below.

Firstly: the Aliens Act 2000 has been evaluated, and the results of the evaluation are being debated in parliament. The evaluation and a written transcript of the proceedings in parliament can be sent to the Committee.

Secondly: the definition of unaccompanied minor alien (*Alleenstaande minderjarige vreemdeling*, AMV) was amended on 20 July 2004. Prior to that date, a minor asylum seeker was not regarded as unaccompanied if it was established that an adult relative (up to the third degree of consanguinity, whether residing in the Netherlands legally or not) was present in the country. That relative was regarded as responsible for the care and supervision of the minor child. The matter of whether the minor child was eligible for refugee status was of course considered. The minor child was not eligible for leave to remain under the special policy on unaccompanied minor asylum seekers (regular grounds for permission to stay in the country, additional to asylum policy).

The amendment means that any AMV who is not accompanied by a parent or legal guardian is eligible for special leave to remain if it is found that he or she is not eligible for refugee status. Minor asylum seekers whose application for leave to remain had been rejected before 20 July 2004 because they had relatives in the Netherlands could submit a new application. All such applications have been granted, and the minor children in question have now been given permission to remain in the country. The new

definition of an unaccompanied minor asylum seeker is also in line with international standards.

Thirdly: since mid-2003 new asylum applications from AMVs below the age of 12 have no longer been subject to the 48-hour asylum procedure. They are now handled with great care and attention under the 'examination centre' procedure, by officials specially trained in interviewing minors and deciding on their applications.

The asylum applications of other minor asylum seekers (aged 12 or over) – whether unaccompanied or not – are dealt with under the 48-hour procedure.

Unaccompanied minors are covered by the special policy described above if their application is rejected. Judgments handed down by the European Court of Human Rights in Strasbourg, for example, and recent guidelines on minimum standards for asylum procedures within the EU suggest that handling the asylum applications of minor children under the 48-hour procedure is in line with international standards.

Complex asylum applications are dealt with further under the longer examination centre procedure, which may take no longer than six months.

Further developments since the previous report

Adequate care

In 2001 the Netherlands launched a reception centre project in Mulemba (Angola) with a European organisation for the care of unaccompanied minor asylum seekers and local NGOs concerned with the protection of minors (www.mulemba.org). The project provides care in Angola for minor Angolan asylum seekers whose asylum application in the Netherlands has been unsuccessful. A 'children's village' provides them with care, food, education and health care until they reach the age of majority. Teaching focuses on practical skills that will help them find work when they reach adulthood. To date, all the AMVs who during their asylum procedure had declared they were orphans have been claimed from the village by their parents. A similar project was launched in the Democratic Republic of Congo in 2005.

Examination to establish age

In April 2004 the Minister for Immigration and Integration established an independent committee to oversee examinations to establish the age of asylum seekers in the Netherlands. Such examinations are an important tool for the government in its attempts to better serve the interests of minor asylum seekers. The Netherlands has a special policy on asylum under which a minor is more likely to be granted a residence permit than an adult. Adults without documents sometimes claim they are minors to qualify for this policy. Examinations to establish age are intended to prevent adults from being accommodated in special facilities designed for AMVs, with all the attendant problems. In the opinion of the committee, such examinations are a safe, tolerant and acceptable instrument that excludes the possibility of minors being taken for adults.

The Youth Care Act entered into force in 2005. Under the new legislation Nidos – an organisation that cares for young asylum seekers – remains responsible for the guardianship of AMVs who have submitted an asylum application. The organisation also deals with care orders for minors who have submitted an application, or on whose behalf an application has been submitted, who are residing in a Central Reception Organisation for Asylum Seekers (*Centraal Orgaan Opvang Asielzoekers*, COA) reception centre.

In mid-2005 the Youth Care Inspectorate launched a study of AMVs at five reception centres run by the COA and the affiliated regional offices of care organisation Nidos. The study looked at how AMVs are prepared for return to their country of origin by providing them with a safe environment, good education and competence-based guidance. The government is implementing the Inspectorate's recommendations, particularly:

- ensuring stability and continuity in guidance and accommodation;
- devoting more attention to the views of the young asylum seekers;
- providing education that is more in line with their needs.

