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English, French and Spanish only

Committee on the Rights of the Child**List of issues prior to submission of the combined fifth and sixth periodic reports of the Netherlands***

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 October 2020. The replies should take into consideration the Committee's previous recommendations (see CRC/C/NLD/CO/4, CRC/C/OPAC/NLD/CO/1 and CRC/C/OPSC/NLD/CO/1) adopted in 2015 and 2009. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including on child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

II. Rights under the Convention and its Optional Protocols**A. General measures of implementation (arts. 4, 42 and 44 (6))****Reservations and legislation**

4. Please provide information on measures taken to:

(a) Consider withdrawing the State party's reservations to articles 26, 37 (c) and 40 and interpretative declarations to articles 14, 22 and 38 of the Convention;

* Adopted by the pre-sessional working group on 4 October 2019.

- (b) Ensure that the State party's reservation to article 26 of the Convention does not amount to discrimination against certain groups of children, including with regard to access to social benefits of children living with a parent who does not have a residence permit, children who have a parent living abroad or children living in institutions;
- (c) Implement the Convention equally across all constituent countries and special municipalities of the State party, and ensure to all children all of the rights in the Convention;
- (d) Assess any new legislation from a child rights perspective.

Comprehensive policy and strategy

5. Please provide information on:

- (a) The implementation of the Kingdom-wide Action Plan on Children and action plans aimed at the promotion and protection of children's rights in the four constituent countries of the State party, including the financial, technical and human resources allocated for these action plans;
- (b) How the State party ensures that its policies and plans on children's rights are applied equally across the four constituent countries;
- (c) Mechanisms for monitoring and evaluating these action plans, as well as the main findings on any recent assessments of these action plans.

Coordination and decentralization

6. Please describe the composition, activities and resources of the Intercountry Task Force for Children's Rights, and whether it has the mandate and authority to coordinate all activities relating to the implementation of the Convention throughout the four constituent countries at national, municipal and local levels. Please also clarify the impact of the Letter of Intent signed in 2018. With respect to the decentralization of support and care services for children in 2015, please indicate how the State party:

- (a) Has monitored the effects of the decentralization of services on the rights of the child;
- (b) Ensures that municipalities have the required expertise and resources to protect the rights of all children within their jurisdictions;
- (c) Ensures that children in all municipalities, including in the constituent countries in the Caribbean, have equal access to protection and quality services.

Allocation of resources

7. Please provide detailed information on:

- (a) The resources allocated for the implementation of the Convention, including to municipalities as well as civil society organizations working with and for children;
- (b) The measures taken to establish a central mechanism to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources and services provided to children throughout all constituent countries and special municipalities of the State party, with a view to eliminating disparities;
- (c) The mechanisms in place to ensure a transparent and participatory budgeting process at central, regional and local levels, particularly involving children.

Data collection

8. Please inform the Committee about the concrete measures taken by the State party to:

- (a) Improve its data collection system to ensure that it covers both qualitative and quantitative indicators; encompasses all areas of the Convention; and is disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background;

(b) Collect and analyse data by all relevant entities, irrespective of the different methodologies used, from all municipalities across the State party;

(c) Improve the collection and analysis of data on all forms of child maltreatment, including sexual abuse, child care, children with HIV/AIDS, children in street situations, children in conflict with the law, foreign children, children subject to sexual exploitation and trafficking and children receiving mental health treatment, both outpatient and inpatient.

Dissemination and awareness raising

9. Please provide information on:

(a) Awareness-raising programmes, including campaigns, among the general public, and systematic training of relevant professional groups on the Convention;

(b) The measures taken to address the low level of knowledge of the Convention among children, including dissemination of child-friendly pedagogical material, including in different languages, and integration of education on children's rights and the Convention into school curricula in all educational settings, including in residential institutions;

(c) The three national campaigns launched in August 2018 to encourage the reporting of cases of domestic violence and child abuse, including situations of "wide open doors" and "no doorman", and any evaluations of these campaigns.

Independent monitoring

10. Please provide information on the measures taken to establish an independent mechanism for monitoring and promoting the realization of children's rights in Curaçao and Sint Maarten, which can receive, investigate and competently address complaints by children in a child-sensitive manner.

