

# Mapping child protection systems in the EU (27)

The Netherlands

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Contractor: Art.1

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# 1. Legislative and regulatory framework and policies

## 1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

The Child Protection System in the Netherlands is dominated by two fundamental rights : the right of parents to raise their children according to their own ideas and the right of children to grow up in a safe and healthy environment. The Dutch child protection system tries to balance these two rights. The parents have the main responsibility for raising their children. When the parents do not offer a safe and healthy environment for their children, the child protection services must intervene.

The legal framework for this system is provided by Book 1 of the Dutch Civil Code<sup>1</sup>, the Youth Act (*Jeugdwet*)<sup>2</sup> and the Social Support Act 2015<sup>3</sup> .

A large number of actors are involved in the Dutch Child Protection System.

The Ministries of Security and Justice (*Ministerie van Veiligheid en Justie*) and the Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) are responsible for child protection at the national level. The municipalities are responsible for the implementation of the Youth Support System (including Child Protection) under the Youth Act and the Social Support Act 2015.

Reports of child abuse are handled by the Safe at Home organisations (*Veilig Thuis Organisaties*) that act as the advice and reporting centres for child abuse and domestic violence. Their role is determined by the Social Support Act 2015. Safe at Home organisations are private foundations established by municipalities. They act and are funded under the Social Support Act 2015. There is no legal obligation to report child abuse. Instead, there is a mandatory reporting code for organisations and independent professionals in education, healthcare, child care, youth care, social work, and the criminal justice system.

The Safe at Home organisation will investigate each case and will decide whether the child and parents should be referred to youth support (provided by one of the Youth Support Providers) or whether they should be referred to the Child Care and Protection Board (*Raad voor de Kinderbescherming*) because a youth protection order may be necessary. Pursuant to the Dutch Civil Code, the Board can request the Children's Judge (*Kinderrechter*) to issue a child protection measure with or without an out-of-home-placement order to place the child in alternative care. Putting children into alternative care is considered a means of last resort. When the child protection measure is issued without an out-of-home-placement order the child will stay with his parents. The parents will then get a family guardian who supervises them. Certified Institutions (*Gecertificeerde instellingen*) implement the child protection measure on request of the Children's Judge.

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<sup>1</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>2</sup> The Netherlands, Youth Act (*Jeugdwet*) ,1 January 2015, [Complete Act](#).

<sup>3</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), 1 January 2015, [Complete Act](#) [trew456](#).

Since the Youth Act entered in to force 1 January 2015, municipalities are responsible for prevention, support, help and care for children and their parents regarding growing up, parenting, youth mental health problems and disorders, child protection and youth probation. The main ambition of the Youth Act was to deliver integral care for families and children. Under the new system directed by the municipalities the responsibility of one case should be with one actor (an agency or body) which coordinates all help for this particular case. Since the 1980 this lack of integrated care is seen as a problem. In 2021 the two responsible ministers concluded that integral care has not been achieved via the new system implemented in 2015.<sup>4</sup> They initiated a policy programme<sup>5</sup> in which the outlines of a new and better child protection system will be explored and a reform agenda<sup>6</sup> that aims at manageable and therefore financially sustainable system. gal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection.

Question	YES	NO	Comments
1.1.1. Does the constitution contain any provisions on children's rights and child protection?		No.	No mention is made of children's right, child protection or children in the Dutch constitution.
1.1.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		No.	The UN Convention on the Rights of the Child forms the basis for all rules and regulations concerning youth in the Netherlands.  In the Netherlands there is no all-encompassing act or legal instrument for child rights and/or child protection. The most important legal instruments concerning child are the Youth Act <sup>7</sup> and the relevant

<sup>4</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Scenario concerning the future of child and family protection' (['Toekomstscenario kind- en gezinsbescherming'](#)). Letter to parliament, 31 March 2021.

<sup>5</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario (['Toekomstscenario kind- en gezinsbescherming'](#)).

<sup>6</sup> The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2023), Reform Agenda Youth (['Hervormingsagenda Jeugd'](#)).

<sup>7</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

			provisions of Book 1 of the Civil Code. <sup>8</sup> In addition to the Youth Act and the relevant provisions of the Civil Code there are several articles and acts from the civil, criminal and administrative legislation that are devoted to child protection (see below under 1.2.3).
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1.1.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
Article 7 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	1 July 2014	This article establishes the extraterritoriality of several crimes including Female Genital Mutilation against minors. <sup>9</sup>
Article 240a of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	14 December 2000	This article criminalises showing pictures or objects to minors young that cause harm to these children. <sup>10</sup>
Article 240b of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	26 November 2009	This article criminalises all conduct related to child pornography: producing, offering or making available, distributing or transmitting, procuring, possessing, knowingly obtaining access. <sup>11</sup>
Article 244 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises sexual intercourse with children under twelve. <sup>12</sup>
Article 245 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises sexual intercourse with children between twelve and sixteen. <sup>13</sup>
Article 247 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises fornication with children under sixteen. <sup>14</sup>

<sup>8</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>9</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 7](#).

<sup>10</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 240a](#).

<sup>11</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 240b](#).

<sup>12</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 244](#).

<sup>13</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 245](#).

<sup>14</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 247](#).

Article 248a of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This section criminalises the use of financial promises or the abuse of a dominant position to incite children under 18 to sexual acts. <sup>15</sup>
Article 248b of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	28 October 1999	This article criminalises making use of a prostitute who is 16 or 17 years old. <sup>16</sup>
Article 248c of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	13 July 2002	This article criminalises viewing or being present at sexual act involving children under eighteen in an establishment designed for this purpose. <sup>17</sup>
Article 248d of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	26 November 2009	This article criminalises forcing children under sixteen to be witness of sexual acts. <sup>18</sup>
Article 248e of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	26 November 2009	This article criminalises inciting children under sixteen to acts that may lead to the production of child pornography. <sup>19</sup>
Article 248f of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	12 February 2014	This article criminalises forcing a third person to have sexual intercourse with a child under eighteen. <sup>20</sup>
Article 249 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises sexual intercourse between adults and the children who are under care of these adults. <sup>21</sup>
Article 250 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises the arrangement or encouragement of the sexual abuse of one's own minor child, step-child or foster child. <sup>22</sup>
Article 273f of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	15 November 2013	This article raises the maximum punishment on human trafficking in which children were involved, from 12 to 15 years. <sup>23</sup>
Article 279 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	3 March 1881	This article criminalises the abduction of a child from the persons who have authority ( <i>gezag</i> ) over the children. This includes the abduction of a child by a

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<sup>15</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248a](#).

<sup>16</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248b](#).

<sup>17</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248c](#).

<sup>18</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248d](#).

<sup>19</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248e](#).

<sup>20</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 248f](#).

<sup>21</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 249](#).

<sup>22</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 250](#).

<sup>23</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 273f](#).

		parent who has not authority or custodial rights over his child. <sup>24</sup>
Article 281 of the Criminal Code ( <i>Wetboek van Strafrecht</i> ).	3 March 1881	This article criminalises the taking away of a female minor against the will of her parents or guardians, but with her consent, with the intention of securing possession of her, either in or out of wedlock. <sup>25</sup>
Article 304, Sub 1 of the Criminal Code ( <i>Wetboek van Strafrecht</i> )	12 June 2009	This article offers the possibility to raise the maximum punishment with one third in cases of maltreatment or abuse as defined in articles 300-303 of the Criminal Code when these crimes are committed by the parents against their children or children under their care. <sup>26</sup>
Title VIII A, Articles 77a--77hh of the Criminal Code ( <i>Wetboek van Strafrecht</i> ).	7 July 1994	These articles provide a framework for the punishment and detention of juvenile offenders between 12 and 18 years old. <sup>27</sup>
Articles 486-505 of the Code of Criminal Procedure ( <i>Wetboek van Strafvordering</i> )	15 January 1921	These articles provides the regulatory framework for criminal trials involving juvenile offenders between 12 and 18 years old. <sup>28</sup>
Youth Custodial Institutions Act ( <i>Beginselenwet justitiële jeuginrichtingen</i> )	20 November 2000	This act provides a legal framework for youth custodial institutions. <sup>29</sup>
Articles 227 to 232 of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )	26 January 1956	Articles 227 to 232 of Book 1 of the Dutch Civil Code gives a legal framework for adoptions inside the Netherlands. <sup>30</sup>
Articles 238 to 243 of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )		Articles 238 to 243 of Book 1 of the Civil Code provides a legal framework for the Child Care and Protection Board ( <i>Raad voor de Kinderbescherming</i> ). <sup>31</sup>
Article 247 of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )	25 April 2007	This article defines the extent of parental authority. It contains the following clause (the second clause) :

<sup>24</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 279](#).

<sup>25</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 281](#)..

<sup>26</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Article 304, sub 1](#).

<sup>27</sup>The Netherlands, Criminal Code (*Wetboek van Strafrecht*), [Title VIII A, Articles 77a-77hh](#).

<sup>28</sup> The Netherlands, Code of Criminal Procedure (*Wetboek van strafvordering*), [Articles 486-505](#) .

<sup>29</sup> The Netherlands, Youth Custodial Institutions Act (*Beginselenwet justitiële jeuginrichtingen*), 2 November 2000, [Complete Act](#).

<sup>30</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 227-232](#)..

<sup>31</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 227-232](#)..

		“Care and upbringing shall include the care and responsibility for the child's mental and physical well-being and safety as well as promoting the development of his personality. In the care and upbringing of the child, the parents shall not apply mental or physical violence or any other degrading treatment.” <sup>32</sup>
Articles 254 to 265k of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )	2 November 1995	Articles 254 to 265k of Book 1 of the Dutch civil code offer the legal framework which grants the Children’s judge ( <i>kinderrechter</i> ) the authority to issue child protection measures and an out-of-home placement orders by which families are placed under supervision or children are placed into alternative care. <sup>33</sup>
Articles 266 to 278 of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )	2 November 1995	Articles 266 to 278 of Book 1 of the Civil Code offer the legal framework by which the Children’s judge ( <i>kinderrechter</i> ) can divest parents from their parental authority when the parents are incapable of taking charge of the care and upbringing of their child or have culpably ill-treated their child. <sup>34</sup>
Articles 279 to 377 of Book 1 of the Civil Code ( <i>Burgerlijk Wetboek</i> )	2 November 1995	Articles 279 to 377 of Book 1 of the Civil Code offer the legal framework for the guardianship of minors. <sup>35</sup>
Temporary Restraining Order Act ( <i>Wet tijdelijk huisverbod</i> )	9 October 2008	This Act enables mayors to impose a temporary restraining order for perpetrators of domestic violence (including child abuse) in situations where there is an acute threat to victims and/or any children. This Act allows mayors to impose a ten-day restraining order. In practice, they will authorise an executive police officer to use this power. The court can test the order within three days after its commencement date. After the ten days, the mayor may decide to extend the order by another four weeks at most. During the ten days that the restraining order is effective, assistance programmes will be developed for all people involved. <sup>36</sup>
Youth Act ( <i>Jeugdwet</i> )	1 January 2015.	The Youth Act ( <i>Jeugdwet</i> ) contains the legal framework for most services provided in the child

<sup>32</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 47](#).

<sup>33</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-265k](#).

<sup>34</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 266-278](#).

<sup>35</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 279-377](#).

<sup>36</sup> The Netherlands, Temporary Restraining Order Act (*Wet tijdelijk huisverbod*), 9 October 2008, [Complete Act](#).



		protection system. <sup>37</sup> The Act regulates the municipal responsibility for prevention, support, help and care for children and youth and their parents regarding growing up, parenting, youth mental health problems and disorders, child protection and youth probation. It replaced the Youth Care Act ( <i>Wet op de Jeugdzorg</i> ).
Youth Act Decree ( <i>Besluit Jeugdwet</i> )	1 January 2015	This decree stipulates how parts the Youth Act must be implemented. <sup>38</sup>
Youth Act Regulation ( <i>Regeling Jeugdwet</i> )	1 January 2015	This ministerial regulation stipulates how parts the Youth Act must be implemented. <sup>39</sup>
Chapter 4 of the Social Support Act 2015 ( <i>Wet maatschappelijke ondersteuning</i> )	1 January 2015	This chapter of the Social Support Act 2015 provides the legal basis for the Safe at Home ( <i>VeiligThuis organisaties</i> ) organisations that act as advisory and reporting centres (hotlines) for child abuse and domestic violence. <sup>40</sup> Municipalities are responsible for setting up the Safe at Home ( <i>VeiligThuis organisaties</i> ) organisations.
Mandatory Protocol Domestic Violence Child Abuse Act ( <i>Wet verplichte meldcode huiselijk geweld en kindermishandeling</i> )	1 July 2013	This Act applies to organisations and independent professionals in education, healthcare, child care, youth care, social work, and the criminal justice system. <sup>41</sup> They are required by the Act to adhere to a reporting code to help them deal with signs of domestic violence and child abuse. The reporting code includes an action plan, guiding professionals through all the steps in the process, from identifying the signs of violence or abuse to deciding whether to file a report.
Article 4a of the Act on Primary Education ( <i>Wet op het Primair onderwijs</i> )	18 June 1998	This section contains the obligation for primary schools to report any sexual abuse of a pupil committed by a member of the staff of the school. <sup>42</sup>
Article 3.39 of the Secondary Education Act 2020 ( <i>Wet op het Voortgezet Onderwijs 2020</i> )	1 August 2020	This article contains the obligation for secondary schools to report any sexual abuse of a pupil committed by a member of the staff of the school. <sup>43</sup>

<sup>37</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>38</sup> The Netherlands, Youth Act Decree (*Besluit Jeugdwet*), 1 January 2015, [Complete Decree](#).

<sup>39</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), 1 January 2015, [Complete Regulation](#).

<sup>40</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>41</sup> The Netherlands, Mandatory Protocol Domestic Violence Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*), 1 July 2013, [Complete Act](#).

<sup>42</sup> The Netherlands, Primary Education Act (*Wet op het Primair onderwijs*), [Article 4a](#).

<sup>43</sup> The Netherlands, Secondary Education Act 2020 (*Wet op het Voortgezet Onderwijs*), [Article 3.39](#).

Article 1.3.8 of the Adult education and vocational Training Act ( <i>Wet educatie en beroepsonderwijs</i> )	31 October 1995	This article contains the obligation for schools providing vocational training to report any sexual abuse of a pupil committed by a member of the staff of the school. <sup>44</sup>
Article 11 of the Healthcare Quality, Complaints and Disputes Act ( <i>Wet kwaliteit, klachten en geschillen zorg</i> ).	1 August 2018	This article contains the obligation for youth care institutions to report (to the Health and Youth Care Inspectorate) any abuse inside the institutions involving a client or patient. <sup>45</sup>
Article 10a of the Burial and Cremation Act ( <i>Wet op de lijkbezorging</i> )	1 October 2012	This article mandates the investigation of every unexpected and unexplained death of a minor by a forensic physician. <sup>46</sup>
Placement of Foreign Foster Children Act ( <i>Wet opneming buitenlandse kinderen ter adoptie</i> )	21 March 2018	This Act provides a legal framework for inter-country adoption. <sup>47</sup>
Implementation Act International Child Abduction ( <i>Uitvoeringswet internationale kindervervoering</i> )	2 May 1990	This Act implements the Hague Convention on the Civil Aspects of International Child Abduction in the Netherlands. <sup>48</sup>

## 1.2. Policy framework

Question	YES	NO	Comments
1.2.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? <u>If yes</u> , does it require an integrated approach to child protection?	Yes.		The two latest two policy programmes outlining the national on child rights and/or child protection are:

<sup>44</sup> The Netherlands, Adult and Vocational Education Act (*Wet educatie en beroepsonderwijs*), [Article 1.3.8.](#)

<sup>45</sup> The Netherlands, Healthcare Quality, Complaints and Disputes Act (*Wet kwaliteit, klachten en geschillen zorg*), [Article 11](#).

<sup>46</sup> Netherlands, Burial and Cremation Act (*Wet op de lijkbezorging*), [Article 10a](#).

<sup>47</sup> Netherlands, Placement of Foreign Foster Children Act (*Wet opneming buitenlandse kinderen ter adoptie*), 21 March 2018, [Complete Act](#).

<sup>48</sup> Netherlands, Implementation Act International Child Abduction (*Uitvoeringswet internationale kindervervoering*), 2 May 1990, [Complete Act](#).