The government is to make new arrangements for the care of unaccompanied minor asylum seekers, partly in response to an evaluation of the reception of AMVs at campus sites. The new arrangements are based on care in foster families for AMVs under 12, and at COA reception centres for older children.

ii Art. 38 Children in armed conflicts

The Netherlands is active in various ways on behalf of children in armed conflicts. The process of ratifying the Optional Protocol (OP) on the involvement of children in armed conflict is almost complete. The OP is currently before the Senate, and the ratification process will be rounded off in the near future. The OP raises the minimum age for forced recruitment from 15 to 18. The Dutch government will thereby be obliged to take all possible measures to prevent the involvement of minors in armed conflicts as part of the armed forces.

The Netherlands is also funding a number of projects targeting children in armed conflicts. For example, it is supporting a multi-year UNICEF project in Uganda that aims to provide vocational training in camps for children caught up in the conflict. The Netherlands is contributing a total of 1.3 million euros to the project.

The Netherlands' general contribution to War Child and UNICEF also benefits this group. UNICEF is in continuous dialogue with governments and military commanders, bringing the issue of child soldiers to their attention. Via its Strategic Human Rights Facility the Netherlands is funding a project in El Salvador to find children who have disappeared as a result of conflict. The country is also contributing to a Colombian demobilisation and reintegration project for young people. It also pays a special contribution to the UN Special Representative for Children and Armed Conflict.

Finally, the Netherlands ensures that EU directives concerning children in armed conflict are implemented. During the Dutch EU presidency in 2004, the implementation of these directives was one of the Netherlands' key focuses in the field of human rights. The plan of action drawn up in this context assumes that EU member states and/or the European Commission will coordinate and, if necessary, supplement the EU's efforts in a number of countries where the issue of children in armed conflict is particularly relevant. The plan focuses on efforts in Colombia and Uganda, among other places, through the projects mentioned above.

B Children in trouble with the law

i Art. 40 The administration of juvenile justice

Aims and principles of policy

The Dutch government's aim is to prevent young people from dropping out of society and resorting to crime. Young people who have already committed a crime must not do so again and become involved in more serious crime. The principles and objectives of the strategy for tackling youth crime are set out in the youth justice programme 2003-2006 (*Jeugd terecht*), which forms part of the government's public safety programme. The measures in this programme aim to allow early intervention, expedite and improve the disposal of cases, enhance the effectiveness of sanctions, provide immediate after-care and offer an approach tailored to each young person's situation.

Early intervention

The Dutch government hopes to prevent young people from descending deeper into delinquent behaviour by focusing on the reduction of truanting and school dropout rates. It is also taking measures to improve young people's upbringing, with parenting support playing a key role, particularly for parents of children who have already come into contact with the police and criminal justice system or have an increased risk of doing so.

Quality and speed of disposal

Criminal behaviour by young people should be followed by a swift and appropriate response from the criminal justice system. A large proportion of the offences committed by young people are therefore discussed in a case consultation (*justitieel casusoverleg*) between the police, the Public Prosecution Service and the Child Protection Board.

The aim of the case consultation is to allow swift and appropriate action to be taken in the case of the young person in question on the basis of the information available to the participants. Such case consultations were introduced nationwide in 2003, and 68 now exist. A national evaluation has found that case consultations play an important role in the juvenile criminal justice system. They raise the quality of case disposal and coordination between the different bodies. The composition and methods of the consultations are being further standardised. In 2007, a national information system will become available in support of the consultations.

Standards have been drawn up to ensure criminal cases against juveniles are disposed of swiftly. They define throughput times for all the organisations involved, particularly the police, the Public Prosecution Service, the judiciary, the Child Protection Board and the HALT offices for alternative sanctions. For example, no more than six months may elapse between the first interview by police and the judgment of the court at first instance. Performance figures are published for all to see in national factsheets. Over the past three years, the parties involved have considerably reduced their throughput times, and in 2005 the norm was achieved in an average of 58% of cases. However, throughput times will remain a focus of attention until all partners in the system have achieved all the norms.

Effective punishment

Effective intervention gives young people who get into trouble with the law better prospects of reintegrating into society. The government has set up a special committee (*Erkenningscommissie Gedragsinterventies Justitie*) to establish whether behavioural interventions⁷ by the criminal justice system are sufficiently effective (in terms of reducing or preventing repeat offending). The committee reviews the effectiveness of the programmes that young people attend under the HALT system, as part of alternative sanctions, during pre-trial detention, in detention or as part of youth probation or after-care. Effective programmes will be listed in a handbook and approval by the committee will eventually become a precondition for government funding.