Children's rights and the business sector

11. Please provide information on the measures taken or envisaged to:

(a) Assess the impact of efforts aimed at ensuring that businesses do not adversely impact children's rights, including the national action plan on business and human rights;

(b) Establish a regulatory framework for industries and their affiliates under the State party's jurisdiction to ensure that their activities at home and abroad do not negatively affect children's rights or endanger environmental and other standards;

(c) Ensure that the private sector as a whole, including financial institutions, companies, and, in particular, oil extracting, palm oil and soy trading companies, effectively implement and respect international and national environmental and health standards.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

12. Please provide information on the measures taken to:

(a) Eliminate disparities between all municipalities, and between the constituent countries of the State party, regarding children's access to provisions such as youth services, health providers, education, social assistance and support for child abuse and mistreatment;

(b) Ensure that children can easily report cases of discrimination in all municipalities and provide mechanisms to respond effectively and in child sensitive manner;

(c) Address discrimination against: children belonging to ethnic and religious minority groups, including those of African descent, Muslims and Jews; refugee, asylum-seeking, migrant and undocumented children; children with disabilities; chronically ill children; and lesbian, gay, bisexual, transgender and intersex children.

Best interests of the child

13. Please indicate how the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, and takes into account the opinion of the child with the assistance of competent professionals where necessary. Please also provide information on the development and dissemination to all relevant professionals of policies, procedures and guidance for determining and consistently applying the best interests of the child as a primary consideration in all proceedings concerning children, in particular regarding child victims of crimes, education, youth support, custody, alternative care, child justice and asylum.

Right to life, survival and development

14. Please provide information on the cases in which euthanasia has been applied to children since the State party's last report to the Committee, and on any changes to the law and practice relating to children and euthanasia.

Respect for the views of the child

15. Please describe the measures taken to:

(a) Ensure the right of all children, including those under the age of 12 years, to express their opinion, to be heard in all decisions affecting them, including in courts and civil proceedings;

(b) Promote the meaningful and empowered participation of all children within the family, community, schools and policymaking at municipal and national levels, including through awareness-raising activities;

(c) Conduct programmes, awareness-raising activities and initial and continuing education training for all relevant professionals, including teachers and social workers, on the right of the child to be heard and have his/her opinion taken into account.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)**Statelessness and nationality**

16. Please update the Committee on the status of the legislative proposal concerning the establishment of a statelessness determination procedure, and describe the current policy or practice regarding the registration of stateless children present within the territory of the State party. Please also inform the Committee of any legislative measures taken or envisaged to ensure that all stateless children born or present within the territory of the State party, irrespective of residency status, have access to citizenship without any preconditions, and how the State party ensures that stateless children or children with an unknown nationality can access education, health and social provision and services.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Freedom of the child from all forms of violence, including corporal punishment**

17. Please provide information and relevant quantitative and qualitative data about:

(a) The investigation of cases of all forms of violence against children, including maltreatment and sexual abuse, in and outside the home, and remedies for victims;

(b) The availability of legal support and child-friendly and confidential complaint mechanisms in residential care, mental health institutions and foster care systems;

(c) Measures to respond, including through preventive measures and remedies for child victims, to the findings of the de Winter Committee that three-quarters of children in child protection services encountered or witnessed physical, sexual or psychological violence;

(d) The progress achieved to explicitly prohibit in law and end the practice of corporal punishment in all settings in Bonaire, Sint Eustatius and Saba.

18. Please also provide information on:

(a) Guidelines, protocols and referral mechanisms to protect the rights of child victims or witnesses of violence, and related training of relevant professionals;

(b) The availability of prevention, protection, rehabilitation and reintegration programmes, including multidisciplinary services, for child victims at local level, helplines and shelters, and measures to prevent the secondary victimization of child victims of abuse;

(c) The measures taken to protect trans and gender diverse children from all forms of physical and mental abuse, violence and maltreatment, including sexual abuse;

(d) The measures taken to address the findings of the 2019 report of the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

19. Please describe the measures taken or envisaged to:

(a) Reduce institutionalization of children and develop a system of foster care and substitute family homes;

(b) Prevent children from being sent to juvenile detention due to a lack of alternative placement;

(c) Monitor the quality of care of children in institutions and foster care and prevent frequent transfers of children in foster care;

(d) Provide education, skills and opportunities for independent living for children leaving alternative care;

(e) Provide family-based care for children in the constituent countries in the Caribbean who are deprived of a family environment;

(f) Implement the recommendations of the 2018 evaluation of the Youth Act, including with regard to care for children in marginalized situations and the allocation of financial resources for children deprived of a family environment.