		<p><b>Violence does not belong anywhere: Approach domestic violence and child abuse (<i>Geweld hoort nergens thuis. Aanpak huiselijk geweld</i>)<sup>49</sup></b></p> <p>This policy programme of the national government and the Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i>) ran from April 2018 till December 2021. Goal of this action programme was to continually improve youth care, youth protection and youth probation in such a way that children, youth and families receive timely and appropriate care. The ambition was to better support children, youth and families during the life path of a child and to improve the professionalism of youth care professionals</p> <p><b>Child and family protection future scenario (<i>Toekomstscenario kind- en gezinsbescherming</i>)<sup>50</sup></b></p> <p>.This policy programme contains an outline of a future child protection system that will be explored in the coming 5 to 10 years. The programme was initiated in 2021 by the national government and the Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i>). Major actors in this system will be the Local Teams (<i>wijkteams</i>) and the Regional Safety Teams (<i>regionale veiligheidsteams</i>). Functions of the Certified Institutions, the Safe at Home organisations (<i>Veilig Thuis organisaties</i>) and the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) will be brought together in the Regional Safety Teams.</p>
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<sup>49</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), Violence does not belong anywhere: Approach domestic violence and child abuse ([\*Geweld hoort nergens thuis. Aanpak huiselijk geweld\*](#))

<sup>50</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([\*Toekomstscenario kind- en gezinsbescherming\*](#)).

1.2.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	Yes.		See below, under 1.4.1.
1.2.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	Yes.		See below, under 1.4.1.
1.2.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children’s rights forum, child surveys, child participation platform? <u>If yes, are appropriate child protection and safety measures in place?</u>		No.	There is no such mechanism.

### 1.3. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

#### 1.3.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments

Legislative developments

**Approach online sexual child abuse (*Aanpak online seksueel kindermisbruik*) (2018- )**

In 2018, the national government started a renewed approach to online sexual child abuse. Approach online sexual child abuse is not an initiative, but a general Action plan regularly updated consisting of several major and mostly minor initiatives. Since 2018, the Minister of Justice and Security or the Minister for Legal Protection sent yearly policy letters about the approach online sexual child to parliament. The latest letter was sent on 6 July 2022.<sup>51</sup> Most important recent initiative is the establishment of an independent supervisor who has the authority to remove pornographic content. The bill establishing this authority has not been submitted to Parliament yet.

**Taking care of our youth in (*Zorg voor de Jeugd*)<sup>52</sup>**

Goal of this national action programme is to continually improve youth care, youth protection and youth probation in such a way that children, youth and families receive timely and appropriate care. The ambition is to better support children, youth and families during the life path of a child. The programme ran from 2018 to 2021.

**Computer Criminality III Act**

The Computer Criminality III Act took effect on 1 March 2019.<sup>56</sup> It amends the Dutch Criminal Code and the Dutch Code of Criminal Proceedings in order to bolster efforts to identify and prosecute cybercrime. The Act extends the criminalisation of the offence of grooming (the unwanted practice of soliciting children over the internet with the objective of sexual abuse) to ensure that the offence also relates to soliciting, for sexual purposes, any person "impersonating an individual not having yet reached the age of 16 or 18".

Bill for Act criminalising preparatory acts of child sexual abuse

On 23 March 2023 the Senate passed the bill amending the Criminal Code to criminalise the preparatory acts of child sexual abuse.<sup>57</sup> It is not known yet on which date this bill will take effect.

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<sup>51</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2022), Letter on progress approach online sexual child abuse' ( '[Voortgangsbrieven aanpak online seksueel kindermisbruik en zeden](#)'), Letter to House of Representatives, 6 July 2022.

<sup>52</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2018), Taking care of our youth in ([Zorg voor de Jeugd](#)).

<sup>56</sup> The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2018), '[Wet van 27 juni 2018 tot wijziging van het Wetboek van Strafrecht en het Wetboek van Strafvordering in verband met de verbetering en versterking van de opsporing en vervolging van computercriminaliteit \(computercriminaliteit III\)](#)', Volume 2018, No. 322. I

<sup>57</sup> The Netherlands, Senate (*Eerste Kamer*) (2023), 'Criminalisation of preparatory acts of child sexual abuse', ([Strafbaarstelling voorbereidingshandelingen seksueel kindermisbruik](#)), Web page.

**Violence does not belong anywhere: Approach domestic violence and child abuse (*Geweld hoort nergens thuis. Aanpak huiselijk geweld*)<sup>53</sup>**

This policy programme of the national government and the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) ran from April 2018 till December 2021. Goal of this action programme was to continually improve youth care, youth protection and youth probation in such a way that children, youth and families receive timely and appropriate care. The ambition was to better support children, youth and families during the life path of a child and to improve the professionalism of youth care professionals.

**Child and family protection future scenario (*Toekomstscenario kind- en gezinsbescherming*)<sup>54</sup>**

This policy programme will explore a new Child and family protection system in the coming 5 to 10 years. The programme was initiated in 2021 by the national government and the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*). Major actors in this new system will be the Social district teams (*wijkteams*) and the Regional Safety Teams (*regionale veiligheidsteams*). Functions of the Certified Institutions, the Safe Home organisations (*Veilig Thuis organisaties*) and the Child Care and Protection Board (*Raad voor de Kinderbescherming*) will be brought together in the Regional Safety Teams.

**Reform agenda Youth (*Hervormingsagenda Jeugd*)<sup>55</sup>**

The Ministry of Health, Welfare and Sport, the Association of Netherlands Municipalities

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<sup>53</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), Violence does not belong anywhere: Approach domestic violence and child abuse ([\*Geweld hoort nergens thuis. Aanpak huiselijk geweld\*](#))

<sup>54</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([\*Toekomstscenario kind- en gezinsbescherming\*](#)).

<sup>55</sup> The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2023), Reform Agenda Youth ([\*Hervormingsagenda Jeugd\*](#)).

<p>(Vereniging van Nederlandse Gemeenten), the youth support providers, and the client councils of these providers have jointly drawn up a Youth Reform Agenda. It has 2 goals, which are explicitly linked: (1) Better and timely care and support, in the right place, when needed. (2) A manageable and therefore financially sustainable system.</p>	
<p>1.3.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p><b>Improvement approach to Appropriate Education (Verbeteraanpak Passend Onderwijs)<sup>58</sup></b>  This approach aims to improve Appropriate Education or Special Needs Education. It started in 2020. Since August 2014 all schools in the Netherlands have a duty of care to offer all pupils a place at a school that suits their learning requirements. This is referred to as appropriate education (<i>passend onderwijs</i>).</p>	<p>No developments.</p>
<p>1.3.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>No developments.</p> <p>All children in the Netherlands (irrespective of residence status) have access to child protection services.</p> <p>A recent report by Defence for Children found that due to the decentralised reception of displaced persons from Ukraine no central registration take place. “The regional and local approach of the Ukrainian refugees means that the overarching view and overview when it comes to screening for vulnerability and care needs is often lacking.” [De</p>	<p>No developments.</p>

<sup>58</sup> The Netherlands, Minister for Primary en Secondary Education (*Minister voor Basis en Voortgezet onderwijs*) (2020), ‘Improvement approach to Appropriate Education’; (‘[Verbeteraanpak passend onderwijs en route naar inclusiever onderwijs](#)’), Letter to Parliament, 4 November 2020.



regionale en lokale aanpak van de Oekraïense vluchtelingen maakt dat de overkoepelende blik en het overzicht, als het gaat om screening op kwetsbaarheid en zorgbehoeften, vaak ontbreekt.'].<sup>59</sup>

#### 1.3.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p><b>Investigative Committee Intercountry Adoption (Commissie Onderzoek Interlandelijke Adoptie) (2019-2021)</b></p> <p>On 18 April 2019, the Minister for Legal Protection established the Investigative Committee Intercountry Adoption (<i>Commissie Onderzoek Interlandelijke Adoptie</i>) to investigate potential abuses related to intercountry adoptions in the past. The assignment set by the minister focused primarily on the period 1967-1998 and on the countries Bangladesh, Brazil, Colombia, Indonesia and Sri Lanka. On 8 February 2021, the committee published its report.<sup>60</sup> The committee concluded that serious abuses in intercountry adoption occurred in all the countries studied. Although the nature and extent varied between countries and over time, the committee found that these abuses were an almost permanent and structural problem in intercountry adoption. They include illegal activities such as corruption, falsification of documents, child trafficking, child theft and fraud. The committee</p>	<p><b>Act of 13 October 2022, amending the Youth Act and other Acts in connection with the extension of the duration of foster care (<i>Wet van 13 oktober 2022, houdende wijziging van de Jeugdwet en enkele andere wetten in verband met de verlenging van de duur van pleegzorg</i>)<sup>67</sup></b></p> <p>On 1 January 2023 this act took effect. This act regulates that foster care can continue by default until a youth is 21 years old, unless the foster child does not wish to do so.</p>

<sup>59</sup> Alting von Geusau, M.C. (2022), Ukrainian children, are they in the picture? (*Oekraïense kinderen, zijn ze in beeld?*), Leiden, Defence for Children.

<sup>60</sup> The Netherlands, Investigative Committee Intercountry Adoption (*Commissie Onderzoek Interlandelijke Adoptie*) (2021), [Report](#).

<sup>67</sup> The Netherlands, The State Secretary for Health, Welfare and sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2022), Act of 13 October 2022, amending the Youth Act and other Acts in connection with the extension of the duration of foster care (*Wet van 13 oktober 2022, houdende wijziging van de Jeugdwet en enkele andere wetten in verband met de verlenging van de duur van pleegzorg*).



established that the structural and systematic abuses identified are caused by complex factors, both in the countries of origin and in the Netherlands. The committee asserted that many of these factors continue unabated to this day and form a lasting trigger for potential abuses. Abuses did not disappear after 1998.

**Policy reply to report of Investigative Committee Inter-country Adoption; (*Beleidsreactie rapport Commissie Onderzoek naar Interlandelijke Adoptie in het verleden*) (2021)**

Because of the conclusions of the report Investigative Committee Inter-country Adoption the Minister for Legal Protection decided to temporarily suspend all inter-country adoption.<sup>61</sup>

**Viewpoint on future inter-country adoption (*Standpunt Interlandelijk Adoptie*)**

On 11 April 2022, the Minister for Legal Protection informed the House of Representatives that he wants to resume inter-country adoption.<sup>62</sup> To combat abuses, he proposed a new system with stricter conditions. The best interests of the child must come first.

**From large to small, from closed to open, from a house to a home. Implementation plan dismantling and conversion of closed youth care (*Van groot naar klein, van gesloten naar open, van thuis naar huis. Uitvoeringsplan af- en ombouw gesloten jeugdhulp*)<sup>63</sup>**

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<sup>61</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2021), 'Policy reply to report of Investigative Committee Inter-country Adoption; ([Beleidsreactie rapport Commissie Onderzoek naar Interlandelijke Adoptie in het verleden](#))', Letter to House of Representatives, 8 February 2021.

<sup>62</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2022), 'Viewpoint on future inter-country adoption ( ['Standpunt Interlandelijk Adoptie'](#) ), Letter to House of Representatives, 11 April 2022.

<sup>63</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), From large to small, from closed to open, from a house to a home. Implementation plan dismantling and conversion of closed youth care ([Van groot naar klein, van gesloten naar open, van thuis naar huis. Uitvoeringsplan af- en ombouw gesloten jeugdhulp](#)).

On 3 February 2023, the State Secretary of Health, Welfare and Sport sent a letter to parliament announcing that the Closed Residential Care (*gesloten jeudhulp*), also called youth care plus (*jeugzorgplus*), will be scaled down and eventually replaced by small open facilities.<sup>64</sup> Residents of the Closed Residential Care are children with serious behavioural problems often in combination with a mental disability or psychiatric disorder. They are placed in Closed Residential Care through a child protection measure issued by the Children’s Judge (*kinderrechter*). The closed care institutions will be shut down by 2030. A special plan has been drawn up.<sup>65</sup> This plan indicates that by 2030 children will no longer be placed in closed residential care institutions but in small scale facilities where no force will be used. This plan has been drawn up in response to a motion adopted by the House of Representatives urging the government to close the Closed Residential Care of Youth Care Plus.<sup>66</sup> The Closed Residential Care has been a matter of public debate since 2018 when an ex-resident of these institutions told his personal story to numerous media outlets.

### 1.3.5. Children affected by custody disputes, including parental abduction

Policy developments

Legislative developments

<sup>64</sup> The Netherlands, State Secretary of Health, Welfare and Sport (*Staatsscretaris van Volksgezondheid, Welzijn en Sport*) (2023), ‘Implementation plan scaling down and conversion of closed youth care’ ([‘Uitvoeringsplan af- en ombouw gesloten jeugdhelp’](#)), Letter to House of Representatives, 3 February 2023.

<sup>65</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), From large to small, from closed to open, from a house to a home. Implementation plan dismantling and conversion of closed youth care ([‘Van groot naar klein, van gesloten naar open, van thuis naar huis. Uitvoeringsplan af- en ombouw gesloten jeugdhelp’](#)).

<sup>66</sup> The Netherlands, House of Representatives (*Tweede Kamer*) (2021), Motion of the Members Peters and Kuiken, Parliamentary Document II, 35925 XVI, nr. 119 ([‘Motie van de leden Peters en Kuiken. Kamerstuk II, 35925 XVI, nr. 119’](#)).

<p><b>Implementation programma. Divorce without Damage (<i>Uitvoeringsprogramma Scheiden zonder schade</i>) (2018-2021)</b><sup>68</sup></p> <p>This programma ran from 2018 to 2021. It had the following aims: to reduce quarrels and legal battles between parents; to encourage (ex)-partners to solve problems together with family and their own networks; to offer families help and guidance as early as possible.</p>	<p><b>Act of 7 June 2022 amending Book 1 of the Civil Code and the Basic Registration of Persons (BRP) in connection with the legal creation of parental responsibility joint custody by recognition (<i>Wet van 7 juni 2022 tot wijziging van Boek 1 van het Burgerlijk Wetboek en de Wet basisregistratie personen in verband met het van rechtswege ontstaan van gezamenlijk gezag door erkenning</i>).</b><sup>69</sup></p> <p>By this law, on 1 January 2023, the situation regarding the process of obtaining joint parental responsibility changed. Even parents who are not married or are not in a registered civil partnership may obtain joint parental responsibility with a recognition procedure after 1 January 2023.</p>
<p>1.3.6. Missing children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>No developments.</p>	<p>No developments.</p>
<p>1.3.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p><b>National plan child guarantee</b><sup>70</sup></p> <p>On 22 April 2022, the Minister for Social Affairs and Employment and the Minister for Poverty Policy, Participation and Pensions submitted</p>	<p>No developments.</p>

<sup>68</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2019), Implementation programme. Divorce without Damage (*Uitvoeringsprogramma Scheiden zonder schade*).

<sup>69</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Veiligheid en Justitie*) (2022), Act of 7 June 2022 amending Book 1 of the Civil Code and the Basic Registration of Persons Act in connection with the legal creation of parental responsibility joint custody by recognition (*Wet van 7 juni 2022 tot wijziging van Boek 1 van het Burgerlijk Wetboek en de Wet basisregistratie personen in verband met het van rechtswege ontstaan van gezamenlijk gezag door erkenning*).

<sup>70</sup> The Netherlands, Minister of Social Affairs and Employment / Minister for Poverty Policy, Participation and Pensions (*Minister van Sociale Zaken en Werkgelegenheid / Minister voor Armoedebeleid, Participatie en Pensioenen*) (2022), National Plan. Dutch situation regarding policy on child poverty in light of the Council recommendation establishing a European Child Guarantee (*Nationaal Plan. Stand van zaken in Nederland omtrent het kinderarmoedebeleid in het licht van de Raadsaanbeveling over de kindergarantie*).

<p>by letter<sup>71</sup> the national plan for the Child Guarantee<sup>72</sup> to the House of Representatives. This plan contains six sections. The first section examines the context of child poverty within income and poverty policy. The second section looks at the five areas addressed by the child guarantee: child care and early childhood education, education, healthcare, nutrition and housing. The third section deals with the involvement of stakeholders in the process. The fourth section lists qualitative and quantitative goals for child poverty, and the fifth section looks at data collection and monitoring and evaluating progress on these goals. Finally, the sixth section outlines a way forward, taking into account the coalition agreement of the present government.</p>	
<p>1.3.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>So far, the Netherlands did not adopt one or several ‘action plans’ in order to implement the ‘Roma strategic framework 2020-2030’ launched by the European Commission in October 2020. <sup>73</sup></p>	<p>No developments.</p>
<p>1.3.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>No developments.</p>	<p>No developments.</p>

<sup>71</sup> The Netherlands, Minister of Social Affairs and Employment / Minister for Poverty Policy, Participation and Pensions (*Minister van Sociale Zaken en Werkgelegenheid / Minister voor Armoedebeleid, Participatie en Pensioenen*) (2022), 'Offer national plan child guarantee' ([Aanbieding nationaal plan kindergarantie](#)), Letter to the House of Representatives, 22 April 2022.