For after-care, see under art. 37, b, c and d.

HALT

The possibility of giving young people an alternative sanction – known as the HALT system – has existed in the Netherlands for the past 25 years. These sanctions, implemented by HALT offices, are intended for young people aged between 12 and 18 who have committed a minor offence. A young person who is arrested by the police for such an offence can avoid acquiring a criminal record with a referral to a HALT office.

⁷ A behavioural intervention is a structured methodological programme of actions intended to influence a person's behaviour.

The HALT penalty makes young people aware of their behaviour and gives them the opportunity to repair any damage. The process involves discussion, work or learning assignments and – if relevant – an opportunity to apologise to the victim and repair the damage. The idea is that confronting young people with the consequences of their actions and offering them alternative types of behaviour can prevent them from committing a crime again in the future. HALT interventions are also used to identify underlying problems, and refer the young person for help where necessary.

In spring 2006 the Ministry of Justice's Research and Documentation Centre (WODC) commissioned the Beke consultancy and research group to conduct a national survey of the effects of HALT. This study (*'Halt: Het Alternatief? De effecten van Halt beschreven'*) showed that, in most cases, the HALT penalty does not lead to a reduction in the frequency and seriousness of the offences youngsters commit.

The Ministry of Justice and HALT Nederland are currently investigating possible improvements, in consultation with experts and other partners in the criminal justice system. Clearer information is needed about which HALT penalties are effective for which crimes and which youngsters in order to reduce repeat offending. This will result in changes to the screening method and to the HALT penalties.

Reservation to article 40 of the Convention

The Netherlands has entered a reservation to article 40. The government remains of the opinion that a court must be able to deal with non-serious offences without legal counsel for the suspect. This would be the case with minor misdemeanours such as disturbance of the peace, conduct conducive to a breach of the peace, cycling without lights and the like, where proceedings must not be delayed while the suspect arranges legal counsel. A suspect may always of course take along his own lawyer or ask for a lawyer to be assigned to him. In such cases, the particular circumstances are considered, and the court may decide to assign legal counsel.

ii Art. 37 b-d Children deprived of their liberty

Legal framework: criminal law

Principles

When handling juvenile criminal cases the Public Prosecution Service operates on the principle that an alternative sanction in the community is better than imprisonment (the motto being 'alternative sanction, unless'). Any sentence or order depriving a young person of their liberty will be implemented in an institution with an educational environment, where they will be provided with training and prepared for their return to society.

Rehabilitation

There has recently been a growing awareness that, when a criminal offence has been committed, it is not only the young offender who requires attention, but also his or her family and social network. Parents are therefore increasingly being drawn into efforts to tackle young people's behaviour, in the event both of detention and (sometimes intensive) guidance and supervision in the community. Pilot projects have been launched involving the use of multisystem therapy and family first therapy. A great deal of attention is also paid to after-care. Good guidance and supervision, provided by the young offenders' institutions in collaboration with the youth probation service, is designed to prevent a relapse after the shock of a custodial sentence. Other public bodies such as local and provincial authorities are doing more to provide young offenders returning to the community with a firm structure. From 2007, every young person leaving a young offenders' institution will receive after-care.

Trends in numbers

Recent years have seen a rise in the number of young people being remanded by the criminal courts to young offenders' institutions. The police and the criminal justice system are focusing more and more on youth crime, and in doing so are identifying more and more crimes of violence. In the vast majority of cases, juveniles are remanded in pre-trial detention and are then forced to undergo supervision and guidance in the community after their case has been suspended or final judgment has been passed.⁸

⁸ In 2005 3,172 young people were placed in pre-trial detention. Three-quarters of them returned home after an average of 36 days. Of the total number, 38 were subsequently placed in youth detention, and 64 were sent to a young offenders' institution for treatment.

Habitual juvenile offenders are a new focus of attention. In such cases, the problem is not so much the seriousness of the offence as the number of offences the young person commits. The Public Prosecution Service pursues a consistent policy of prosecuting habitual juvenile offenders⁹ to prevent them from descending into a life of crime. Young offenders' institutions and the youth probation service together provide targeted programmes lasting three to six months, both inside and outside the institution, for such young offenders.

