

Violence Against Children in NETHERLANDS

Relevant extracts from an NGO alternative report presented to the UN Committee on the Rights of the Child

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Dutch NGO Coalition for Children's Rights - English

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[...]

An estimated 50,000 to 80,000 children in the Netherlands are severely abused, physically and/or sexually, or neglected each year. There is no statutory reporting obligation, neither for the public nor for professionals. Approximately 20,000 people annually contact an Advice and Reporting Centre for Child Abuse and Neglect (ARCAN, *Advies- en Meldpunt Kindermishandeling*, AMK) with suspicions of child abuse. The vast majority of these contacts relate to abuse or neglect within the family. These cases often involve forms of 'transgenerational' violence: the roles of abuser and victim are passed down from generation to generation.

In recent years, increasing attention has been given to themes linked to child abuse, such as domestic violence, street violence, youth criminality and the sexual abuse and sexual exploitation of children (including child pornography and prostitution involving minors). Few figures on sexual exploitation are available but, according to the Nisso study of 1998, there are approximately 1500 underage girls engaged in prostitution. A 2001 study commissioned by the Research and Documentation Centre of the Dutch Ministry of Justice (WODC *Wetenschappelijk Onderzoek- en Documentatiecentrum*), gives a conservative estimate of at least 1500 underage boys engaged in prostitution. The Netherlands has no law prohibiting spanking children or physical punishment or other humiliating treatment as a parenting tool. Severe forms of child abuse are punishable under Dutch criminal law.

[...]

In 2000, the Lower House of Parliament adopted the National Action Plan against Sexual Abuse of Children (NAPS) as an implementation of the obligations arising from the 1996 Stockholm Conference on the sexual exploitation of children. The NAPS establishes the necessary links between the activities of various ministries and organisations. The approach to the problem comprises governmental, institutional and private care in the areas of prevention, assistance, suppression, and national and international legislation and cooperation. The Action Plan highlighted areas such as child prostitution, child sex tourism, child pornography (including on the Internet) and sexual abuse of handicapped children.

[...]

Traffic in children for sexual purposes

Children are sometimes exported to the Netherlands for the purposes of sexual exploitation and in some cases these children end up in prostitution in the Netherlands or another country in the European Union. This takes place in a number of ways. Some children are smuggled into the Netherlands illegally by human traffickers and then exploited in prostitution (the closed circuits). Another method is when the traffickers utilize the asylum procedure for unaccompanied asylum seeking minors to bring the children to the Netherlands. Most of these children disappear from the asylum centres after a few days to unknown destinations. These are usually young girls from Eastern Europe (particularly the former Yugoslavia, Albania and Moldavia), China and West African countries (primarily Nigeria). Girls residing in the Netherlands who end up in prostitution are often pressed into work by so-called 'loverboys,' boys who begin a relationship with them with the object of prostituting them. These loverboys go after vulnerable girls who are extremely susceptible to the attention given to them by the loverboy. Unaccompanied asylum seeking girls in asylum centres and small residential units are part

of this group of vulnerable girls. Apart from this, sexual abuse and prostitution take place within asylum centres between the residents themselves, and young girls are the most frequent victims.

[...]

The need for better coordination in youth care was demonstrated particularly poignantly by the tragedy that took place in Roermond in July 2002, when a father burned down the house in which six of his seven children were sleeping. The children did not survive. The family was known to a number of care institutions, but they were unable to act effectively, and nothing was done to improve the situation of the children.

Little attention has been given to prevention of problems in child-rearing and growing up. Prevention is seen as the task of the local authorities, but there is no statutory obligation to conduct prevention activities nor are there any national grants available to finance them. There are a number of initiatives and projects, but no cohesive prevention policy has been developed.

[...]

Over the last few years, youth care has been systematically neglected, especially in comparison to juvenile delinquency: *more attention is given to young people who cause problems than young people who have problems.*

As a response to the tragedy in Roermond, it has now been proposed to improve the coordination of care via the position of a family coach. It is completely unclear what effect this position will actually have on youth care.

Youth Care Offices

The introduction and continued development of the Youth Care Offices is a difficult and gradual process. The lack of clear direction by the central government is increasingly apparent. In many places, the methods used by the Youth Care Offices are unnecessarily bureaucratic. This is partly due to overly long waiting lists.

Assistance organisations

Unfortunately, increased attention for assistance planning does not mean that qualitatively good treatment plans are making the rounds on the shop floor. Systematic attention to individual assistance planning, the formulation of objectives together with the client and the periodic assessment of those objectives, and attention to the role the parents and children have to play in those objectives are all still sorely needed.