<sup>72</sup> The Netherlands, Minister of Social Affairs and Employment / Minister for Poverty Policy, Participation and Pensions (*Minister van Sociale Zaken en Werkgelegenheid / Minister voor Armoedebeleid, Participatie en Pensioenen*) (2022), National Plan. Dutch situation regarding policy on child poverty in light of the Council recommendation establishing a European Child Guarantee ([Nationaal Plan. Stand van zaken in Nederland omtrent het kinderarmoedebeleid in het licht van de Raadsaanbeveling over de kindergarantie](#)).

<sup>73</sup> See the Dutch contribution to the latest FRA annual report, covering 2022, chapter 3 (not published).

1.3.10. Children involved in judicial proceedings as suspects or accused persons	
Policy developments	Legislative developments
No developments.	<p><b>Act implementing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (<i>Wet ter implementatie van richtlijn nr. 2016/800/EU betreffende procedurele waarborgen voor kinderen die verdachte of beklaagde zijn in een strafprocedure</i>)<sup>74</sup></b></p> <p>On 1 June 2019 the Act implementing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings took effect. The Act enshrines a number of procedural rights for children in Dutch criminal procedural law including the right to legal counsel, the right to an individual and medical assessment and the right to privacy.</p>
1.3.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence	
Policy developments	Legislative developments
<p><b>Action agenda harmful Practices (<i>Actieagenda schadelijke praktijken</i>)<sup>75</sup></b></p> <p>Action plan of the National government in which various policy initiatives are laid down to tackle harmful practices (including female genital mutilation; child /forced marriages, honour-related violence). It ran from 2020 to 2022.</p>	<p><b>Bill against Marital Captivity (<i>Wetsontwerp tegenaan huwelijkse gevangenschap</i>)<sup>76</sup></b></p> <p>This bill ensures that the court can make an arrangement in divorce cases, ordering a spouse to cooperate in the dissolution of a religious marriage. By doing so, the government aims to combat marital imprisonment. The Senate passed the bill on 7 March 2022.</p>

<sup>74</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), Act implementing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings ([Wet ter implementatie van richtlijn nr. 2016/800/EU betreffende procedurele waarborgen voor kinderen die verdachte of beklaagde zijn in een strafprocedure](#)).

<sup>75</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2020), Action agenda harmful Practices ([Actieagenda schadelijke praktijken](#)).

<sup>76</sup> The Netherlands, Minister for legal Protection (*Minister voor Rechtsbescherming*) (2020), Bill against Marital Captivity ([Wetsontwerp tegenaan huwelijkse gevangenschap](#)).

1.3.12. Children whose parents are in prison/custody	
Policy developments	Legislative developments
No developments.	No developments.
1.3.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
<p><b>Approach early school leaving (<i>Aanpak voortijdig schoolverlaten</i>)</b></p> <p>Preventing school dropout has been a policy priority in the Netherlands since 2007. On 31 October 2022, the Minister of Education, Culture and Science sent his latest letter to the House of Representatives on the approach early school leaving.<sup>77</sup> The approach has three components. Secondary schools and MBO schools prevent early school leaving themselves as much as possible. Municipalities approach young people if they do leave school early or play truant a lot. Schools and municipalities also cooperate in a regional plan of measures. All regions have such a plan.</p>	No developments.
1.3.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions ( <i>add rows as needed</i> )	
Policy developments	Legislative developments
No developments.	No developments.

<sup>77</sup> The Netherlands, Minister of Education, Culture and Science (*Minister van Onderwijs, Cultuur en Wetenschap*) (2022), 'Early school leaving and transition from school to work', (['Voortijdig schoolverlaten en overstap van school naar werk'](#)), Letter to House of Representatives, 31 October 2022.

#### 1.4. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

The Ombudsman for Children has indicated the lack of an integrated approach among municipalities on a number of policy items.<sup>78</sup> Although the welfare reforms of 2015 and the entering into force of the Youth Act offered opportunities for an integrated approach, this is still far from sufficiently evident in the municipalities' working methods. One example of the lack of an integrated approach can be found in how municipalities combat child poverty. In many municipalities, policy aimed at combating child poverty focuses primarily on material support and provisions away from the home, while children also need a stable home situation and social and emotional support.

The Ombudsman for Children<sup>79</sup> indicated that the interests of children (Article 3 of the UNCRC) and the right to be heard (Article 12 of the UNCRC) have still not been adequately integrated into legislation, policy and implementation. There are no criteria for assessing how the interests of children should be assessed and taken into account in line with Article 3 of the UNCRC. Moreover, the Ombudsman for Children deplores the lack of a child rights assessment.

In 2023, as part of an investigation into evictions of families in vulnerable situations, the National Ombudsman and the Ombudsman for Children conclude that the rights which parents have according to international treaties are not properly reflected in Dutch laws and regulations.<sup>80</sup> Child rights are hardly mentioned anywhere in Dutch laws and regulations. This has major consequences. The ambiguities and space this creates in implementation practice make the realisation of human and child rights in the eviction process dependent on local knowledge, choices in policy, and commitment of individual municipal officials and social workers.

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<sup>78</sup> The Netherlands Ombudsman for Children (Kinderombudsman) (2021), [The Netherlands – Report to the UN Committee on the Rights of the Child](#),

<sup>79</sup> The Netherlands Ombudsman for Children (Kinderombudsman) (2021), [The Netherlands – Report to the UN Committee on the Rights of the Child](#),

<sup>80</sup> The Netherlands, National Ombudsman / Ombudsman for Children (*National Ombudsman / Kinderombudsman*) (2023), *When the government doesn't give home. An investigation into the realisation of human and child law obligations of the government when evicting families in vulnerable situations (Als de overheid niet thuis geeft. Een onderzoek naar de realisatie van mensen- en kinderrechtelijke verplichtingen van de overheid bij huisuitzettingen van gezinnen in kwetsbare situaties)*.

### 1.5. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The national child protection policy and legislation is rather fragmented in the Netherlands. Many actors are involved and several acts apply to child protection. There is no all-encompassing act or legal instrument for child rights and/or child protection. The Youth Act (*Jeugdwet*) is the nearest thing to such an instrument. It offers a legal framework for youth care services working for the care and protection of children. Next to this Youth Act there are several sections from civil, penal and administrative legislation that are devoted to child protection or child rights. The role of the Child Care and Protection Board (*Raad voor de Kinderbescherming*) is foremost defined by relevant sections of the Dutch Civil Code (*Burgerlijk Wetboek*) and not by the Youth Act for example.

The child protection system is oriented towards both intervention and prevention. The municipalities are responsible for both the child protection system and the general and preventive youth services.

### 1.6. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child

On 1 January 2015, the Youth Act (*Jeugdwet*) took effect.<sup>81</sup> This Act was part of a major reform of the youth protection system that was part of the decentralization operation of the general welfare system. The Explanatory Memorandum to the Youth Act pointed at one big challenge regarding cooperation in the area of child protection: the failing cooperation between the actors (operating in the child protection system and the general welfare system) when providing help to children and families.<sup>82</sup>

In 2018 the first evaluation study of the Youth Act was published.<sup>83</sup> It showed that since the act came into force most changes made could be characterized as a transition. For the most part the Youth Act's transformation goals still had to be achieved. In 2020, a study of the Netherlands Institute for Social Research (SCP) concluded that the overall system of services is just as complex as before the decentralization.<sup>84</sup> There is still a myriad of different actors, schemes and provisions in which citizens and professionals and employers can easily lose their way.

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<sup>81</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>82</sup> The Netherlands, State Secretary of Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) / State Secretary of Health Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), Explanatory Memorandum Youth Act ([Memorie van toelichting. Jeugdwet](#)).

<sup>83</sup> The Netherlands, ZonMw (2019), First evaluation Youth Act. After the transition the transformation ([Eerste evaluatie Jeugdwet. Na de transitie nu de transformatie](#)).

<sup>84</sup> The Netherlands, Kromhout, M., Van Echtelt, P. and Feijten, P. (2022), Social reforms on track? Expectations and results of five years of decentralised policy ([Sociaal domein op koers? Verwachtingen](#))



Numerous reports and developments in the last four years have made it clear that the present system lacks financial and human resources causing a general crisis in the whole system of youth protection. In December 2020, a report commissioned by the national government was submitted to the House of Representatives. For this report Consultancy firm Andersson Elffers Felix (AEF) investigated the need for a structural additional budget for municipalities in the area of child protection and youth support.<sup>85</sup> The report concludes that municipalities are €1.3 till €1.5 billion short on their annual budgets to be able to provide necessary support and care under the Youth Act. Moreover, the report concludes that the expectations of the government that the broad commitment to prevention and early detection in the Youth Act would lead to cost savings did not materialise. In 2019, the government announced extra temporary funding for the years 2019-2022 (€ 420 million, € 300 million, €300 million, €300 million respectively) as well as future negotiations with municipalities about long-term measures to keep the youth support system manageable.<sup>86</sup>

In 2021, the responsible ministers concluded in a policy letter that the youth protection system is too complex.<sup>87</sup> Too many actors are involved that work in a relay chain model. Their investigation tasks and individual support plans partly overlap. As a result, children and families are visited by several professionals, to whom they have to tell their story all over again. For the families involved, it is then often unclear where they stand and what they are working towards. For this reason, the responsible ministers initiated an action plan that contains an outline of a future child protection system to be explored in the coming 5 to 10 years. This is the 'Child and family protection future scenario' (*Toekomstscenario kind- en gezinsbeschermingToekomstscenario*).<sup>88</sup> Major actors in this system will be the Social District Teams Teams (*wijkteams*) and the Regional Safety Teams (*regionale veiligheidteams*). Functions of the Certified Institutions, the Safe Home organisations (*Veilig Thuis organisaties*) and the Child Care and Protection Board (*Raad voor de Kinderbescherming*) will be brought together in the Regional Safety Teams.

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[en resultaten van vijf jaar decentraal beleid](#)), The Hague, Netherlands Institute for Social Research (SCP).

<sup>85</sup> Andersson Elffers Felix (2020), System in growth. An investigation into financial deficits in youth services ([Stelsel in Groei. Een onderzoek naar financiële tekorten in de jeugdzorg](#))

<sup>86</sup> The Netherlands, State Secretary for Health Welfare and Sport (*Staatssecretaris voor Volksgezondheid, Welzijn en Sport*) (2020), Submission structurally required budget youth sector youth support, ('[Aanbieden onderzoek structureel benodigd budget jeugdzorg](#)'), Letter to Parliament, 18 December 2020.

<sup>87</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Scenario concerning the future of child and family protection' ([Toekomstscenario kind- en gezinsbescherming](#)). Letter to parliament, 31 March 2021.

<sup>88</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbescherming](#)).

In a report published on 13 April 2023, the Netherlands Court of Audit (*Algemene Rekenkamer*) concludes that the youth protection system as implemented by Youth Act in 2015 has failed.<sup>89</sup> The Dutch government transferred responsibility for youth protection to municipalities in 2015. Its aim was to reduce the overall cost of youth support or care, shorten waiting times and cut red tape for youth support providers. The policy has not succeeded. Children and vulnerable families do not receive the help they need when they need it. For some considerable time, the responsible ministers have inadequately borne their statutory responsibilities for youth protection. The 2015 Youth Act requires municipalities to organise youth protection locally. The responsible ministers thought that the municipalities' proximity to children and families would enable them to tailor the support and care provided. In practice, however, care provision is badly organised and impracticable for both municipalities and care providers. In 2019, the Justice and Security Inspectorate and the Health and Youth Care Inspectorate concluded that the situation was 'not acceptable'.<sup>90</sup> At the moment, 3 years later, there are still no signs (or expectations) of a structural improvement in the system.<sup>91</sup>

### 1.7. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

No promising practices identified.

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<sup>89</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2023), Organised impotence. The role of central government in youth protection ([Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming](#)).

<sup>90</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Vulnerable children inadequately protected. Youth protection chain at risk ([Kwetsbare kinderen onvoldoende beschermd. Jeugdbeschermingsketen in gevaar](#)).

<sup>91</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2023), Organised impotence. The role of central government in youth protection ([Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming](#)).

## 2. Governance, coordination structures, and services

### 2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	Yes		<p>The Ministry of Justice and Security (<i>Ministerie van Justitie en Veiligheid</i>)<sup>92</sup> and the Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>)<sup>93</sup> are the bodies primarily responsible for child protection at the national level. The Youth Act assigns to these two ministries the responsibility to implement youth protection at the national level.<sup>94</sup></p> <p>The Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) is part of the Ministry of Justice and Security and is mainly an executive organisation.</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	Yes		<p>Two ministries share the responsibility for youth policies including child protection: the Ministry of Justice and Security (<i>Ministerie van Justitie en Veiligheid</i>) and the Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>). The Ministry of Security and Justice is responsible for the legal aspects of child protection and for juvenile justice policies. The Ministry of Health, Welfare and Sport is responsible</p>

<sup>92</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2023), 'Youth protection', (['Jeugdbescherming'](#)), Web page.

<sup>93</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*)

<sup>94</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

			for the overall youth policies and services targeting children and their families including children who are placed in alternative care to protect them.
2.1.3. Are there child focal points or similar in different ministries or agencies?  <u>If yes</u> , in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?	Yes .	.	The Youth Authority ( <i>Jeugdautoriteit</i> ) started on 1 January 2019. The legal framework for the Youth Authority was laid down by the Minister of Health, Welfare and Sport and the Minister for Legal Protection by special decree in September 2020. <sup>95</sup> Article 2 of the Decree stipulates that the Youth Authority acts independently towards all actors in the area of child protection. <sup>96</sup> The tasks of the Youth Authority are laid down in the Decree. <sup>97</sup> The tasks are: to identify and help solve problems in the area of child protection, to monitor and investigate the child protection system, to give advice to actors involved in the child protection system and to share knowledge and connect actors in the area of child protection.

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

<sup>95</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>96</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>97</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection  <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments  <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Ministry of Justice and Security ( <i>Ministerie van Justitie en Veiligheid</i> )	National	The Ministry of Justice and Security is responsible for the Child Care and Protection Board, juvenile justice policy and related institutions at the national level. It initiates, coordinates, monitors and finances national policies in this field (often in cooperation with the Ministry of Health, Welfare and Sport). <sup>98</sup>	
Ministry of Health, Welfare and Sport ( <i>Ministerie van Volksgezondheid, Welzijn en Sport</i> )	National	The Ministry of Health, Welfare and Sport is responsible for overall youth policies and services targeting children and their families including children who are placed in alternative care to protect them at the national level initiates, coordinates, monitors and finances national policies in this field (often in cooperation with the Ministry of Justice and Security).	

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<sup>98</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2023), 'Youth protection', (['Jeugdbescherming'](#)), Web page.

Youth authority ( <i>Jeugdautoriteit</i> )	National	The tasks of the Youth Authority is to identify and help solve problems in the area of child protection, to monitor and investigate the child protection system, to give advice to actors involved in the child protection system and to share knowledge and connect actors in the area of child protection. <sup>99</sup>	The Youth Authority started 1 January 2019. The legal framework of Youth Authority was laid down by the Minister of Health, Welfare and Sport and the Minister for Legal Protection by a special decree in September 2020. <sup>100</sup> Article 2 of the Decree stipulates that the Youth Authority act independently towards all actors in the area of child protection. <sup>101</sup> The tasks of the Youth Authority are laid down in the Decree. <sup>102</sup>
Child Care and Protection Board ( <i>Raad voor de Kinderbescherming</i> )	National	The Child Care and Protection Board investigates cases of child abuse in order to decide whether to request the Children's Judge ( <i>Kinderrechter</i> ) to impose a child protection measure under civil law. The Board	The Child Care and Protection Board ( <i>Raad voor de Kinderbescherming</i> ) is a division of the Ministry of Security and Justice. <sup>105</sup> It has four tasks: (1) child protection; (2) advising courts in matters of authority and contact arrangements, when

<sup>99</sup> The Netherlands, , The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>100</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>101</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>102</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>105</sup>

		<p>does not handle reports made by individuals. Only a limited number of institutions can directly call on the Board, such as the Safe at Home organisations, the Certified Institutions, the Police, the Public Prosecution Service and the Children’s Judge. These institutions can notify the Board of cases of child abuse. The Board also screens foster families. It derives its legal mandate from several laws including the relevant parts of Book 1 the Dutch Civil Code (<i>Burgerlijk Wetboek</i>)<sup>103</sup> and the Youth Act (<i>Wet op de Jeugdzorg</i>)<sup>104</sup>.</p>	<p>parents who separate cannot see eye to eye on agreements about their children; (3) the investigation of the situation of young people that are involved with the police and informs the court or the public prosecutor about this; (4) the screening of foster and aspiring (adoption families), adoption and handling questions about one's origins.<sup>106</sup></p>
Municipalities ( <i>Gemeenten</i> )	Local / regional	<p>Since the Youth Act took effect on 1 January 2015 all Dutch municipalities are responsible for the whole continuum of services provided under the Youth Act. The municipalities have a duty to provide youth support (<i>jeugdhulpplicht</i>). These services concern prevention, protection, support, care, mental health care, foster care and (closed) residential care. The municipalities contract and fund the organisations that provides these services. The municipalities are also</p>	<p>Since the Youth Act took effect on 1 January 2015 most municipalities have formed inter-professional social district teams to provide comprehensive outreach (youth, family or citizens) care within neighbourhoods. These teams act as primary providers of youth support or care or as generalist care providers for all forms of care for citizens.</p>

<sup>103</sup> The Netherlands, , Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>104</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>106</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2023), 'About us', ([Over ons](#)).