The trend in the number of young people being sent for treatment to a young offenders' institution (*Pij-maatregel*) is causing concern. The period in the institution often has to be extended, and those providing the treatment doubt whether some of the young people they deal with will ever be able to return safely to society. In other words: without the likelihood of a serious relapse into criminal behaviour. Many young offenders have reached the age of majority by the time they are released. In a letter of 10 July 2006, the Minister of Justice proposed to the House of Representatives a number of improvements, including smaller groups, better-trained staff and more youth psychiatrists. The minister also intends to introduce another (consecutive) form of compulsory treatment for young offenders who still pose a major risk after their period of treatment in a young offenders' institution.

Cutbacks

In recent years, as a result of the financial situation in the Netherlands, young offenders' institutions have had to introduce major cutbacks. The standard group size for treatment has therefore been raised from ten to twelve. Larger group sizes have implications for the amount of attention staff can devote to individual youngsters. Group sizes for young offenders sent for treatment to a young offenders' institution will therefore be reduced.

The introduction of cell sharing was also considered as a way of saving money. It would be permitted only on condition that the safety of the young offender and the staff could not reasonably be expected to be compromised. Young people serving a sentence for a sexual offence or serious violent offence would be excluded from the outset. The young

⁹ **Habitual juvenile offender:** a young person aged between 12 and 17 against whom at least two cases have been brought over the past three years, leading to criminal proceedings, who again commits an offence (serious offence).

offender would also have to have been in the institution for some time, so that his or her behaviour was known. All youngsters considered for cell sharing would be screened by a multidisciplinary team, and inmates would be placed in shared cells only on a voluntary basis. Three small pilot projects were launched to experiment with cell sharing.

However, it proved difficult to find suitable combinations of inmates, and a number of incidents occurred. After an evaluation, and taking into account developments in other sectors and countries, it was decided that the pilot projects should be terminated, and that cell sharing should not be introduced at this stage for young offenders as a way of saving money.

Trends in capacity

The number of treatment places in young offenders' institutions has grown in recent years.

Date	Places	Treatment places	Habitual offenders	Total
1 January 2002	992	1,142	-	2,134
1 January 2003	1,050	1,274	-	2,324
1 January 2004	1,115	1,332	-	2,447
1 January 2005	1,170	1,419	-	2,589
1 January 2006	1,107	1,445	44	2,596

(NB The table above shows the capacity available for young people placed in young offenders' institutions under both criminal and civil law. For policy developments relating to placements under civil law, see art. 18, para. 2)

Despite this increase in capacity, young offenders sometimes have to wait a long time for a place in an institution. This applies especially to youngsters with certain problems, such as slight mental disabilities, psychiatric problems or sexual problems. In a letter of 10 July 2006 the Minister of Justice proposed improvements to the implementation of treatment orders in young offenders' institutions to enable children to be placed more swiftly. The measures relate both to improving work processes and to the purchasing of specialist services.

Legal framework: aliens legislation

Aliens may be placed in detention as a last resort, after all the interests have been carefully weighed up. Given the vulnerability of this group, it is the policy of the Dutch government to prevent the detention of minor aliens as far as possible.

In the Netherlands, unaccompanied minor aliens below the age of 12 are not placed in detention.

In recent years, the policy has been that, in principle, only the parents of accompanied minors should be detained. They are offered the opportunity for their children to be accommodated elsewhere, such as with relatives or friends.

In June 2006 the Minister for Immigration and Integration wrote a letter to the House of Representatives detailing a new policy geared towards reducing the likelihood of minor aliens being placed in detention. One important element of this policy is the creation of special accommodation where families who are actively cooperating with their repatriation may stay for twelve weeks after their right to a place in a reception centre ends to allow them to arrange their departure from the Netherlands.¹⁰ There would be no need to place them in detention pending deportation during those twelve weeks. In cases where detention nevertheless proved necessary, families with two parents would be offered the option of only one of the parents being detained. The old policy allowing parents to accommodate their children elsewhere remains in force.

In cases where children nevertheless end up in detention, their specific needs are taken into account as far as possible. For instance, parents with minor children are in principle detained in an institution subject to the more lenient Border Holding Area Regime Regulations, where facilities suitable for children are available, including teaching, toys and educational material.

If, despite the above measures, children are placed in detention, this must by definition last for as short a time as possible. The efforts of all involved must from the outset be

¹⁰ This applies to asylum seekers whose first asylum application was submitted under the current Aliens Act. Families who submitted their first asylum application under the old Aliens Act already have access to arrangements facilitating their return in the form of placement in a departure centre.

geared towards ending the situation as swiftly as possible. The courts keep a firm eye on matters. The longer the situation persists, the more heavily the interests of the minor alien will weigh in court.