F. Children with disabilities (art. 23)

20. Please describe the criteria for determining the exemption of children with disabilities from compulsory education on physical or psychological grounds. Please also provide information on the measures taken to:

(a) Ensure that all children with disabilities have access to and benefit from inclusive education;

(b) Prevent absenteeism from schools of children with disabilities, learning and behavioural difficulties and drop-outs;

(c) Ensure access of children with disabilities to early diagnostic services and care, specialist expertise, and support and treatment for complex and multiple disabilities in all constituent countries of the State party and especially in the context of decentralization reform;

(d) Ensure prompt and seamless payments from “personal healthcare budgets”.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**Health and health services**

21. Please provide information on the implementation of the National Prevention Agreement, including resources allocated and results achieved. Please also describe the measures taken to:

- (a) Prevent and reduce infant mortality;
- (b) Combat overweightness and obesity among children;
- (c) Ensure that all children, including undocumented children and children with low economic or social status, have access to free basic health care;
- (d) Assess the effects of air pollution on children's health and address the high prevalence of pollution-induced asthma among children in the Netherlands.

Mental health

22. Please provide information on the measures taken to:

- (a) Ensure that children with mental health problems have speedy access to quality psychological and psychiatric care;
- (b) Address the high rates of depression and self-harm, including attempted and realized suicide, among children in all constituent countries and special municipalities;
- (c) End the use of restraint and isolation of children in psychiatric care;
- (d) Ensure thorough examination of diagnoses and overmedication of children with behavioural problems, including through sensitization on behavioural treatment alternatives, and undertake studies on the root causes of the increase in attention deficit hyperactivity disorder and attention deficit disorder among children and adolescents.

Adolescent health

23. Please describe the measures taken to:

- (a) Adopt a comprehensive sexual and reproductive health policy for adolescent children;
- (b) Integrate sexual and reproductive health education into the mandatory school curriculum;
- (c) Address the incidence of drug, alcohol and tobacco use by adolescent children;
- (d) Address the issue of gaming disorders among adolescent children.

Standard of living

24. Please provide information on:

- (a) The measures taken to ensure that children who are at risk of living in poverty, including those in single-parent families and children in welfare-dependent families, benefit from non-stigmatizing poverty reduction policies, and that children participate in the development of such policies;
- (b) Any assessments of the impact of measures to combat poverty, including increased budget allocations in the constituent countries in the Caribbean;
- (c) The measures taken to prevent the separation of children from their parents staying in homeless shelters and to ensure that children staying in such shelters receive adequate and comprehensive support.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

25. Please provide information on the implementation of the Appropriate Education Act, including funding mechanisms and the results achieved in reducing the number of children, including highly gifted and high-achieving students, who are out of school or received exemptions from compulsory education. Please also update the Committee on the progress achieved in:

- (a) Ensuring equal quality of school support between the different municipalities;
- (b) Reducing school dropout rates and supporting such children to be reinstated in the education system;
- (c) Monitoring the quality of home schooling to ensure that such children do not lag behind their peers in regular schools;
- (d) Combating peer bullying in schools and online;
- (e) Developing and expanding early childhood education.

Rest, leisure, recreation and cultural and artistic activities

26. Please provide information about:

- (a) The measures taken to promote the availability and accessibility of spaces for children to play, and to ensure that urbanisation does not have a negative impact on the availability of such spaces;
- (b) Mechanisms to ensure the participation of children in urban planning processes and in the development of spaces for children to play;
- (c) Policies to promote periods of unstructured and free play in schools, day-care centres and at home.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38–40)

Asylum-seeking, refugee and migrant children

27. Please provide information on:

- (a) The measures taken to ensure that asylum procedures for all children under the age of 18 years are fair, efficient and child-friendly, and give primary consideration to their best interests;
- (b) The measures taken to prevent the separation of asylum-seeking children from their parents and the detention of children in reception facilities;
- (c) The criteria for ensuring family reunification services involving children;
- (d) The provision of information to all asylum-seeking children and their families on their rights, asylum procedures and available services;
- (e) The access of asylum-seeking, refugee and migrant children to readily available basic services, including integration support services, without discrimination.