		<p>responsible for developing and implementing policies at the local or regional level.</p> <p>Moreover, the municipalities are responsible for establishing the regional Safe at home organisations under the Social Support Act 2015.<sup>107</sup></p>	<p>Municipalities in the same region work together in the field of child protection. There are 42 child support regions.<sup>108</sup></p> <p>The municipalities work together in establishing regional Safe at home organisations. There are 25 Safe at Home organisations.<sup>109</sup></p>
Association of Netherlands Municipalities ( <i>Vereniging van Nederlandse Gemeenten</i> or <i>VNG</i> )	National	<p>The Association of Netherlands Municipalities represents all municipalities.<sup>110</sup> It facilitates municipalities with the exchange of knowledge and experience regarding the implementation of national and local policies including policies in the field of child protection. It also lobbies on behalf of the municipalities in numerous platforms and cooperates with the responsible ministries in the field of child protection.</p>	

<sup>107</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke ondersteuning 2015*), [Chapter 4](#).

<sup>108</sup> The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2023), '[About the VNG](#)'.

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<sup>110</sup> The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2023), Map of 42 Youth Regions ('[Kaart van 42 jeugdregio's](#)'), Web page.



Children's Judge ( <i>Kinderrechter</i> )	Regional	The Children's Judge ( <i>Kinderrechter</i> ) issues child protection measures and out-of-home placement orders by which families are placed under supervision or children are placed into alternative care. <sup>111</sup>	The Children's Judge is part of the District Court ( <i>Rechtbank</i> ). In the Netherlands, there are 11 District Courts.
Ombudsman for Children ( <i>Kinderombudsman</i> )	National	The main task of the Ombudsman for Children is to promote compliance with children's rights. The Ombudsman for Children Act <sup>112</sup> sets out the following specific tasks: providing adequate information and raising awareness, providing advice on policy and legislation, conducting research on compliance with children's rights – on its own initiative or in response to complaints – and monitoring the way other relevant organisations deal with complaints made by children. It handles complaints by children and by parents or caretakers on the behalf of children.	The Ombudsman for children is an independent institute that exists since 1 April 2011, as a part of the institute of the National Ombudsman, which has its own mandate and reports annually to Parliament.  The evaluation study of Ombudsman for Children states that the Netherlands Ombudsman for Children is not fully compliant with the Paris Principles because of its dependency on the National Ombudsman. <sup>113</sup> Its budget, for example, is decided by the National Ombudsman.
National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children ( <i>Nationaal</i> )	National	The Rapporteur's main task is to report on the nature and extent of human trafficking and sexual violence against children in the	The Dutch Rapporteur and its staff are part of the government. They work independently and report to the Dutch government. The independent position of the Rapporteur is guaranteed by the

<sup>111</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>112</sup> The Netherlands, Ombudsman for Children Act (*Wet Kinderombudsman*), 20 September 2011, [Complete Act](#).

<sup>113</sup> ZonMW (2017), Evaluation Ombudsman for Children Act ([Evaluatie Wet Kinderombudsman](#)).

<p><i>Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen)</i></p>		<p>Netherlands, and on the effects of the government policies pursued.<sup>114</sup></p>	<p>Act on the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (<i>Wet Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen</i>).<sup>115</sup></p>
<p>Council for the Administration of Criminal Justice and Protection of Juveniles (<i>Raad voor Strafrechtstoepassing en Jeugdbescherming</i>)</p>	<p>National</p>	<p>The Council for the Administration of Criminal Justice and Protection of Juveniles (<i>Raad voor Strafrechtstoepassing en Jeugdbescherming</i>) has two tasks: giving advice to the government and administering justice.<sup>116</sup> The Council gives advice concerning issues in the areas of the prison system, the forensic care system and child and youth protection. As a Court of Appeal, the Council reviews decisions made regarding persons serving a prison sentence or custodial measure including juveniles in young offenders' institutions and secure youth care centres. The judgments given by the Council are binding.</p>	<p>The Council for the Administration of Criminal Justice and Protection of Juveniles is an independent body established by law.</p>

<sup>114</sup> Netherlands, Act on the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (*Wet Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen*), 6 November 2013, [Complete Act](#).

<sup>115</sup> Netherlands, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children Act (*Wet Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen*), 6 November 2013, [Complete Act](#).

<sup>116</sup> The Netherlands, Act establishing Council for the Administration of Criminal Justice and Protection of Juveniles 2015 (*Instellingswet Raad voor strafrechtstoepassing en jeugdbescherming 2015*), 1 Jul 2015, [Complete Act](#).

<p>Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>)</p>	<p>National</p>	<p>The Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) has the mandate to investigate and monitor the quality of youth services under the Youth Act (<i>Jeugdwet</i>).<sup>117</sup> These services include: youth protection and probationary services provided by the Certified Institutions, services provide by the Youth Support Providers, (foster care providers, residential youth care institutions or secure youth care institutions), judicial youth detention centres, the organisations for adoption of children from other countries, and Nidos (which provides shelter and guardianship of underage asylum seeker). It also has the authority to investigate the quality of the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) and the Safe at Home Organisations (<i>Veilig Thuis organisaties</i>). Following an investigation, the Inspectorate can put a service provider under permanent supervision and give instructions to the service provide on how to improve the situation.</p>	<p>The Health and Youth Care Inspectorate is a division of the Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>). The Health and Youth Care Inspectorate (IGJ) is the supervisory authority responsible for monitoring the quality and safety of healthcare and youth care services in the Netherlands.</p>
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<sup>117</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 9](#).

<p>Inspectorate of Justice and Security (<i>Inspectie Justitie en Veiligheid</i>)</p>	<p>National</p>	<p>The Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) has under the Youth Act<sup>118</sup> the mandate to investigate and monitor the youth custodial institutions.</p>	
<p>Supervision Social Domain (<i>Toezicht Sociaal Domein</i>)</p>	<p>National</p>	<p>Partnership of four inspectorates of the national government that aims to supervise the broad range of services available to children and families.<sup>119</sup> The partnership, which conducts joint investigations, consists of the following inspectorates: the Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>), the Inspectorate of Education (<i>Inspectie van het Onderwijs</i>), the Inspectorate of Justice and Security (<i>Inspectie Justitie en Veiligheid</i>), Netherland Labour Authority (Nederlandse Arbeidinspectie).</p> <p>The Dutch Inspectorate for Youth Care is part of this partnership and derives its authority to inspect from the Youth Act.<sup>120</sup> The partnership concentrates on the problems children and young people have, face and</p>	<p>The Ministry for Health, Welfare and Sport is responsible for this partnership.</p>

<sup>118</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 9](#).

<sup>119</sup> The Netherlands, About Supervision Social Domain ('[Over toezicht sociaal domein](#)'), Web page.

<sup>120</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 9](#).

		create. Examples of these problems are child abuse, obesity, youth criminality, addiction and poverty. It examines how the various youth services involved cooperate to solve these problems and, even better, to prevent them.	
Certification Institute ( <i>Keurmerkinstituut</i> )	National	The Certification Institute implements the accreditation and licensing process of the Certified Institutions. <sup>121</sup> These Certified Institutions are designated under the Youth Act to provide youth protection services ( <i>jeugbescherming</i> ) and/or youth probationary services ( <i>jeugdreclassering</i> ). <sup>122</sup>	The Certification Institute is designated by the Minister for Legal Protection as the institute which implements the accreditation and licensing process of the Certified Institutions ( <i>Gecertificeerde instellingen</i> ). <sup>123</sup> For the accreditation and licensing process a special framework with quality standards is laid down by ministerial regulation. <sup>124</sup>

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<sup>121</sup> The Netherlands, Certification Institute (*Keurmerkinstituut*) (2023), ‘Youth protection and youth probation’ ([‘Jeugdbescherming en Jeugdreclassering’](#)), Web page.

<sup>122</sup> The Netherlands, Youth Act (*Jeugdwet*), Chapter 3, [Articles 3.1-3.5](#).

<sup>123</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), Decree designating Certification Institute Youth Act 2019-2024 ([Aanwijzingsbesluit certificerende instelling Jeugdwet 2019–2024](#)).

<sup>124</sup> The Netherlands, Regulation quality standards framework youth protection and youth probation (*Regeling normenkader jeugdbescherming en jeugdreclassering*), 10 June 2016, [Complete regulation](#).

Stichting Kwaliteitsregister Jeugd ( <i>Foundation Quality Register Youth</i> )	National	This foundation maintains the quality register for professionals working in the child protection sector. ( <i>Stichting Kwaliteitsregister Jeugd</i> ). <sup>125</sup>	
Youth Care Netherlands ( <i>Jeugdzorg Nederland</i> )	National	Sectoral organisation of organisations that provide services (youth protection, residential care, support) under the Youth Act. This organisation represents the interest of these organisations, informs its members and cooperates with the authorities to implement protocols and quality frameworks in the youth and child protection sector.	Members of this sectoral organisation are <sup>126</sup> : the organisations designated as Youth Support Providers under the Youth Act and 14 of the 15 Certified Institutions ( <i>Gecertificeerde instellingen</i> ). <sup>127</sup>  Youth Care Netherlands has a smaller sub-branch: Foster Care Netherlands ( <i>Pleegzorg Nederland</i> ). <sup>128</sup> The members are organisations that provide foster care in the Netherlands.
Police	National	The Dutch police handles reports of child abuse in very serious and urgent cases. When police officers suspect a case of child abuse during their normal activities, they contact the Safe at Home organisation.	The police has a special unit that handles reports involving children thus including child abuse cases. This unit can be contacted via the general telephone number of the police. The legal basis of the work of the Dutch police the Dutch Criminal

<sup>125</sup> The Netherlands, Foundation Youth Quality Register (*Stichting Kwaliteitsregister Jeugd*),(2023) 'About SKJ' (['Over SKJ'](#))

<sup>126</sup> Youth Care Netherlands (*Jeugdzorg Nederland*) (2023), 'Our members', (['Onze leden'](#)), Web page

<sup>127</sup> The Netherlands, Youth Act (Jeugdwet), Chapter 3, [Articles 3.1-3.5](#).

<sup>128</sup> Foster Care Netherlands (*Pleegzorg Nederland*) (2023), 'Foster care organisations' (['Pleegzorgorganisaties'](#)), Webpage.

			Code ( <i>Wetboek van Strafrecht</i> ) <sup>129</sup> and the Dutch Code of Criminal Procedures ( <i>Wetboek van strafvordering</i> ) <sup>130</sup> .
Public Prosecution Service ( <i>Openbaar Ministerie</i> )	National	The Public Prosecution Service prosecutes crimes against children pursuant to the Dutch Criminal Code ( <i>Wetboek van Strafrecht</i> ). <sup>131</sup>	The legal basis of the work of the Dutch police is the Dutch Criminal Code ( <i>Wetboek van Strafrecht</i> ) <sup>132</sup> and the Dutch Code of Criminal Procedures ( <i>Wetboek van strafvordering</i> ). <sup>133</sup> The operational rules on how the Public Prosecution Service operates in child abuse cases are laid down in a special Designation Order. <sup>134</sup>
Central Authority International Children's Issues ( <i>Centrale autoriteit Internationale Kinderaangelegenheden</i> )	National	Government agency that implements three international child treaties: The Hague Convention on Child Abduction, The Hague Convention on Inter-country Adoption, The Hague Convention on parental Responsibility and Protection of Children. The task of the agency is to ensure these treaties are	The Central Authority International Children's Issues is part of the Ministry of Justice and Security.

<sup>129</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), 3 March 1881, [Complete Code](#).

<sup>130</sup> The Netherlands, Code of Criminal Procedures (*Wetboek van Strafvordering*), 15 January 1921, [Complete Code](#).

<sup>131</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), 3 March 1881, [Complete Code](#).

<sup>132</sup> The Netherlands, Criminal Code (*Wetboek van Strafrecht*), 3 March 1881, [Complete Code](#).

<sup>133</sup> The Netherlands, Code of Criminal Procedures (*Wetboek van Strafvordering*), 15 January 1921, [Complete Code](#).

<sup>134</sup> The Netherlands, Public Prosecution Service (*Openbaar Ministerie*) (2022), Designation Order Domestic Violence and Child Abuse ([Aanwijzing huiselijk geweld en kindermishandeling](#)).

		complied with and that the obligations in these treaties are carried out in The Netherlands. <sup>135</sup>	
Fiom	National	Fiom is the national organization in the Netherlands that offers information, support, preparation, and aftercare to adoptive parents and adoptees. <sup>136</sup>	The Foundation Adoption Services works under the authority of the Ministry of Security and Justice.
NGO Coalition for Children's Rights ( <i>Kinderrechtencollectief</i> )	National	A coalition of NGOs which monitors the child protection system in the Netherlands. <sup>137</sup>	
National Rapporteur reports on Trafficking in Human Beings and Sexual Violence against Children ( <i>Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen</i> )	National	The Rapporteur's main task is to report on the nature and extent of human trafficking and sexual violence against children in the Netherlands, and on the effects of the government policies pursued. <sup>138</sup>	The Dutch Rapporteur and its staff is part of the government. It works independently and reports to the Dutch government. The independent position of the Rapporteur is guaranteed by the Act on the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children ( <i>Wet Nationaal rapporteur</i>

<sup>135</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2023), Central Authority International Children's Issues ([Centrale autoriteit Internationale Kinderaangelegenheden](#)), Web page.

<sup>136</sup> Fiom (2023), 'Adoption', ('[Adoptie](#)'), Web page.

<sup>137</sup> NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023) 'Who are we' ('[Wie zijn we](#)'). Webpage.

<sup>138</sup> The Netherlands, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (*Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen*), (2023), 'About us', ('[Over ons](#)'), Webpage.



			<i>mensenhandel en seksueel geweld tegen kinderen</i> ). <sup>139</sup>
Confidential advisers ( <i>vertrouwenspersonen</i> )		Confidential advisers ( <i>vertrouwenspersonen</i> ) deal with questions, demands for support and complaints made by children or parent as clients of youth care and by their parents of caretakers. Professionals can contact the confidential advisers for advice. Children and parents can ask for support from special confidential advisers when they want to make a formal complaint. Article 1.a 1 of the Youth Act ( <i>Wet op de Jeugdzorg</i> ) makes it mandatory for the Minister of Health, Welfare and Sport to make confidential advisers available for children, youths and parents. <sup>140</sup> Article 2.5 of the Youth Act stipulates that municipalities inform children, youths and parents about the availability of confidential advisers. <sup>141</sup>	Confidential advisers are either employees of Jeugdstem (the Youth Care Recommendation and Complaints Office ( <i>Advies en Klachtenbureau Jeugdzorg</i> ) till 1 March 2023) or Zorgbelang, depending in which province they work.

<sup>139</sup> Netherlands, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children Act (*Wet Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen*), 6 November 2013, [Complete Act](#).

<sup>140</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 1.a 1](#).

<sup>141</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.5](#).

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

In the period 1998-2022, no major changes happened in the mandate, roles and responsibilities.

A minor change was the establishment of the Youth Protection Authority. The Youth Authority (*Jeugdautoriteit*) started on 1 January 2019. The legal framework for the Youth Authority was laid down by the Minister of Health, Welfare and Sport and the Minister for Legal Protection by special decree in September 2020.<sup>142</sup> Article 2 of the Decree stipulates that the Youth Authority acts independently towards all actors in the area of child protection.<sup>143</sup> The tasks of the Youth Authority are laid down in the Decree.<sup>144</sup> The tasks are: to identify and help solve problems in the area of child protection, to monitor and investigate the child protection system, to give advice to actors involved in the child protection system and to share knowledge and connect actors in the area of child protection. The Youth Protection Authority does not involve child representatives or consult them.