The possibility of accommodating unaccompanied minor asylum seekers in special secure institutions that offer an educational environment is being considered. Such institutions would provide teaching and enough space for children to play and take part in sports, in line with the Convention on the Rights of the Child.

One alarming development in this context concerns human trafficking. Some young people gain access to the Netherlands claiming asylum and then disappear. The government is attempting to address this problem in collaboration with all parties concerned, including the police and criminal justice system and the introduction of restricted and secure reception facilities is being considered.

Art. 39 Special care for child victims of crime

Victim support

Victim support (*Slachtofferhulp Nederland*) helps people – including young people – who have been the victim of a crime or traffic accident, giving practical and legal advice and emotional support. Staff inform victims about the criminal justice process and can counsel them as they go through it. If necessary, they will refer them to other experts for help. In recent years, victim support has radically improved its services for child victims of crime. The organisation's voluntary and paid staff have been given training to improve their skills in providing support for young people who have been the victim of violence. Victim support is also working on raising the number of young victims it reaches, introducing services such as online support.

Victim impact statements

Since 1 January 2005, victims of serious crimes have had the right to make a statement in court on the impact the crime has had on them. The statement may also be submitted in writing. Children aged twelve and over also have the right to make a victim impact statement, as do children under twelve who are regarded as capable of making a reasonable assessment of their own interests.

Victim-offender meetings

The Minister of Justice has decided to introduce the option of arranging meetings between victims and offenders throughout the country. An independent organisation '*Stichting Slachtoffer in Beeld*' will be responsible for organising the meetings from January 2007.

Over the past two years experiments with victim-offender meetings have been conducted on behalf of the Ministry. Both adults and juveniles (offenders and victims) have been involved. The results show that such meetings can help victims come to terms with what has happened to them. A successful meeting can also have a positive impact on offenders' behaviour, and help prevent them from committing further crimes. Such meetings have been found to give young offenders a clear insight into the consequences of their behaviour.

Victims may request a meeting with the offender, in addition to the decision of the court. A single uniform method is used. Victim-offender meetings will be introduced nationwide on the following basis:

- Such meetings will take place only on a voluntary basis.
- Such meetings may take place only in addition to criminal proceedings.
- In cases where criminal proceedings are yet to begin, a report of the meeting may be submitted to the public prosecutor, who may take it into account in his or her closing speech.

The Netherlands thereby complies with the EU Framework Decision on the Standing of Victims in Criminal Proceedings,¹¹ which obliges member states to encourage mediation between victims and offenders. A provision to comply with this obligation has been incorporated into a bill designed to strengthen the position of victims in criminal proceedings.

Corrective education

Young offenders' institutions also consider the victim. They are currently investigating the best ways of incorporating corrective education (empathy training and confrontation

¹¹ Council Framework Decision, 15 March 2001 (2001/220/JHA)

with criminal behaviour, if possible a meeting with the victim) into their daily schedule. Pilot projects are running in four institutions up to the beginning of January 2007. The University of Utrecht will analyse the results, and report on the findings in spring 2007.

C Exploitation of children

i Art. 32 Economic exploitation of children, including child labour

Legislation

Dutch legislation on child labour includes strict rules pertaining to child labour (< age 16) and youth labour (aged 16 and 17). Rules on child and youth labour are laid down in the Working Hours Act and the Working Conditions Decree. Further rules are set out in the Detailed Child Labour Regulations, the policy rules pertaining to exceptions to the ban on child labour, the Decree of 15 January 1997 setting out rules for the benefit of safety, health and welfare at work (Working Conditions Decree) and the Working Conditions Order of 7 March 1997. Young people aged 16 and 17 may work, although the regulations on work performed by young people include an absolute ban on a number of activities for people under the age of 19, and stipulates that certain other activities may be performed only under supervision. The Working Hours Act stipulates a ban on child labour that applies to all children up to the age of 15. Children in this age group may work only by way of exception, and subject to strict conditions.

The Dutch government is a great proponent of corporate social responsibility. In 2000 the then government asked the Social and Economic Council of the Netherlands to issue recommendations on the role of the government, social partners and civil society institutions in corporate social responsibility. The Ministry of Social Affairs and Employment emphasises the international dimension, with a key focus on the fundamental international labour standards of the ILO. One such standard is the ban on child labour (enshrined in ILO Conventions 138 and 182); others pertain to forced labour, discrimination and working conditions.