Unaccompanied children

28. Please clarify the family reunification policy for unaccompanied children who do not have parents or whose parents cannot be traced. Please also provide information on the measures taken to:

- (a) Address the high rate of unaccompanied children who disappear from reception facilities;

(b) Facilitate family reunification of unaccompanied asylum-seeking and refugee children without undue delay.

Economic exploitation, including child labour

29. Please describe the measures taken to ensure the implementation of child labour regulations, including by strengthening the work of labour inspectors, ensuring that children below the age of 18 years are not allowed to work in hazardous conditions and applying sanctions against non-complying employers. Please also inform the Committee of the measures envisaged to effectively enforce the newly adopted Child Labour Due Diligence Law, and to assess the impact of resources allocated for the elimination of child labour, including the Fund against Child Labour and the “Work: No Child’s Business” alliance.

Sale, trafficking and abduction

30. Please provide information on:

(a) The measures taken to provide protection, rehabilitation and special residency schemes, regardless of their cooperation in criminal proceedings, for child victims of the phenomenon of “lover boys” and trafficking;

(b) Any plans envisaged to adopt a comprehensive, nationwide policy covering all municipalities with targeted measures to address the root causes of child trafficking;

(c) The measures taken to combat trafficking, such as the “Together against human trafficking” programme;

(d) Awareness-raising and education programmes, including campaigns, aimed at preventing the trafficking and sexual exploitation of children.

Administration of child justice

31. Please explain the measures taken or envisaged to:

(a) Implement the Committee’s previous recommendations (see CRC/C/NLD/CO/4, para. 59);

(b) Raise the age of criminal responsibility to 14 years;

(c) Harmonize the child justice legislation among all constituent countries;

(d) Develop a strategy for the prevention of child offending, including early intervention directed at children below the minimum age of criminal responsibility;

(e) Ensure and support the right of children in conflict with the law to effective participation throughout the child justice process;

(f) Reconsider aspects of the criminal record systems which prevent children from obtaining a certificate of good conduct.

J. Optional Protocol on the sale of children, child prostitution and child pornography

32. Please inform the Committee of the measures taken to implement its previous recommendations (see CRC/C/NLD/CO/4, para. 62, and CRC/C/OPSC/NLD/CO/1), including efforts to:

(a) Amend its criminal legislation in order to reflect the definition of the sale of children as in articles 2 and 3 of the Optional Protocol;

(b) Investigate both producers and users of child sexual exploitation materials, prosecute perpetrators and train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner;

(c) Ensure that all children below the age of 18 years are treated as victims, not offenders, and benefit from child protection measures.

K. Optional Protocol on the involvement of children in armed conflict

33. Please inform the Committee of the measures taken to implement its previous recommendations (see CRC/C/OPAC/NLD/CO/1), including on progress made to:

- (a) Raise the minimum age of voluntary recruitment to 18 years, and explicitly criminalize the recruitment of children under the age of 18 years by non-State armed groups;
- (b) Extend the protection provided under the Convention relating to the Status of Refugees to all children between 15 and 18 years of age, irrespective of the crimes committed;
- (c) Establish extraterritorial jurisdiction over crimes under the Optional Protocol;
- (d) Ban the export of arms to countries where children are known to be, or may potentially be, recruited or used in armed conflict and hostilities;
- (e) Repatriate and reintegrate children who were involved in armed conflict abroad.

III. Statistical information and data

34. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention on the Rights of the Child and its Optional Protocols. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, country, geographic location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44, para. 6)

36. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget in each of the four constituent countries of the State party.

B. Definition of the child (art. 1)

37. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of children under 18 years of age living in the State party.

C. General principles (arts. 2, 3, 6 and 12)

38. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The number of cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions issued to perpetrators;
- (b) The number of cases of euthanasia on children.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

39. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The number of stateless children and children with an unknown nationality, disaggregated by eligibility for Dutch nationality under the Nationality Act; and

(b) The number of stateless children born in the State party who have acquired Dutch nationality, disaggregated by status of legal residence.