The Youth Act (which took effect on 1 January 2015) explicitly states that an integral care and an integrated approach has to be achieved.<sup>145</sup>

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<sup>142</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>143</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>144</sup> The Netherlands, The Minister of Health, Welfare and Sport (*Minister van Gezondheidszorg, Welzijn en Sport*) / Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Establishment Decree Youth Authority ([Instellingsbesluit Jeugdautoriteit](#)).

<sup>145</sup> The Netherlands, State Secretary of Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) / State Secretary of Health Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), Explanatory Memorandum Youth Act ([Memorie van toelichting. Jeugdwet](#)).

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

<b>Service providers</b>  <i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<b>Type of services</b>  <i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<b>Target groups</b>  <i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<b>Funding</b>  <i>(national budget, EU funded, other)</i>
Youth and Family Centres ( <i>Centra voor Jeugd en Gezin</i> ) (private)	Families are supported in their role of primary caregivers by the municipal Youth and Family Centre ( <i>Centrum voor Jeugd en Gezin</i> ) that operate under the Youth Act <sup>146</sup> and financed by the municipality. The Youth Act defines the services provided by the Youth and Family Centres as prevention. <sup>147</sup> Services include providing information, advice and help with child development and parenting. It does not focus on	Youth and Family Centres have no specific target group. Their target groups are all families and children. Third country nationals and children of irregular immigrants are entitled to such services.	All municipalities have a Youth and Family Centre as part of their preventive youth services. policies. These centres are financed by the municipalities who receive funds from the national government ( <i>Ministry of Health, Welfare and Sport</i> ).

<sup>146</sup> The Netherlands, Youth Act (*Jeugdwet*) ,1 January 2015, [Complete Act](#).

<sup>147</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 1.1](#).

	<p>problems but tries to support families and their children in a positive way. Parents can find all kinds of information on child rearing and child development. The Centre also coordinates and provides health care support.</p>		
<p>Social district teams (<i>Wijkteams</i>)</p>	<p>Since the Youth Act entered into force, most Dutch municipalities have formed inter-professional social district teams to provide comprehensive outreach (youth, family or citizens) care within the neighbourhoods. <sup>148</sup>These teams act as primary youth care providers or generalist care providers for all citizens. The teams differ per municipality but in general they consist of health care workers, social workers, parenting support workers, (school) psychologists and others active in the care field.</p>	<p>All children and families in need.</p>	<p>How the Social District Teams are financed depends on the local situation. Most of these teams are financed directly by the municipalities who receive funds from the national government</p>

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<sup>148</sup> Netherlands Youth Institute (2019), [Reform of the Dutch system for child and youth care 4 years later](#).

<p>Safe at Home organisations (<i>Veilig Thuis organisaties</i>)</p>	<p>The Safe at Home organisations provide the most important report mechanism in the field of child protection. The Safe at Home organisations act as advisory and reporting centres for child abuse and domestic violence. They have the task to provide advice to people directly involved in child abuse (victims, perpetrators, bystanders, professionals).</p>	<p>General audience and people directly involved in child abuse (victims, perpetrators, bystanders, professionals and professionals).</p>	<p>The legal basis for the Safe at Home organisations is provided by chapter 4 of the Social Support Act 2015.<sup>149</sup> The Safe at Home organisations assess which support is needed by the children or families. The Safe at Home organisation may transfer a case to the Child Care and Protection Board that has to the authority to ask the juvenile judge to impose a child protection measure under civil law. These are regional organisations established by the municipalities in the region</p> <p>There are 25 Safe at Home organisations in the Netherlands. They cooperate through a social national network organisation: National Network Safe at Home (<i>Landelijk Netwerk Veilig Thuis</i>).<sup>150</sup> They use the same national website and have a national hotline.</p>
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<sup>149</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>150</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), 'National Network Safe at Home' (['Landelijk Netwerk Veilig Thuis'](#)), Website.

<p>Certified Institutions (<i>Gecertificeerde Instellingen</i>) (private)</p>	<p>The Certified Institutions provide youth protection services and youth probations services. The Certified institutions are assigned by the Children’s Judge (<i>Kinderrechter</i>)<sup>151</sup> to implement a child protection measure (this includes providing case management, providing guardians and family guardians; implementing out of home placements). The legal framework for the Certified is provided by the Youth Act (<i>Jeugdwet</i>)<sup>152</sup> and relevant articles of Book 1 of the Civil Code<sup>153</sup>.</p> <p>Article 3.2 of the Youth Act<sup>154</sup> stipulates that Certified Institutions are not allowed to provide youth support (including foster care and residential care).</p>	<p>All children placed under a child protection measure or a youth probation measure issued by the Children’s Judge (<i>Kinderrechter</i>) and a children.</p>	<p>Funded and contracted by the municipalities under the Youth Act (<i>Jeugdwet</i>).<sup>155</sup> The municipalities get their funds from the national government (Ministry of Health, Welfare and Sport).</p> <p>The sectoral organisation Youth Care Netherlands (<i>Jeugdzorg Nederland</i>) represents the interest of organisations that provide youth support. All 15 certified institutions are member of this sectoral organisation except Nidos.</p>
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<sup>151</sup> The Netherlands, The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 255](#).

<sup>152</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>153</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>154</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 3.2](#).

<sup>155</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<p>Nidos (private)</p>	<p>Nidos provides guardians and family guardians for the target group under the relevant articles of Book 1 of the Dutch Civil Code.<sup>156</sup> The organisation also organises the accommodation of the children in residential care facilities and foster families.</p>	<p>Unaccompanied children applying for asylum, unaccompanied children staying in the Netherlands without a request for asylum and for whom return to the country of origin is a realistic option and refugee families who have been put under a child protection measure.</p>	<p>Nidos is a foundation funded by the national government (Ministry of Security and Justice).</p> <p>Nidos is a Certified institution.</p>
<p>Youth Support Providers (<i>jeugdhulpaanbieders</i>)</p>	<p>The Youth Act specifies all care and aid (including foster care, residential care, mental health care) as Youth Support. The organisations or professionals that provides support are defined as Youth Support Providers (<i>jeugdhulpaanbieders</i>).<sup>157</sup></p> <p>Article 3.2 of the Youth Act<sup>158</sup> stipulates that Certified Institutions are not allowed to provide youth support (including foster care and residential care).</p>	<p>Children and parents in need of support. Third country nationals and children of irregular immigrants are entitled to such services.</p>	<p>Funded and contracted by the municipalities under the Youth Act (<i>Jeugdwet</i>).<sup>159</sup> The municipalities get their funds from the national government (the Ministry of Health, Welfare and Sport).</p>

<sup>156</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).

<sup>157</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 3.2](#).

<sup>158</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 1.1](#).

<sup>159</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

Foster care providers ( <i>Pleegzorgaanbieders</i> )	Foster care ( <i>pleegzorg</i> ) is defined as youth support ( <i>jeugdhulp</i> ) by the Youth Act. A special chapter of the Youth Act is devoted to foster care. <sup>160</sup>	Third country nationals and children of irregular immigrants are entitled to such services.	Funded and contracted by the municipalities under the Youth Act ( <i>Jeugdwet</i> ). <sup>161</sup> The municipalities get their funds from the national government (the Ministry of Health, Welfare and Sport).  All 32 organisations that provide foster care ( <i>pleegzorg</i> ) are members of the Youth Care Netherlands ( <i>Jeugdzorg Nederland</i> ).
Closed Residential Care ( <i>gesloten jeudhulp</i> ) (private)	Closed residential care ( <i>gesloten jeugdhulp</i> ) is defined as youth support ( <i>jeugdhulp</i> ) by the Youth Act. A special chapter of the Youth Act is devoted to closed residential care. <sup>162</sup> This form of support is also called Youth Care Plus ( <i>JeugdzorgPlus</i> ).	The target group consists of children who by order of a child protection measure issued by the Children’s Judge ( <i>Kinderrechter</i> ) are placed in closed residential care. These are children with serious behavioural problems often in combination with a mental disability or psychiatric disorder. Third country nationals and children of irregular immigrants are entitled to such services	Funded and contracted by the municipalities under the Youth Act ( <i>Jeugdwet</i> ). <sup>163</sup> The municipalities receive funds from the national government (Ministry of Health, Welfare and Sport).  All 11 organisations that provide closed residential care ( <i>gesloten jeudhulp</i> ) are members of Youth Care Netherlands ( <i>Jeugdzorg Nederland</i> ).

<sup>160</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 6](#).

<sup>161</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>162</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 6](#).

<sup>163</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).



Social Services ( <i>Sociale Diensten</i> ) (public)	The task of Social Services is to provide financial assistance to persons or households who have no source of income including families with minors and to persons who are in need of support because of a disability (under the Social Support Act 2015). <sup>164</sup>	Target groups are individuals and families who lack a fixed income and individuals who are in need of support (because of a disability). Parents and children of irregular immigrants are not entitled to such services.	Social Services are funded by the municipalities. The municipalities get their funds from the national government (Ministry of Social Affairs and Employment).
Children's telephone ( <i>Kindertelefoon</i> )	The national Children's telephone ( <i>Kindertelefoon</i> ) can be contacted by children. Some 700 volunteers work at the Children's Telephone assisted by some 50 professionals. <sup>165</sup> This institution provides support when children (age 8-18) phone with a question or problem.	All children	This Children's Telephone is a foundation funded by the Ministry of Health, Welfare and Sport. <sup>166</sup>
Confidential advisers ( <i>vertrouwenspersonen</i> )	Confidential advisers ( <i>vertrouwenspersonen</i> ) deal with questions, demands for support and complaints made by children or parents/caretakers as clients of	All children, parents, clients in the youth protection system.	Confidential advisers are either employees of Jeugdstem ( <i>called the Advies en Klachtenbureau Jeugdzorg till 1 March 2023</i> ) or Zorgbelang, depending in which province they work.

<sup>164</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), 1 January 2015, [Complete Act](#).

<sup>165</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2022), Annual Account 2021 ([Jaarrekening 2021](#)).

<sup>166</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2022), Annual Account 2021 ([Jaarrekening 2021](#)).

	<p>youth care. Professionals can contact the confidential advisers for advice. Children and parents can ask for support from special confidential advisers when they want to make a formal complaint. Article 1.a 1 of the Youth Act (<i>Wet op de Jeugdzorg</i>) makes it mandatory for the Minister of Health, Welfare and Sport to make confidential advisers available for children, youths and parents.<sup>167</sup> Article 2.5 of the Youth Act stipulates that municipalities should inform children, youth and parents about the availability of confidential advisers.<sup>168</sup></p>		
<p>Netherlands Youth Institute (<i>Nederlands Jeugd Instituut</i>)</p>	<p>National knowledge centre on child and youth issues. It aims to collect, enrich, explain and share topical knowledge. Point of departure is to improve the lives of children, young people and their parents and other</p>	<p>The target group consists of professionals, policy makers and general population.</p>	<p>Foundation funded by the national government (<i>Ministry of Health, Welfare and Sport</i>).</p>

<sup>167</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 1.a 1](#).

<sup>168</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.5](#).

	caretakers. It calls attention to knowledge about favourable, safe and healthy circumstances for children and assists in its implementation. <sup>169</sup>		
School Social Work ( <i>School Maatschappelijk Werk</i> )	Providing social counselling to pupils in primary and secondary education. <sup>170</sup>	Target groups are pupils and students in primary and secondary education.	School Social Work is financed by the municipalities under the Social Support Act 2015 ( <i>Wet maatschappelijke ondersteuning</i> ). The municipalities receive their funds from the national government. The school social work itself is carried out by general welfare organisations which are funded by the municipalities.
Youth Custodial Institutions ( <i>Justitiële Jeugdinrichtingen</i> ) (private/public)	The institutions provide detention facilities for juvenile offenders. <sup>171</sup>	Target group are juveniles in conflict with the law who are faced with pre-trial detention or a convicted for a crime.	The Netherlands has eight juvenile detention centres: one big centre (with four locations) in public hands, two smaller centres in private hands and five small scale low-security detention facilities in private hands. They are funded by the Ministry of Security and Justice. <sup>172</sup>

<sup>169</sup> Netherlands Youth Institute (*Nederlands Jeugd Instituut*) (2023), '[Ambition](#)', Web page.

<sup>170</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), 1 January 2015, [Complete Act](#).

<sup>171</sup> The Netherlands, Youth Custodial Institutions Act (*Beginselenwet justitiële jeugdinrichtingen*), 2 November 2000, [Complete Act](#).

<sup>172</sup> The Netherlands, Ministry of Justice and Security - Custodial (*Ministerie van Justitie en Veiligheid - Dienst Justitiële Inrichtingen*) (2023), '[Locations](#)', (['Locaties'](#)), Web page.

Halt (public)	Providing advisory services, educational programmes and the development and implementation of crime prevention projects. The activities are carried out at local and regional levels. Halt is also responsible for the enforcement of alternative punishment given to young people up to the age of 18. <sup>173</sup>	Target group are juvenile offenders.	National organisation with a national network of offices. The Ministry of Justice and Security funds Halt. The activities of the Halt offices are laid down in a ministerial special. <sup>174</sup>
Community Health Services (GGD's) (public)	The tasks of the community health services include: child health care, medical screening, epidemiology, health education. These tasks are defined in the Public Health Act. <sup>175</sup>	Community Health Services have no specific target groups. The Netherlands has 28 regional community health services scattered all over the country. The community health services will help all 17 million citizens in the Netherlands, in all provinces, districts, cities, communities and streets. They aim at preventing health risks and advancing the health of all citizens. Third country nationals and children of irregular immigrants are entitled to such services.	Community Health Service are funded by the municipalities. The municipalities receive their funds from the national government (the Ministry of Health Care, Welfare and Sport).

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<sup>173</sup> The Netherlands, Public Prosecution Service (*Openbaar Ministerie*) (2009), Child and adolescent sentencing guideline and framework, including sentencing measures Halt ([Richtlijn en kader voor strafvordering jeugd en adolescenten, inclusief strafmaten Halt](#)).

<sup>174</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2022), Halt Regulation 2022 ([Regeling Halt 2022](#)).

<sup>175</sup> The Netherlands, Public Health Act (*Wet publieke gezondheid*), [Articles 2-12a](#).

<p>Day Care Centres (<i>Kinderdagverblijven</i>) (private)</p>	<p>Taking care of children in the absence of parents in a formalised context, excluding private initiatives and transitional care at schools. There is an immense variety in different kinds of day care centres. The government has set standards for the day care centres, which are private organisations, including professional qualification standards and the requirement for a screening of staff.<sup>176</sup></p>	<p>All children.</p>	<p>Privately financed. Parents can receive day care benefits (coordinated by the Ministry of Social Affairs and Employment and implemented by the tax service) which are means-tested and dependent on the number of children.<sup>177</sup></p>
<p>International Child Abduction Centre (<i>Centrum Internationale Kinderontvoering</i>)</p>	<p>The International Child Abduction Center is the legal expertise center in the field of (the prevention of) international child abduction. It provides free advice, guidance and information to parents and professionals. It also organises cross-border mediations through the Mediation Bureau.<sup>178</sup></p>	<p>Parents and professionals</p>	<p>International Child Abduction Centre is a foundation funded by the Ministry of Security and Justice</p>

<sup>176</sup> The Netherlands, Childcare Act (*Wet Kinderopvang*), 9 July 2004, [Complete Act](#).

<sup>177</sup> The Netherlands, Childcare Act (*Wet Kinderopvang*), 9 July 2004, [Complete Act](#).

<sup>178</sup> The Netherlands, International Child Abduction Centre (*Centrum Internationale Kinderontvoering*)(2023), '[About us](#)', Web page.

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

There are no legally mandated participation or feedback mechanisms in the child protection system that are specifically created for children.

Article 2.2 of the Youth Act (*Jeugdwet*) stipulates that each municipality should assess the needs of clients each year and give clients or their representatives the opportunity to react to policy proposals or initiate policy proposals.<sup>179</sup> The Youth Act Regulation (*Regeling Jeugdwet*) provides the demands which such an assessment must meet.<sup>180</sup>

Article 4.2.4 of the Youth Act stipulates that each Certified Institution (*Gecertificeerde instelling*) and Youth Support Provider (*jeughulpverlener*) must have a client council.<sup>181</sup> These client councils should represent the interests of both the children and their parents. The Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*) provides the legal framework for these client councils.<sup>182</sup>

Article 4.2.5 of the Youth Act stipulates that each foster care provider must have a client council.<sup>183</sup> These client councils should represent the interests of both the children and the foster parents. The Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*) provides the legal framework for these client councils.<sup>184</sup>

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<sup>179</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.2](#) .