In mid-2000 the OECD set out new guidelines for multinational companies. These recommendations make it clear what governments expect from companies. They also

refer to the fundamental international labour standards. All 30 OECD member states, plus non-member Chile, for example, support these guidelines. The National Contact Point fosters debate on the issue and application of the guidelines. Any individual or company that believes that a company is not complying with the guidelines (manufacturing a product using child labour, for example) can bring the case to the attention of the National Contact Point. The NCP will then help find a solution. The NCP is currently the most concrete manifestation of corporate responsibility.

The Netherlands has ratified ILO Conventions 138 (minimum age) and 182 (banning the worst forms of child labour).

In 2001 the government complied with the most important obligation under Convention 182, drafting a programme of action to combat child labour. The programme does not so much set out new rules, since Dutch law already includes an adequate ban on the worst forms of child labour. It is above all an attempt to prevent children ending up in child labour, and focuses on enforcing the existing rules. The programme of action – which is currently being updated – also lists the Netherlands' international activities in this area. The Netherlands is due to report on Convention 182 again in 2007.

Enforcement policy

The Labour Inspectorate, part of the Ministry of Social Affairs and Employment's Social Information and Inspection Service, monitors compliance with the laws on child and youth labour. On discovering a serious violation of the law, the Labour Inspectorate will draw up a report or impose an administrative fine. In the event of a less serious violation, the offender is first issued a warning. If the Labour Inspectorate finds children under 12 working, an official report is immediately drawn up.

Every year the Labour Inspectorate conducts studies of compliance with the provisions of the Working Hours Act and the Working Conditions Act pertaining to children and young people. Compliance with the law is fostered in other ways too. The Ministry of Social Affairs and Employment has opened a new youth website focusing on the legislation applying to young people.

Estimate of the number of young working people aged 13-18

The precise number of young people who work is not known. The National Survey of Schoolchildren (*Nationaal Scholierenonderzoek*) 2004/2005 conducted by the National Institute for Information on Consumer Budgets (NIBUD) does give an indication, however. Over 5,500 schoolchildren from all different types of school took part in the survey.

It found that almost half of all schoolchildren (44%) have a job. Fewer – almost a quarter (24%) – have only a holiday job. Schoolchildren do all kinds of work, from babysitting and car washing to payroll work in supermarkets, cafes etc.

The most common jobs done by schoolchildren during the normal school week are:

- delivering newspapers or advertising material
- shop work
- babysitting

Table 1. Percentage of schoolchildren with a job, by gender

	Boy	Girl	Total
	%	%	%
Regular job	46	42	44
Holiday job	26	24	25

Table 2. Percentage with regular job, by age, in 2004

aged 12	17%
aged 13	29%
aged 14	38%
aged 15	52%
aged 16	66%
aged 17	73%

aged 18 73%

During the first four years, the proportion of schoolchildren with a job outside school hours rises. Another 8% also have a holiday job. The figures are higher for 18-year-olds, almost three-quarters of whom have a regular job, while over half also have a holiday job.

Schoolchildren work an average of 7.1 hours a week, a figure that applies to both boys and girls. The number of hours worked ranges from 4.3 for 13-year-olds to 9.4 for 18-year-olds.

ii Art. 33 Drugs

General

Dutch policy on drugs is aimed at preventing and limiting drug-related risks to users, their family and social network, and society. The government suppresses the demand for drugs and reduces the risks of drug use by pursuing a professional care and prevention policy. Dutch drugs policy also focuses on maintaining public order and combating drug-related nuisance, as well as on reducing the supply of drugs by combating drug trafficking, which is often part of international organised crime. To facilitate the effective enforcement of the Opium Act 1976, the Public Prosecution Service issued revised guidelines for investigations and prosecutions, which took effect on 1 January 2001. They contain special provisions concerning minors – for example, they devote special attention to the production of drugs by minors and sales to minors.

Prevention

Activities designed to inform and educate young people about drugs have been ongoing for years. Research shows that while education makes people better informed and changes attitudes, it does not have sufficient impact on actual behaviour. Broader-based prevention programmes are therefore considered more important in the Netherlands. Besides providing information, prevention programmes also develop behavioural skills, making young people more self-reliant, teaching them to deal with peer pressure, and helping them learn to make their own decisions.