Foster care

In recent years, the number of placements of children in foster care has exploded, from 2,918 new placements in 1996 to 3,905 new placements in 2000. The increase consists primarily of short-term placement and part-time foster care. Nonetheless, there are still children who must wait longer than they should for placement in foster care and children for whom no suitable foster family can be found. This is due to the fact that the right connection between the 'demand' (the child) and the 'supply' (the foster parents) cannot always be made.

[...]

The number of children under the age of eighteen living in the Netherlands in a family with an income at (or just above) the minimum income level is:

- in 1990: 307,000 (9.6% of all children)
- in 1994: 372,000 (11.4% of all children)
- in 1999: 338,000 (10.1% of all children).

[...]

What are the effects on children of living in a family on the poverty line? The 2001 study 'Children in Poverty' concludes that 'getting by on an income below or around the social minimum can mean a

serious form of material and social deprivation for a family with children.’ Seventy percent of the parents in this category cannot adequately clothe their families, more than half report that allowing their child to join a club is a financial impossibility, 80% do not go on holiday, more than half do not organise a birthday party for their child and approximately a quarter do not have a hot meal every day. The study shows that there are demonstrable relationships between social deprivation and poverty on the one hand, and well-being, school performance, and behaviour that transgresses social norms on the other.

To a large degree, the children interviewed seem to accept the financial situation of the family in which they live, even though they are well aware of the differences between their own home lives and those of other families.

[...]

The past few years have been characterised by a tightening of Dutch aliens policy. This more restrictive policy has its repercussions in many areas, including the new Aliens Act 2000, which became effective on 1 April 2001. Additionally, partly due to the increased influx of unaccompanied asylum seeking minors, a stricter policy has been in force since January 2001. A policy document on family reunification was also published in October 2001. All these policy changes have far-reaching consequences for asylum seeking children. It is disturbing that the Dutch government views the child first as an immigrant and only in the second place as a child. This poses problems for compliance with the provisions of the CRC, particularly Article 2, which stipulates that no distinction on the basis of nationality may be made. Please see the annex for further details of the positions referred to in this chapter. This section will refer primarily to the problems arising in the asylum policy.

[...]

Deprivation of liberty

Families with children are still being locked up in the border hostel for asylum seekers at Schiphol Airport (Grenshospitium) after arriving in the Netherlands. This is not in the best interests of the children and is not being applied as a last resort. Although a court ruled in June 2001 that, when depriving a child of liberty, interests must be weighed and the principles of proportionality and subsidiarity must be considered, this has not as yet resulted in any substantial change in practice. This is in violation of Article 37, paragraphs (b), (c) and (d), CRC.

Children in Asylum Seekers Residence Centres

The KRC is disturbed about long-term residence of children in Asylum Seekers Residence Centres and fears that this can have harmful consequences on the development of the child. Also, the many transfers of children with their parents are not beneficial to the development of the child. The KRC believes that this is in violation of the CRC.

The financial position of children of asylum seekers

A comparison made by the Dutch Refugee Organisation of the financial allowance received by asylum seekers and the costs required to responsibly meet a person’s nutritional needs has shown that the money received by asylum seekers is far below the norm. This means that asylum seekers with children have insufficient means to provide their children with sound nutrition. The KRC considers this a violation of the principle of equality (Article 2, CRC) and the state’s duty to ensure the development of the child to the maximum extent possible (Article 6, CRC).

[...]

The accessibility of outdoor areas intended for youth is a problem, particularly for younger children, and this means that they can only play outside with adult supervision. The diminishing feeling of safety in society also plays a role in this.

The quality or ‘enjoyability’ of outdoor space is also a concern. Informal play areas are often minimal, and may be nothing more than a narrow path between the front of a house and a row of parked cars. Tolerance for children playing is not particularly high in the overcrowded Netherlands. Children and young people quickly cause a ‘nuisance’ in the eyes of adults.

[...]

In 1993, there were 300 days between the time the offender became known to the police and the adjudication by the juvenile court judge, and that does not include the term required for the enforcement of the sentence. There is now introduced the Kalsbeek-standard: 90 days (which standard is not met in reality).

At present, the policy relating to 'youth and security' is being evaluated.

In order to tackle juvenile criminality, juvenile criminal law was adjusted in 1995 to create a legal basis for the HALT procedure and to continue the increase in the general maximum sentences (12 to 16 years: 12 months, 17 to 18 years: 24 months).