<sup>180</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 3](#).

<sup>181</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.4](#) .

<sup>182</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

<sup>183</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.5](#).

<sup>184</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

The Child Care and Protection Board (*Raad voor de Kinderbescherming*) has a client council although it has no legal obligation to establish a client council.<sup>185</sup>

In addition to the legally mandated participation or feedback mechanisms, actors in the field such as Youth Care Providers may establish a special council for children and youth. For example, Entrea Voorhout (an organisation that provides youth support under the Youth Act) has established a special youth council (*jongerenraad*).<sup>186</sup>

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<sup>185</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>186</sup> Entrea Lindenhout (2023), [Entrea Lindenhout organogram](#).

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		No.	<p>There is no registry of civil society organisations operating in the area of child protection.</p> <p>There is a "National Register Care Providers" (<i>Landelijk Register Zorgaanbieders</i>) where organisations that provide support or care in the child protection area are registered. The register can be consulted at: <a href="http://www.cibg.nl/zorgaanbiedersportaal">www.cibg.nl/zorgaanbiedersportaal</a>.<sup>187</sup> But this register contains all care organisation and does not have a focus on child protection.</p> <p>The legal framework for this register is provided by the Care Providers Accreditation Act (<i>Wet toetreding zorgaanbieder</i>).<sup>188</sup> The responsible authority for the register is the CBIG agency.<sup>189</sup> The CBIG agency is an executive organisation within the Ministry of Health and Sport that makes decisions, registers data, and issues permits and permissions. The CBIG agency maintains the "National Register Care Providers" (<i>Landelijk Register Zorgaanbieders</i>).</p> <p>For the Certified Institutions (<i>Gecertificeerde instellingen</i>) the register is maintained by the Certification Institute (<i>Keurmerkinstituut</i>).<sup>190</sup> For the accreditation and licensing process a special</p>

<sup>187</sup> The Netherlands, The Ministry of Health, Welfare and Sport – CBIG Agency (*Ministerie van Volksgezondheid en Sport - CBIG*) (2023), 'Care providers portal' ([Zorgaanbiedersportaal](http://Zorgaanbiedersportaal)), Web site.

<sup>188</sup> The Netherlands, Care Providers Accreditation Act (*Wet toetreding zorgaanbieder*), 1 January 2022, [Complete Act](#).

<sup>189</sup> The Netherlands, The Ministry of Health, Welfare and Sport – CBIG Agency (*Ministerie van Volksgezondheid en Sport - CBIG*) (2023), 'Care providers portal' ([Zorgaanbiedersportaal](http://Zorgaanbiedersportaal)), Web site.

<sup>190</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), Decree designating Certification Institute Youth Act 2019-2024 ([Aanwijzingsbesluit certificerende instelling Jeugdwet 2019–2024](#)).



			framework with quality standards is laid down by ministerial regulation. <sup>191</sup>
2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?  <u>If yes</u> , which is the responsible authority? How frequent are reviews and inspections?	Yes		<p>Different rules apply to the Certified Institutions (<i>Gecertificeerde instellingen</i>) and the Youth Care Providers (<i>Jeugdhulpaanbieders</i>).</p> <p>Under Article 3.4 of the Youth Act the Certified Institutions (<i>Gecertificeerde instellingen</i>) must apply for accreditation and a license at a special institute.<sup>192</sup> The license has to be renewed every three years. The Certification Institute (<i>Keurmerkinstituut</i>) is designated by the Minister for Legal Protection as the institute that implements the accreditation and licensing process of the Certified Institutions.<sup>193</sup> For the accreditation and licensing process a special framework with quality standards is laid down by a ministerial regulation.</p> <p>Under article 4.0.1 of the Youth Act<sup>194</sup> and the Care Providers Accreditation Act (<i>Wet toetreding zorgaanbieder</i>)<sup>195</sup> all Youth Support Providers (<i>jeugdhulpaanbieders</i>) must notify the CBIG Agency three months before the start of their activities. The CBIG agency is an executive organisation within the Ministry of Health and Sport. The Ministry of Health, Welfare and Sport is the responsible authority.<sup>196</sup> The CBIG agency maintains the "National Register Care Providers" (<i>Landelijk Register Zorgaanbieders</i>) which can be</p>

<sup>191</sup> The Netherlands, Regulation quality standards framework youth protection and youth probation (*Regeling normenkader jeugdbescherming en jeugdreclassering*), 10 June 2016, [Complete regulation](#).

<sup>192</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 3.4](#).

<sup>193</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), Decree designating Certification Institute Youth Act 2019-2024 ([Aanwijzingsbesluit certificerende instelling Jeugdwet 2019–2024](#)).

<sup>194</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.0.1](#).

<sup>195</sup> The Netherlands, Care Providers Accreditation Act (*Wet toetreding zorgaanbieder*), 1 January 2022, [Complete Act](#).

<sup>196</sup> The Netherlands, The Ministry of Health, Welfare and Sport – CBIG Agency (*Ministerie van Volksgezondheid en Sport - CBIG*) (2023), 'Care providers portal' ([Zorgaanbiedersportaal](#)), Web site.

		<p>consulted at:  <a href="http://www.cibg.nl/zorgaanbiedersportaal">www.cibg.nl/zorgaanbiedersportaal</a>.<sup>197</sup></p> <p>During the notification process the Youth Care Provider must fill in a questionnaire. These questionnaires are used by the Health and Youth Care Inspectorate ((<i>Inspectie Gezondheidszorg en Jeugd</i>)) to monitor the Youth Care Providers</p> <p>Inspections are carried out by the Health and Youth Care Inspectorate ((<i>Inspectie Gezondheidszorg en Jeugd</i>)). Under the Youth Act (<i>Jeugdwet</i>)<sup>198</sup> the Health and Youth Care Inspectorate has the mandate to investigate and monitor the quality of the youth services, including the services provided by the Certified Institutions, the Youth Support Providers, the Safe at Home organisations and the Child Care and Protection Board. The Minister of Health, Welfare and Sport and the Minister of Justice and Security have the authority to instruct the Inspectorate to carry out an investigation at an institution. Municipalities may indicate their needs to the Inspectorate, but cannot instruct the Inspectorate. The Health and Youth Care Inspectorate lays down its activities in an annual programme.</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services</p>	<p>Yes</p>	<p>This practice is very prevalent and is mandated by law by the Youth Act (<i>Jeugdwet</i>)<sup>199</sup> and the Social Support Act 2015 (<i>Wet Maatschappelijke Ondersteuning 2015</i>).<sup>200</sup></p> <p>Under the Youth Act<sup>201</sup> municipalities contract foundations which provide all forms of preventive and interventionist support (including foster care and residential care and the implementation of child protection measures) in the area of child protection.</p>

<sup>197</sup> The Netherlands, The Ministry of Health, Welfare and Sport – CBIG Agency (*Ministerie van Volksgezondheid en Sport - CBIG*) (2023), ‘Care providers portal’ ([Zorgaanbiedersportaal](http://www.cibg.nl/zorgaanbiedersportaal)), Web site.

<sup>198</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 9](#).

<sup>199</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>200</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*), 1 January 2015, [Complete Act](#).

<sup>201</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).			
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### 2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	Yes.		<p>Cooperation between national and regional actors in implementing policies and legislation is a key feature in the area of child protection. The two responsible ministries, the Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>) and the Ministry of Security and Justice (<i>Ministerie van Veiligheid en Gezondheid</i>) cooperate with the Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i>) at the national level. Under the Youth Act<sup>202</sup> these two ministries share the responsibility for child protection at the national level. The Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i>) represents the municipalities at the national level. The Youth Act<sup>203</sup> assigns the responsibility of formulating and implementing policies in the area of child protection at the local or regional level to the municipalities.</p> <p>The Ministry of Health, Welfare and Sport, the Ministry of Security and Justice and the Association of Netherlands Municipalities take the lead in initiating and implementing policies or reforms in the area of child protection. The two latest national action plans in the area of children initiated have been initiated and implemented by these three actors. These action plans are: ‘Violence does not belong anywhere: Tackling domestic violence and child abuse’ (<i>Geweld hoort nergens thuis. Aanpak huiselijk geweld</i>)<sup>204</sup> which</p>

<sup>202</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>203</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>204</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), Violence does not

			ran from 2018 to 2021, and the 'Child and family protection future scenario' ( <i>Toekomstscenario kind- en gezinsbescherming</i> ), <sup>205</sup> which started in April 2021.
<p>2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes</u>, please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	Yes		<p>There is inter-agency cooperation between relevant actors. This is done at the national level and at the regional or local level.</p> <p>At the national level the Ministry of Health, Welfare and Sport, the Ministry of Security and Justice and the Association of Netherlands Municipalities, the sectoral organisation Youth Care Netherlands (<i>Jeudhulp Nederland</i>) often take the lead.</p> <p>At the local and regional level, the municipality takes initiative.</p> <p>Cooperation is often laid down in documents such as protocols and quality frameworks but also in standing inter-agency committees.</p> <p>A few examples:</p> <p>At the national level the Quality Framework Closed Youth Care (<i>Kwaliteitskader gesloten jeugdzorg</i>) for the residential youth care institutions was agreed upon in 2008 by Youth Care Netherlands (<i>Jeugdzorg Nederland</i>) and the Dutch Inspectorate for Youth Care (<i>Inspectie Jeugdzorg</i>)<sup>206</sup> and was renewed in 2019 by the Health and Youth Care Inspectorate and Youth Care Netherlands.<sup>207</sup></p>

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belong anywhere: Approach domestic violence and child abuse ([Geweld hoort nergens thuis. Aanpak huiselijk geweld](#))

<sup>205</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbescherming](#)).

<sup>206</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*)/ Dutch Inspectorate for Youth Care (*Inspectie Jeugdzorg*) (2008), Quality framework Closed Youth Care ([Kwaliteitskader Gesloten Jeugdzorg](#)).

<sup>207</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality framework Youth 2.0 Care Plus ([Kwaliteitskader JeugdzorgPlus 2.0](#)).

		<p>At the municipal level: The Youth Act (<i>Jeugdwet</i>) stipulates that the municipality and the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) must lay down their method of cooperation in a special protocol.<sup>208</sup></p> <p>An important form of cooperation at the local or municipal level are the Youth Protection Tables (<i>Jeugdbeschermingstafels</i>), also called Youth Protection Squares (<i>Jeugdbeschermingpleinen</i>).<sup>209</sup> These are standing inter-agency committees. At these tables professionals of the municipality (often Social district teams the Child Care and Protection Board (<i>Raad voor de Jeugdbescherming</i>), the Certified Institute and the Safe at Home organisation discuss current cases (with the parents and children older than 12 involved).</p>
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

The main challenges regarding effective cooperation and coordination lay in the complexity of the child protection system. Many actors are involved leading to an overlap of responsibilities and a lack of clarity. In 2020, a study of the Netherlands Institute for Social T(SCP) concluded that the overall system of services is very complex.<sup>210</sup> There is a myriad of different actors, schemes and provisions in which citizens and professionals and employers can easily lose their way. In 2021, the responsible ministers concluded that the youth protection is too complex in a policy letter submitted to parliament.<sup>211</sup> Too many actors are involved who are working in a relay chain model. Their investigation tasks and individual support plans partly overlap. As a result, children and families are visited by several professionals, to whom they have to tell their story all over again. For the families involved, it is then often unclear where they stand and what they are working towards.

<sup>208</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 3.1](#).

<sup>209</sup> The Netherlands, ZonMw (2019), First evaluation Youth Act. After the transition the transformation ( [Eerste evaluatie Jeugdwet. Na de transitie nu de transformatie](#)).

<sup>210</sup> The Netherlands, Kromhout, M., Van Echtelt, P. and Feijten, P. (2022), Social reforms on track? Expectations and results of fi've years of decentralised policy ( [Sociaal domein op koers? Verwachtingen en resultaten van vijf jaar decentraal beleid](#)), The Hague, Netherlands Institute for Social Research (SCP).

<sup>211</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Scenario concerning the future of child and family protection' ( '[Toekomstscenario kind- en gezinsbescherming](#)' ). Letter to parliament, 31 March 2021.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?	Yes.		See below.
<p>If <u>yes</u>, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?</p> <p>Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).</p>			
<p><b>Child Abduction</b></p> <p>The Netherlands is party to The Hague Convention on Child Abduction<sup>212</sup> and the Brussels Ibis Regulation.<sup>213</sup> This Convention and Regulation offer the framework for transnational cooperation in child abduction cases. Parents whose children are abducted can turn to the police or the Central Authority International Children’s Issues (<i>Centrale autoriteit Internationale Kinderaangelegenheden</i>) (part of the Ministry of Justice and Security).<sup>214</sup> If a child has been abducted and taken abroad, the left-behind parent can apply to the Dutch Central Authority for their return. The Central Authority then starts legal proceedings to get the child back as soon as possible. If a child has been abducted abroad and taken to the Netherlands, the Dutch Central Authority will assess the request from the Central Authority abroad for the child to be returned to that country. The Dutch Central Authority then ensures that the request for the child’s return is formally submitted to the district court. If a child is abducted from the Netherlands and taken to a country that has not signed the Hague Convention on Child Abduction, the Dutch Central Authority requests assistance from the Dutch Ministry of Foreign Affairs.</p>			

<sup>212</sup> Convention on the civil Aspects of International Child Abduction, 10 January 1980, [Complete Convention](#).

<sup>213</sup> European Union, Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. [Complete regulation](#)

<sup>214</sup> The Netherlands, Ministry and Justice (*Ministerie van Viligheid en Justitie*) (2023), ‘[Tackling international child abduction](#)’, Web page,

There is also a Centre for International Child Abduction (*Centrum voor internationale kinderontvoering*).<sup>215</sup> The Centre not only provides advice to parents in the Netherlands, but also cooperates with embassies in other countries, for example for the identification of lawyers in other countries who can assist in a child abduction case. The Centre also has an independent department called the Mediation Bureau. The Bureau organizes and coordinates cross-border mediations in international child abduction cases, international contact cases and requests for relocation. The Bureau cooperates with similar organisations in other countries, both on a case level and on a general level in the European network of cross-border mediators.<sup>216</sup>

### **Intercountry adoption**

The Netherlands is party to the Hague Adoption Convention.<sup>217</sup> This convention offers a framework for transnational cooperation in inter-country adoption. Countries which have ratified the Hague Convention all follow the same adoption procedure and have made agreements as to who can mediate for adoption. An adoption pronounced in a country that ratified the convention is immediately legally recognised in the Netherlands.

The Central Authority International Children's Issues (*Centrale autoriteit Internationale Kinderaangelegenheden*) is the agency which ensures that the Hague convention is implemented and complied with in the Netherlands. The Central Authority is part of the Ministry of Justice and Security. There are four mediating organisations in the Netherlands that have been granted a permission by the Minister of Justice and Security for mediating in inter-country adoption cases. These mediating organisations have contact with organisations in other countries (countries where adopted children come from). Under the Placement of Foreign Foster Children Act (*Wet opnemng buitenlandse kinderen ter adoptie*) the mediating organisations have the legal task to screen the organisations and persons in the other country involved in the adoption procedure as to their integrity. An example of cooperation between a Dutch mediating organisation and a foreign partner organisation is the relation between Adoption Foundation A New Way and the ANIDO Association in Bulgaria.<sup>218</sup> Only one of the four mediating organisations is a member of EurAdopt, an association of adoption organisations in 12 European countries that was established in 1993.<sup>219</sup>

Fiom,<sup>220</sup> the national organisation in the Netherlands that offers information, support, preparation, and aftercare to adoptive parents and adoptees, is member on behalf of the Netherlands of the International Social Service.<sup>221</sup> The International Social Service (ISS) is an international NGO founded in 1924. It consists

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<sup>215</sup> The Netherlands, International Child Abduction Centre (*Centrum Internationale Kinderontvoering*) (2023), '[About us](#)', Webpage.

<sup>216</sup> The Netherlands, International Child Abduction Centre (*Centrum Internationale Kinderontvoering*) (2023). '[The mediation bureau](#)'. Webpage

<sup>217</sup> The Netherlands,

<sup>218</sup> Adoption Foundation A New Way (2013), 'Adoption programme Bulgaria ('Adoptieprogramma Bulgaria'), [Webpage](#),

<sup>219</sup> EurAdopt (2023), '[Members](#)', Webpage.

<sup>220</sup> Fiom (2023), 'Adoption', ('[Adoptie](#)'), Webpage.

<sup>221</sup> ISS Netherlands (2023), '[ISS Netherlands](#)', Webpage.



of a network of national entities and a General Secretariat that assist children and families confronted with complex social problems as a result of migration.