Recent encouraging trends show signs of stabilisation, or even of a decline, in the consumption of drugs by schoolchildren in the Netherlands. For the first time in 16 years, the consumption of most drugs in the Netherlands among youngsters in the 10-18 age group has fallen (cannabis from 10.7% in 1996 to 9.3%, ecstasy 2.2% to 1.4%, heroin 0.5% to 0.4%, and cocaine 1.1% to 1.2%).

The evidence points to big changes in both patterns of consumption and the reasons for taking drugs; furthermore, trends change rapidly. A new approach to prevention is needed to allow trends to be anticipated effectively. It must at any rate include long-term involvement in young people's social networks, through a range of activities using various channels in various areas: a community approach in the literal sense, linked to activities in schools and supported by media campaigns. The active participation of young people is essential.

The Netherlands Institute of Mental Health and Addiction has developed projects relating to drugs and alcohol as part of its 'intoxicants and the healthy school' programme, which is geared towards the development and implementation of school health care policy. Besides the traditional approach to health education in the classroom, these projects focus on the school environment and care for pupils at school and in the surrounding area. Each school develops its own health care policy in relation to alcohol, drugs, medication, tobacco and gambling. In addition to regular classes, this policy includes identifying and helping pupils who have problems in these areas, school rules banning the use of intoxicants at school, and collaboration with parents. The pupils, not only at secondary school but also in the final classes of primary school, are approached via intermediaries. Local and regional organisations, particularly municipal health services and care organisations for addicts, maintain contact with schools. They target their activities at teachers, student supervisors, school management, parents, and pupils themselves. In 2001, 75% of secondary schools were implementing the project on a structural basis.

Various groups are also targeted by information campaigns on the risks of drug use. In 2006 a mass media campaign focused on curbing cannabis use. A project entitled 'nightlife and drugs' provides information about the risks of drug use at pubs and clubs. There are special telephone and internet services that people can turn to with their

queries about drugs and alcohol, and for advice on how to educate their children about these substances. Various peer education projects have also been set up. In one such project, called CIA (Cannabis Intelligence Amsterdam), young people from various ethnic backgrounds inform youngsters with a similar lifestyle in the 12 to 23 age group of the risks of excessive soft drug use.

Help

Young people with problematic drug use can receive help from care organisations for addicts. Most have an outpatient programme specially for young people. Some also admit young addicts. The clinical programmes focus largely on education and family relations. The supply of care for young addicts will soon be extended to more regions, to improve accessibility.

- iii Art. 34 Sexual exploitation**
- Art. 35 National, bilateral and multilateral measures to prevent the abduction of, sale of or traffic in children**
- Art. 36 Protection of children against all other forms of exploitation**

These articles are examined in the report on the Optional Protocol.

D. Art. 30 Education for ethnic and language minorities

Frisian is the most widely spoken of the minority languages originating in the Netherlands. It is taught at primary and special schools and in the first few years of secondary education in the province of Friesland. Primary schools in Friesland are also permitted to use Frisian as the language of instruction.

The main ethnic minorities in the Netherlands are the Turkish, Moroccan, Surinamese and Antillean communities. There are also Greeks, Italians, people from the former Yugoslavia, Cape Verdeans, Portuguese, Spaniards, Tunisians, Moluccans and Roma, as well as refugees. All these groups are targeted by minorities policy.

Ethnic minority groups have a high percentage of young people compared with the rest of the population, especially in the four largest cities. In Amsterdam, 57% of primary

school pupils are from ethnic minorities, in The Hague the figure is over 49%, in Rotterdam 55%, and in Utrecht over 42%. Projected figures suggest that 62% of school-leavers in Amsterdam will be from ethnic minorities by around 2005.

Minority language and culture teaching

Secondary schools may offer ethnic minority pupils teaching in the language of their country of origin, but it must be available to all pupils who want it, and it must be paid for under the regular funding rules. In recent years, all schools have been given more statutory opportunities to opt to teach foreign languages other than English, German and French. One striking development is that, besides Arabic, Italian, Russian, Spanish and Turkish, some schools are now also offering Chinese. A booklet has been widely distributed among immigrants, informing them of the various opportunities for teaching in their own language at secondary school.

Among the ethnic Dutch, the Frisians are the only national minority with their own language and culture. Frisian children have a right to experience their own culture together with other members of their group, and to speak their own language. There are no particular differences in religious terms between the Frisians and the rest of the Dutch population. See also Chapter VII of this report.