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

40. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of cases of violence against children, including corporal punishment, abuse, neglect, domestic violence and sexual violence in and outside the home, reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures and multidisciplinary remedies provided to child victims of violence.

F. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

41. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of families and children receiving economic and other type of support services.

42. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of children in institutional care, including mental health care institutions, and average days of stay, disaggregated by reason for placement;

(b) The number of children placed in “close” institutions with either full deprivation of liberty or very limited freedom of movement; and

(c) The number of children in family- and community based care.

G. Children with disabilities (art. 23)

43. Please provide data, disaggregated as described in paragraph 34 above, and by type of disability, on:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families and living in institutions and family- and community-based care;

(c) The number of children with disabilities in inclusive education and in separate schools; and

(d) The number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, number of investigations and prosecutions carried out and sentences issued.

H. Basic health and welfare (arts. 6, 18, para. 3, 24, 26, 27, paras. 1–3, and 33)

44. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The infant mortality rate;

(b) The number of child deaths due to accidents, child abuse and suicides;

(c) The number of overweight and obese children;

(d) The number and rate of children with health insurance; and

(e) The number of paediatric and mental health services and professionals specialized in young children and adolescents.

45. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of children diagnosed with attention deficit hyperactivity disorder and attention deficit disorder;

(b) The number of children diagnosed with depression; and

(c) The number of children who attempted or committed suicide;

46. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of adolescent mothers;

(b) The number of children with drug, alcohol and tobacco abuse; and

(c) The number of sexual and reproductive health services available to adolescents;

(d) The number of children receiving treatment for gaming disorder.

47. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number and proportion of children living below the poverty line;

(b) The number of children staying in homeless shelters.

I. Education, leisure and cultural activities (arts. 28–31)

48. Please provide data, disaggregated as described in paragraph 34 above, in respect of:

(a) The number and proportion of children aged between 16 and 18 years not attending school;

(b) The number and proportion of children, including children with disabilities, dropping out of school;

(c) The number of children with learning and behavioural difficulties in school and highly gifted and high-achieving children who are exempt from compulsory education on physical or psychological grounds;

(d) The number of children who are being home-schooled;

(e) The number of cases of bullying in schools; and

(f) The number and proportion of children attending early childhood education and the average years of attendance.

J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)

49. Please provide data, disaggregated as described in paragraph 34 above and by country of origin, as well as accompanied or unaccompanied status, on:

(a) The number of asylum-seeking, refugee and migrant children;

(b) The number of unaccompanied asylum-seeking children who are not covered by the Family Reunification Directive;

(c) The number of asylum-seeking and refugee children detained, including in reception facilities;

(d) The number of children who were deported from the State party;

(e) The number of children who were ordered to return to their country of origin without a hearing on their asylum applications or claims for international protection;

(f) The number of children who have disappeared from reception facilities; and

(g) The number of asylum-seeking, refugee and migrant children attending school and with access to health care.

50. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of children working in hazardous conditions; and

(b) The number of cases of child labour investigated and prosecuted, and the sanctions issued to employers.

51. Please provide data, disaggregated as described in paragraph 34 above and by types of violation reported, on:

(a) The number of reported cases and the number of children involved in trafficking;

(b) The number of such children who have been provided with access to rehabilitation programmes; and

(c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

52. Please provide data, disaggregated as described in paragraph 34 above, and by type of crime, on:

(a) The number of children in pre-detention and detention facilities and the average stay, disaggregated by pre-trial detention, such as in police cells, and in prison;

(b) The number of children referred to diversion and non-custodial sentencing options; and

(c) The proportion of children in conflict with the law who received legal aid throughout legal proceedings.

K. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

53. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of reported cases of the sale of children, child prostitution and the use of children in pornographic performances and materials;

(b) The number of such cases that have been investigated, prosecuted and sanctioned; and

(c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

L. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

54. Please provide data, disaggregated as described in paragraph 34 above and by country of origin, on:

(a) The number of asylum-seeking, refugee and migrant children entering the State party from areas where children may have been recruited or used in armed conflict and hostilities; and

(b) The number of such children who benefit from physical and psychological recovery and social reintegration measures.