#### 2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

On 1 January 2015, the Youth Act (*Jeugdwet*) took effect.<sup>222</sup> This Act was part of a major reform of the youth protection system that was part of decentralization operation of the general welfare system. The Explanatory Memorandum to the Youth Act pointed at one big challenge regarding cooperation in the area of child protection: the failing cooperation between the actors (operating in the child protection system and the general welfare system) when providing help to children and families.<sup>223</sup> This failing cooperation was partially due to the complex legal system and the many actors (including authorities) involved in the system. Children and families in need have to talk to different actors to get help, these same actors are often not aware they are working on the same case. The Youth Act tried to remedy this situation by integrating all forms of care (general, preventive, interventionist) to families and children. The municipalities were made responsible for the organization of the youth support, child protection measures and youth probation.

In 2018 the first evaluation study of the Youth Act was published.<sup>224</sup> The conclusion of this study was that the intended goal of the Youth Act had not been achieved yet but that is was early days yet. In 2020, a study of the Netherlands Institute for Social (SCP) concluded that the overall system of services is just as complex as before the decentralization.<sup>225</sup> There is still a myriad of different actors, schemes and provisions in which citizens and professionals can easily lose their way. In 2021, the responsible ministers concluded that the youth protection is too complex in a policy letter.<sup>226</sup> Too many actors are involved

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<sup>222</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>223</sup> The Netherlands, State Secretary of Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) / State Secretary of Health Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), Explanatory Memorandum Youth Act ([Memorie van toelichting. Jeugdwet](#)).

<sup>224</sup> The Netherlands, ZonMw (2019), First evaluation Youth Act. After the transition the transformation ([Eerste evaluatie Jeugdwet. Na de transitie nu de transformatie](#)).

<sup>225</sup> The Netherlands, Kromhout, M., Van Echtelt, P. and Feijten, P. (2022), Social reforms on track? Expectations and results of five years of decentralised policy ([Sociaal domein op koers? Verwachtingen en resultaten van vijf jaar decentraal beleid](#)), The Hague, Netherlands Institute for Social Research (SCP).

<sup>226</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Scenario



that work in a relay chain model. Their investigation tasks and individual support plans partly overlap. As a result, children and families are visited by several professionals, to whom they have to tell their story all over again. For the families involved, it is then often unclear where they stand and what they are working towards. For this reason the responsible ministers initiated an action plan that contains an outline of a future child protection system that will be explored in the coming 5 to 10 years. the 'Child and family protection future scenario' (*Toekomstscenario kind- en gezinsbeschermingToekomstscenario*).<sup>227</sup> Major actors in this system will be the Social district teams (*wijkteams*) and the Regional Safety Teams (*regionale veiligheidteams*). Functions of the Certified Institutions, the Safe Home organisations (*Veilig Thuis organisaties*) and the Child Care and Protection Board (*Raad voor de Kinderbescherming*) will be brought together in the Regional Safety Teams.

## 2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

An important form of cooperation at the local or municipal level are the Youth Protection Tables (*Jeugdbeschermingstafels*), also called Youth Protection Squares (*Jeugdbeschermingpleinen*).<sup>228</sup> These are standing inter-agency committees. At these tables professionals of the municipality (often Social district teams, the Child Care and Protection Board (*Raad voor de Jeugdbescherming*), the Certified Institute (*Gecertificeerde Instelling*) and the Safe at Home organisation (*Veilig Thuis organisatie*) discuss current cases (with the parents and children older than 12 involved). Information about these tables can be found at the website of a number of municipalities, for example the municipality of Delft.<sup>229</sup>

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concerning the future of child and family protection' (['Toekomstscenario kind- en gezinsbescherming'](#)). Letter to parliament, 31 March 2021.

<sup>227</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbescherming](#)).

<sup>228</sup> The Netherlands, ZonMw (2019), First evaluation Youth Act. After the transition the transformation ([Eerste evaluatie Jeugdwet. Na de transitie nu de transformatie](#)).

<sup>229</sup> The Netherlands, Municipality of Delft (*Gemeente Delft*) (2023), 'Youth Protection Table' (['Jeugdbeschermingstafel'](#))

### 3. Capacities (human and financial resources)

#### 3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	Yes		The Youth Act ( <i>Jeugdwet</i> ) <sup>230</sup> and the Social Support Act 2015 ( <i>Wet Maatschappelijke Ondersteuning</i> ) <sup>231</sup> contain a framework for the allocation of funds for the Child Protection System. The municipalities fund the Certified Institutions ( <i>Gecertificeerde Instellingen</i> ), the Youth Support Providers ( <i>jeugdhulpaanbieders</i> ). The Ministry of Justice and Security ( <i>Ministerie van Justitie en Veiligheid</i> ) and the Ministry of Health, Welfare and Sport ( <i>Ministerie van Volksgezondheid, Welzijn en Sport</i> ) allocate funds to the municipalities.
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?	Yes.		<p>The two ministries that share the responsibility for child protection – the Ministry of Justice and Security (<i>Ministerie van Justitie en Veiligheid</i>)<sup>232</sup> and the Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>)<sup>233</sup> – specify the funds they allocate to youth policies and child protection in their annual budget.</p> <p>The Ministry of Health, Welfare and Sport calls this item Youth (<i>Jeugd</i>). The amount for this item in the 2022 government budget was €127 million.</p>

<sup>230</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>231</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>232</sup> The Netherlands, Ministry of Justice and Security (*Ministerie van Veiligheid en Justitie*) (2022), Annual Budget for Ministry of Justice and Security ([Vaststelling van de begrotingsstaten van het Ministerie van Justitie en Veiligheid \(VI\) voor het jaar 2023](#)).

<sup>233</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), Annual Budget for the Ministry of Health, Welfare and Sport for the year 2023 ([Vaststelling van de begrotingsstaten van het Ministerie van Volksgezondheid, Welzijn en Sport voor het jaar 2023](#)), p. 3.

		<p>The Ministry of Justice and Security calls these items Youth Protection Subsidies (<i>Subsidies Jeugdbescherming</i>) and Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>). The amounts for these items in the 2022 government budget were respectively €9 million and €213 million.<sup>234</sup></p>
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3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.

We provide figures as indicated on the National Budget of the Ministry of and Justice and Security and the Ministry of Health, Welfare and Sport.

For the implementation of the Youth Act, the national government funds the municipalities via the municipality fund. The National Budget does not indicate how much money is spent on the Youth Act via the municipality fund That is why these figures cannot be compared to the figures of the previous mapping exercise.

Percentage of the 2023 National Budget devoted to child protection is 0,08 percent.<sup>235</sup>

Percentage of the 2022 National Budget devoted to child protection is 0,09 percent .<sup>236</sup>

Percentage of the 2021 National Budget devoted to child protection is 0,09 percent .<sup>237</sup>

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<sup>234</sup> The Netherlands, Central Government (*Rijksoverheid*) (2022), National Budget 2023 ([Rijksbegroting 2023](#)).

<sup>235</sup> The Netherlands, Central Government (*Rijksoverheid*) (2022), National Budget 2023 ([Rijksbegroting 2023](#)).

<sup>236</sup> The Netherlands, Central Government (*Rijksoverheid*) (2021), Health, Welfare and Sport National Budget 2022 ( [Volksgezondheid, Welzijn en Sport Rijksbegroting 2022](#)); The Netherlands, Central Government (*Rijksoverheid*) (2021), Justice and security National Budget 2022 ([Justitie en Veiligheid Rijksbegroting 2022](#)).

<sup>237</sup> The Netherlands, Central Government (*Rijksoverheid*) (2020), Health, Welfare and Sport National Budget 2021 ( [Volksgezondheid, Welzijn en Sport Rijksbegroting 2021](#)); The Netherlands, Central Government (*Rijksoverheid*) (2020), Justice and security National Budget 2021 ([Justitie en Veiligheid Rijksbegroting 2021](#)).

Percentage of the 2020 National Budget devoted to child protection is 0,089 percent .<sup>238</sup>

Percentage of the 2019 National Budget devoted to child protection is 0,08 percent .<sup>239</sup>

Percentage of the 2018 National Budget devoted to child protection 0,094 percent.<sup>240</sup>

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the</i></p>		No	<p>The national government expected that the child protection and support system would operate more efficiently under the Youth Act (<i>Jeugdwet</i>) which entered into force 1 January 2015. That is why the government did not foresee in extra budget in the explanatory memorandum to the Youth Act.<sup>241</sup> On the contrary the national government reduced the budget with € 120 million in 2015, € 300 million in 2016 and € 450 million from 2017.</p> <p>In December 2020, a report investigating the need for structural additional budget for municipalities in the area of child protection and youth support was submitted to the House of</p>

<sup>238</sup> The Netherlands, Central Government (*Rijksoverheid*) (2019), Health, Welfare and Sport National Budget 2020 ( [Volksgezondheid, Welzijn en Sport Rijksbegroting 2020](#)); The Netherlands, Central Government (*Rijksoverheid*) (2019), Justice and security National Budget 2020 ([Justitie en Veiligheid Rijksbegroting 2020](#)).

<sup>239</sup> The Netherlands, Central Government (*Rijksoverheid*) (2018), Health, Welfare and Sport National Budget 2019 ( [Volksgezondheid, Welzijn en Sport Rijksbegroting 2019](#)); The Netherlands, Central Government (*Rijksoverheid*) (2018), Justice and security National Budget 2019 ([Justitie en Veiligheid Rijksbegroting 2019](#)).

<sup>240</sup> The Netherlands, Central Government (*Rijksoverheid*) (2017), Health, Welfare and Sport National Budget 2018 ( [Volksgezondheid, Welzijn en Sport Rijksbegroting 2018](#)); The Netherlands, Central Government (*Rijksoverheid*) (2018), Justice and security National Budget 2018 ([Justitie en Veiligheid Rijksbegroting 2018](#)).

<sup>241</sup> The Netherlands, State Secretary of Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) / State Secretary of Health Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), Explanatory Memorandum Youth Act ([Memorie van toelichting. Jeugdwet](#) ).

<p><i>Rights of the Child on country reports etc.)</i></p>			<p>Representatives.<sup>242</sup> The report was commissioned by the national government and developed by consultancy firm Andersson Elffers Felix (AEF). The report concludes that municipalities are €1.3 till €1.5 billion short on their annual budgets to be able to provide necessary support and care under the Youth Act. Moreover, the report concludes that the expectations of the government that the broad commitment to prevention and early detection in the Youth Act would lead to cost savings did not materialise. In 2019, the government announced extra temporary funding for the years 2019-2022 (€ 420 million, € 300 million, € 300 million € 300 million respectively) as well as future negotiations with municipalities about long-term measures to keep the youth support system manageable.<sup>243</sup></p> <p>A remarkable conclusion from the Andersson Elffers Felix study is that the increase in the number of young people receiving youth support is mainly caused by the outflow lagging behind the inflow.<sup>244</sup> The inflow has remained more or less constant since 2015. The outflow is lagging behind, because children have been receiving youth support for a longer period of time than before 2015.</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>		<p>No.</p>	<p>EU funds do not play a substantial role in the funding of the national child protection system.</p>

<sup>242</sup> Andersson Elffers Felix (2020), System in growth. An investigation into financial deficits in youth services ([Stelsel in Groei. Een onderzoek naar financiële tekorten in de jeugdzorg](#))

<sup>243</sup> The Netherlands, State Secretary for Health Welfare and Sport (*Staatssecretaris voor Volksgezondheid, Welzijn en Sport*) (2020), Submission structurally required budget youth sector youth support, ('[Aanbieden onderzoek structureel benodigd budget jeugdzorg](#)'), Letter to Parliament, 18 December 2020.

<sup>244</sup> Andersson Elffers Felix (2020), System in growth. An investigation into financial deficits in youth services ([Stelsel in Groei. Een onderzoek naar financiële tekorten in de jeugdzorg](#)).

<p>3.1.6. Has there been any reported misuse of any of the available funding in the area of child protection?</p> <p><u>If yes</u>, please describe briefly (and include a reference to the study/report or similar) and explain whether the responsible authorities, organisations, etc. have taken appropriate measures to prevent this in the future?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		No.	There were no reports of misuse or fraud.
<p>3.1.7. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p>		No.	
<p>3.1.8. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted</p>		No.	<p>The Dutch child protection system has <u>always</u> known a large involvement of the private sector. Services in the child protection system are provided by foundations acting under the Youth Act<sup>245</sup> and funded by the government. A foundation is an organisation that does not aim to make a profit. Its primary purpose is to support a social or non-profit cause.</p> <p>The municipalities contract and fund foundations to provide services under the Youth</p>

<sup>245</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<p>by government/local authorities to provide services.</p> <p>If <u>yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		<p>Act.<sup>246</sup> The Youth Act specifies and defines several forms of services for which the municipalities contract and fund foundations. Foundations that implement child protection measures such as out of home placements or supervision orders are called Certified Institutions (<i>Gecertificeerde instellingen</i>). Foundations or professionals that provide a form of Youth Support are called the Youth Support Providers (<i>jeugdhulpverleners</i>). Youth Support includes foster care, residential care and all forms of non-residential care or support. The Youth Act specifies foster care and closed residential care as separate forms of support including support for children with mental disorder and physical disabilities.</p> <p>Certified Institutions may not provide youth support.</p> <p>An example of a Certified Institution is Youth Protection Gelderland which is active in the Province Gelderland.<sup>247</sup> Certified Institutions have the legal task to implement child protection measures issued by the Children.</p> <p>An example of a Youth Support Provider is Entrea Lindenhout. It is a Youth Support Provider operating at the regional level (in the provinces Gelderland and Overijssel).<sup>248</sup> Lindenhout is a foundation based in the city of Arnhem. It is a member of the sectoral organisation Youth Care Netherlands (<i>Jeugdzorg Nederland</i>). Its services include: foster care, emergency care, day care, independent living arrangements, coaching.</p>
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### 3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
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<sup>246</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>247</sup> Youth Protection Gelderland (*Jeugdbescherming Gelderland*) (2023) ; About us ('[Over ons](#)')

<sup>248</sup> Entrea Lindenhout (2023), '[Entrea Lindenhout](#)', Website.



<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>In 2019, the Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) and the Inspectorate of Justice and Security (<i>Inspectie Justitie en Veiligheid</i>) published a report in which they raised major concerns about the entire youth protection system in the Netherlands.<sup>249</sup> Vulnerable children and their families end up on waiting lists for the Safe at Home organisations (<i>Veilig thuis organisaties</i>), the Social district I teams (<i>wijkteams</i>), the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>), the Certified Institutions (<i>Gecertificeerde Instellingen</i>) and the Youth Support Providers (<i>jeugdhulpaanbieders</i>). Causes of these waiting lists are financial shortages, labour market shortages and an increased workload. On 9 September 2022, both inspectorates sent a letter to the responsible ministers informing them that the situation has <u>not</u> improved.<sup>250</sup></p> <p>On 10 October 2022, trade unions started industrial actions because of the excessive workload of the employees working for the Certified Institutions (<i>Gecertificeerde Instellingen</i>). Trade Unions demand a national uniform case load norm, a lower real case load and a doubling of the work force at the Certified Institutions (from 5,000 to 10,000).<sup>251</sup></p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p>	<p>Yes.</p>	<p>Available studies and report do <u>not</u> indicate that the human resources are not appropriately trained. The problem is the lack of human resources.</p>

<sup>249</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Vulnerable children inadequately protected. Youth protection chain at risk ([Kwetsbare kinderen onvoldoende beschermd. Jeugdbeschermingsketen in gevaar](#)).

<sup>250</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), , 'Supervision Youth Protection Chain' (['Toezicht jeugdbeschermingsketen'](#)), Letter to the Minister for Legal Protection (*Minister voor Rechtsbescherming*) / State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*), 9 September 2022.

<sup>251</sup> FNV (2022), 'Youth protectors cease working, situation is untenable', (['Jeugdbeschermers leggen werk neer, situatie is onhoudbaar'](#)), News release, 30 September 2022.