[...]

Many more young people are entering closed institutions. To put it into figures, in 1991 there were an average of 714 young people in closed institutions: 291 under criminal law and 423 under civil law. In 2001, there were 1,708: 970 under criminal law and 738 under civil law. Two things about these figures are striking: one, that the number of young people in closed institutions has more than doubled over ten years; and two, over that same period, the number of placements under criminal law has exceeded the number of placements under civil law.

Additionally, there are extremely long waiting lists for placement in juvenile institutions (PIJ), with waiting periods of a year or longer. There is an extreme personnel shortage in the sector. This is a quantitative problem that has major effects on the quality of care.

[...]

Recommendation 18 of the UN Committee on the Rights of the Child, 1999

Female genital mutilation

The Dutch government must intensify its efforts against traditional practices such as female genital mutilation. The dual criminality principle for cases of female genital mutilation must be revoked.

Response of the Dutch government, 1999

The government will examine the potential for legislation providing young girls with more protection against female genital mutilation. Furnishing evidence for something that someone has done abroad is very difficult.

Developments

The Netherlands has no legislation specifically addressing female circumcision. Female circumcision is prohibited under the general provisions on abuse in the Dutch Penal Code. Dutch policy focuses on prevention, principally on the education of refugees and asylum seekers (not only women, but men and young people as well). Criminal prosecution is a final step. The Lower House of Parliament has spoken of making it possible to hold parents and parties suspected of female circumcision in pre-trial detention.

At the international level, the Netherlands strongly supported a UN resolution calling on countries to stamp out female circumcision. This resolution was adopted by the General Assembly of the United Nations on 21 October 1999. The government subsidizes activities intended to combat female circumcision in the countries of origin. National campaigns and educational activities in Mali, Burkina Faso and Ethiopia are supported financially.

There have been indications from the Somali community in the Netherlands that young girls in the Netherlands are being circumcised. The Federation of Somali Associations in the Netherlands and the Pharos Refugees and Health Centre of Expertise are involved in the project 'Female circumcision in the Netherlands: from policy to practice.' The goal is to actively initiate change processes in the target group of Somalis by means of recruiting and training key figures and educators of the native language and culture to conduct a series of informative meetings. The Female Genital Mutilation Platform calls for the prevention of female circumcision, with a major role for the Advice and Reporting Centres for Child Abuse and Neglect, the police and health care personnel, amongst others. Guidelines must be created on how institutions should deal with indications of or information on female circumcision. Pharos will provide material to health care professional groups. Financial support will be provided by the Ministry of Health, Welfare and Sport.

Recommendations of the Dutch NGO Coalition for Children's Rights to the Dutch government

- Continue activities in the areas of prevention and education on female circumcision.
- Foster expertise in the health care sector, Advice and Reporting Centres for Child Abuse and Neglect, the youth department of the police and the vice squad.

[...]

Recommendation 22 of the UN Committee on the Rights of the Child, 1999

Bullying in schools

The Dutch government should continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to strengthen structures to enable children to participate in adequately addressing and resolving this problem.

Response of the Dutch government, 1999

A new study of violence in secondary schools, including bullying, will be conducted in 2000. The project 'The Safe School' is the basis for improving safety at primary and secondary schools. A brochure has been developed on the 'bully test' and the national protocol against bullying (not required). The brochure was sent to all schools in 1999.

Developments

The project 'The Safe School' is still running. The 'Youth, School & Security Scientific Information Centre' (*Transferpunt Jongeren, School & Veiligheid*) gives schools advice on bullying and safety. A study commissioned by the Ministry of Education and carried out in October 1999 among a representative group of 354 headmasters and 112 teachers in primary school year groups 6, 7 and 8 found that:

- four out of ten teachers have observed severe forms of bullying in class;
- there are more bullies than victims of bullying; this shows that bullying takes place in groups;
- according to teachers, approximately 7 out of 100 children engage in severe bullying.

According to studies conducted for the Ministry of Education, 69.3% of schools pursue an anti-bullying policy in some form. However, the effectiveness of the measures taken is unclear. There are still too many complaints from parents and children about bullying.

The project 'Children bullying Children' started in 1997. This project is an element of the project 'Concerns about your child' subsidized by the Ministry of Health, Welfare and Sport. Information for children, parents and teachers can be found on web sites such as www.pestweb.nl, www.sjn.nl/pesten and www.pesten.net.