<p>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</p>		
<p>3.2.3. Is there a <u>compulsory certification or licencing process</u> for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>	<p>Yes.</p>	<p>Social workers and other professionals working in the area of child protection <u>must be registered</u> either in the Youth Quality Register (<i>Stichting Kwaliteitsregister Jeugd</i>) or in the BIG-register (register for Professions in Individual Health Care (<i>Beroepen in de Individuele Gezondheidszorg</i>)).</p> <p>Chapter 5 of the Youth Act Decree (<i>Besluit Jeugdwet</i>) provides the legal basis for the Youth Quality Register.<sup>252</sup> The legal basis for the BIG-register is provided by Professions in Individual Health Care Act (<i>Wet op de beroepen in de individuele gezondheidszorg</i>).<sup>253</sup></p> <p>These registers allow anyone to check whether the social worker or professional has the right qualifications to practise their profession. The right qualification in the Youth Quality Register includes child specific skills which must be kept up to date by taking courses or training at a regular basis. They also state if someone is no longer allowed to work as a care worker. For example, if the court has imposed a professional ban. Social workers and other professionals who work in the area of child protection must always retrain to maintain their registration. In addition, they must adhere to a professional disciplinary code.</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers</p>	<p>Yes</p>	<p>Article 4.1.6 of the Youth Act (<i>Jeugdwet</i>) stipulates that all staff (professionals and volunteers) of Youth Support Providers (including volunteers) working with children or</p>

<sup>252</sup> The Netherlands, Youth Act Decree (Besluit Jeugdwet), [Chapter 5](#).

<sup>253</sup> The Netherlands, Professions in Individual Health Care Act (*Wet op de beroepen in de individuele gezondheidszorg*), 11 November 1993, [Complete Act](#).

<p>working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>		<p>youths should be in possession of a recent Certificate of Conduct (<i>Verklaring Omtrent het Gedrag</i>).<sup>254</sup> A Certificate of Conduct is a document in which the Dutch Minister of Security and Justice declares that the applicant has not committed any criminal offences that are relevant to the performance of his or her duties. Applicants for a certificate are screened by Justis, the screening authority, that resides under the Ministry of Security and Justice. The Certificate of Conduct may not be older than three years. If circumstances warrant, the Youth Support Provider may ask for a new Certificate of Conduct. Volunteers in the youth sector can apply for a Certificate of Conduct free of charge.</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	<p>Yes.</p>	<p>The Act for a Mandatory Reporting Code on Domestic Violence and Child Abuse (<i>Wet verplichte meldcode huiselijk geweld en kindermishandeling</i>), that applies to organisations and independent professionals in education, healthcare, childcare, youth care, social work, and the criminal justice system, makes it mandatory for organisations to train their personnel in using the reporting code.</p> <p>The reporting code should include an action plan, guiding professionals through all the steps in the process, from identifying the signs of violence or abuse to deciding whether to file a report. The steps make it clear to professionals what is expected of them when they identify signs of domestic violence or child abuse and how, given their duty of confidentiality, they can reach a sound decision on whether to file a report. This applies for all professionals covered by this code. That is all professionals working in education, healthcare, childcare, youth care, social work, and the criminal justice system</p> <p>The model reporting code that was published together with the act states that organisations should regularly provide training and other forms of professional development so that professionals are able to acquire the appropriate skills and knowledge to identify domestic</p>

<sup>254</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.1.6.](#)

		<p>violence and child abuse, and carry out the steps described in the reporting code.<sup>255</sup> The model reporting code mentions that the organisation is responsible for providing training to staff. It does not mention how often such training should take place. It also does not mention who provides the training. It is the responsibility of the organisation to provide training and the funding of the training is therefore also a responsibility of the organisations themselves.</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>		<p>This answer cannot be answered by a definite yes or no.</p> <p>One recent study , among 62 study programmes (social work, health, psychology, pedagogy) at 11 Dutch Universities of Applied Sciences found that <u>not all</u> study programmes had a curriculum that included child rights and child protection topics.<sup>256</sup> The extent to which attention is paid to the topics of domestic violence and/or child abuse in programmes varies greatly depending on the profession a programme trains for, and differences also exist between these programmes in the extent to which attention is paid to these themes. The study recommends that the importance of structural attention to the themes of domestic violence and child abuse in training courses for (future) professionals working with vulnerable target groups be put on the agenda again with various stakeholders.</p> <p>The Netherlands Youth Institute indicated that apart from this aforementioned study no recent overview study exist on this subject so we cannot give information on the curricula of</p>

<sup>255</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2016), Model Reporting Code. Domestic Violence and Child Abuse. Action plan for responding to signs of domestic violence and child abuse. Updated version 2016. ([Basismodel meldcode huiselijk geweld en kindermishandeling. Stappenplan voor het handelen bij signalen van huiselijk geweld en kindermishandeling. Geactualiseerde versie 2016](#)).

<sup>256</sup> Roest, J. & Dekker, A. (2020), Attention to domestic violence and child abuse at Universities of applied sciences in higher professional education. Inventory the topics child abuse and domestic violence in college curricula in 2020 ([Aandacht voor huiselijk geweld en kindermishandeling in het hbo, Inventarisatie van inbedding thema's kindermishandeling en huiselijk geweld in curricula van hogescholen anno 2020](#)), Leiden, Hogeschool Leiden.

		<p>enforcement officials, judges, prosecutors, lawyers <sup>257</sup></p> <p>Two older studies conclude the following:</p> <p>A study on the curriculums of teacher training colleges and training colleges for psychological and social workers shows that all of the curriculums investigated paid attention to child abuse. <sup>258</sup> That means that child abuse was integrated into the general curriculum. It does not mean specialized courses were given.</p> <p>A study on the curriculum on the training colleges of health care workers shows that 34 of the 42 training curriculums investigated pay attention to child abuse. <sup>259</sup> That means that child abuse was integrated into the general curriculum. It does not mean specialized courses were given.</p> <p>.</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	<p>Yes.</p>	<p>There are a great number of training activities on offer in the area of child protection and youth support. Numerous websites and databases disclose a great number of these training programmes.</p> <p>One database is provided by the Foundation Youth Quality Register (<i>Stichting</i></p>

<sup>257</sup> Based on information provided by Nederlands Jeugdinstituut (*Nederlands Jeugdinstituut*) by email on 20 March 2023.

<sup>258</sup> Van Beek, I. et al (2013), Attention to domestic violence and child abuse. How have these themes of violence been incorporated into the curricula of social science, pedagogy, psychology, care and education courses? An inventory. ([\*Aandacht voor huiselijk geweld en kindermishandeling. Hoe zijn deze geweldthema's verwerkt in de onderwijsprogramma's van sociaal-agoqische, pedagogische, psychologische, zorg- en onderwijsopleidingen? Een inventarisatie\*](#)), Utrecht. Netherlands Youth Institute.

<sup>259</sup> Van der Linden, P. and Brinkhorst, J. (2012), Attention to child abuse and domestic violence. survey among (initial) training courses for medical professions ([\*Aandacht voor kindermishandeling en huiselijk geweld. Inventarisatie onder opleidingen voor medische beroepen\*](#)), Utrecht, Netherlands Youth Institute..

		<p><i>Kwaliteitsregister Jeugd</i> ).<sup>260</sup> This database contains more than 2000 training programmes for which all professionals from various disciplines can apply.</p> <p>An example of such a training or course to which all professionals working in the youth sector can apply is the training ‘Your own vision on youth’(..</p> <p><a href="#">Training ‘Een eigen visie op Jeugd’ – Sanne Eggen</a></p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>	<p>The main challenge is the lack of human resources and the excessive workload.</p> <p>In 2019, the Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) and the Inspectorate of Justice and Security (<i>Inspectie Justitie en Veiligheid</i>) published a report in which they raised major concerns about the entire youth protection system in the Netherlands.<sup>261</sup> Vulnerable children and their families end up on waiting lists for the Safe at Home organisations (<i>Veilig thuis organisaties</i>), the local teams (<i>wijkteams</i>), the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>), the Certified Institutions (<i>Gecertificeerde Instellingen</i>) and the Youth Support Providers (<i>jeugdhulpaanbieders</i>). Causes of these waiting lists are financial shortages, labour market shortages and an increased workload. On 9 September 2022, both inspectorates sent a letter to the responsible ministers informing them that the situation has not improved.<sup>262</sup></p>	

<sup>260</sup> The Netherlands, Foundation Youth Quality Register (*Stichting Kwaliteitsregister Jeugd*), ‘What kind of training are you looking for?’ ([‘Wat voor sort opleiding zoek je’](#))

<sup>261</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Vulnerable children inadequately protected. Youth protection chain at risk ([Kwetsbare kinderen onvoldoende beschermd. Jeugdbeschermingsketen in gevaar](#)).

<sup>262</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), , ‘Supervision Youth Protection Chain’([‘Toezicht jeugdbeschermingsketen’](#)), Letter to the Minister for Legal Protection (*Minister voor Rechtsbescherming*) / State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*), 9 September 2022.

On 10 October 2022, trade unions started industrial actions because of the excessive workload of the employees working for the Certified Institutions (*Gecertificeerde Instellingen*). Trade Unions demand a national uniform case load norm, a lower real case load and a doubling of the work force at the Certified Institutions (from 5,000 to 10,000).<sup>263</sup>

In a report published on 5 May 2020, the Netherlands Court of Audit (*Algemene Rekenkamer*) concludes that the emergency care is guaranteed in the Netherlands but that the response of the relevant actors (the Certified Institutions in particular) after the emergency care is not adequate.<sup>264</sup> Due to long waiting lists caused by a lack of capacity the children and families do not receive the appropriate support and alternative care in time.

### 3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

The national government expected the child protection and support system would operate more efficiently under the Youth Act (*Jeugdwet*)<sup>265</sup> which entered into force on 1 January 2015. That is why the government did not foresee in extra budget in the explanatory memorandum to the Youth Act. On the contrary, the national government reduced the budget. In 2019, the first evaluation study found that expensive specialist care have not been replaced by prevention and the use of the citizen's networks.<sup>266</sup> In 2020 the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*) concluded, its expected outcomes had not been fulfilled yet.<sup>267</sup> More empowerment, ownership and self-reliance of citizens and more support by their social networks appeared to be less feasible in practice than assumed

<sup>263</sup> FNV (2022), 'Youth protectors cease working, situation is untenable', (['Jeugdbeschermers leggen werk neer, situatie is onhoudbaar'](#)), News release, 30 September 2022.

<sup>264</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2020), Results accountability survey 2019. Ministry of Justice and Security (VI) ([Resultaten verantwoordingsonderzoek 2019. Ministerie van Justitie en Veiligheid \(VI\)](#))

<sup>265</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>266</sup> The Netherlands, ZonMw (2019), First evaluation Youth Act. After the transition the transformation ([Eerste evaluatie Jeugdwet. Na de transitie nu de transformatie](#)).

<sup>267</sup> The Netherlands, Kromhout, M., Van Echtelt, P. and Feijten, P. (2022), Social reforms on track? Expectations and results of five years of decentralised policy ([Sociaal domein op koers? Verwachtingen en resultaten van vijf jaar decentraal beleid](#)), The Hague, Netherlands Institute for Social Research (SCP).

Numerous reports and developments in the last four years have made it clear that the present system lacks financial and human resources causing a general crisis in the whole system of youth protection.

In December 2020, a report investigating the need for structural additional budget for municipalities in the area of child protection and youth support was submitted to the House of Representatives.<sup>268</sup> This report was commissioned by the national government and developed by consultancy firm Andersson Elffers Felix (AEF). The report concludes that municipalities are €1.3 till €1.5 billion short on their annual budget to be able to provide necessary support and care under the Youth Act. Moreover, the report concludes that the expectations of the government that the broad commitment to prevention and early detection in the Youth Act would lead to cost savings did not materialise. Already in 2019, the government announced extra temporary funding for the years 2019-2022 (€ 420 million, € 300 million, € 300 million € 300 million respectively) as well as future negotiations with municipalities about long-term measures to keep the youth support system manageable.<sup>269</sup> The Steering Committee measures financial manageability Youth Act (*Stuurgroep maatregelen financiële beheersbaarheid Jeugdwet*) was established to examine future scenario's. In its report it examined three scenario's to adapt the Youth Act: 1) no change to the youth care system; 2) a better demarcation of the municipal obligation to provide youth care; 3) removal of the municipal obligation to provide youth care from the Youth Act, leaving it up to municipalities to prioritise what care they can provide within the available budget.<sup>270</sup> In all three scenario's a structurally larger budget for municipalities is expected to be necessary.

In 2019, the Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) and the Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) published a report in which they raised major concerns about the entire youth protection system in the Netherlands.<sup>271</sup> Vulnerable children and their families end up on waiting lists for the Safe at Home organisations (*Veilig thuis organisaties*), the Social district teams cal teams (*wijkteams*), the Child Care and Protection Board (*Raad voor de Kinderrbescherming*), the Certified Institutions (*Gecertificeerde Instellingen*) and the Youth Support Providers (*jeugdhulpaanbieders*). Sometimes youth protection orders issued by the Children's Judge cannot be implemented because the Youth Support is not available. Causes of these waiting lists are financial shortages, labour market shortages, and an increased workload. On 9 September 2022, both inspectorates sent a letter to the responsible ministers informing them that at present the youth protection system does not meet the minimum quality requirements set out in the law.<sup>272</sup> The

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<sup>268</sup> Andersson Elffers Felix (2020), System in growth. An investigation into financial deficits in youth services ([Stelsel in Groei. Een onderzoek naar financiële tekorten in de jeugdzorg](#))

<sup>269</sup> The Netherlands, State Secretary for Health Welfare and Sport (*Staatssecretaris voor Volksgezondheid, Welzijn en Sport*) (2020), Submission structurally required budget youth sector youth support, ('[Aanbieden onderzoek structureel benodigd budget jeugdzorg](#)'), Letter to Parliament, 18 December 2020.

<sup>270</sup> Steering Committee measures financial manageability Youth Act (*Stuurgroep maatregelen financiële beheersbaarheid Jeugdwet*) (2021), Measures financial manageability Youth Act ([Maatregelen financiële beheersbaarheid Jeugdwet](#)).

<sup>271</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Vulnerable children inadequately protected. Youth protection chain at risk (*Kwetsbare kinderen onvoldoende beschermd. Jeugdbeschermingsketen in gevaar*).

<sup>272</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), , 'Supervision Youth



government is failing in its duty to protect vulnerable children. The governments should immediately start a crisis approach for the whole youth protection system. In a report published on 13 April 2023, the Netherlands Court of Audit (*Algemene Rekenkamer*) concludes that, 3 years later, there are still no signs (or expectations) of a structural improvement in the system.<sup>273</sup>

So far the national government has responded to this crisis by exploring a long term solution. For this reason the responsible ministers initiated an action plan that contains an outline for a future child protection system that will be explored in the coming 5 to 10 years: the 'Child and family protection future scenario' (*Toekomstscenario kind- en gezinsbescherming*).<sup>274</sup> Major actors in this system will be the Social district teams (*wijkteams*) and the Regional Safety Teams (*regionale veiligheidsteams*). Functions of the Certified Institutions, the Safe Home organisations (*Veilig Thuis Organisaties*) and the Child Care and Protection Board (*Raad voor de Kinderbescherming*) will be brought together in the Regional Safety Teams.

### 3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

No promising practices found.

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Protection Chain' (['Toezicht jeugdbeschermingsketen'](#)), Letter to the Minister for Legal Protection (*Minister voor Rechtsbescherming*) / State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*), 9 September 2022.

<sup>273</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2023), Organised impotence. The role of central government in youth protection ([Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming](#)).

<sup>274</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbescherming](#)).



## 4. Care

### 4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

Under the Youth Act (*Jeugdwet*)<sup>275</sup> the municipalities are responsible for the whole continuum of support and care for children, young people and families in need of help. This continuum ranges from universal and preventive services to the specialised (both voluntary and compulsory) care for children. It includes services for children with a mental health problem or with a disability. Under the Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*)<sup>276</sup> and the Participation Act the municipalities are responsible for the general social welfare and social protection system.

The municipalities aim to coordinate all these activities via the local social district teams (*wijkteams*). These teams are inter-professional teams that provide comprehensive outreach (youth, family or citizens) care within neighbourhoods.<sup>277</sup> These teams act as primary youth care providers or generalist care providers for all citizens. The teams differ per municipality but in general they consist of health care workers, social workers, parenting support workers, psychologists and others active in the care field.

Most services are provided by private parties (mostly foundations). These private parties are contracted and funded by the municipality. Parents or children must contact the municipality first to get an indication for support. With this indication they can get the support from the provider contracted by the municipality. It is also possible for parents and children to apply (to the municipality) for a personal budget by which they can choose their own provider.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

Yes.

Families are supported in their role of primary caregivers by the municipal Youth and Family Centres (*Centrum voor Jeugd en Gezin*) that operate under the Youth Act<sup>278</sup> and are financed by the

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<sup>275</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>276</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*), 1 January 2015, [Complete Act](#).

<sup>277</sup> Netherlands Youth Institute (2019), [Reform of the Dutch system for child and youth care 4 years later](#).

<sup>278</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

municipality. The Youth and Family Centres provide information, advice and help with child development and parenting. It does not focus on problems but tries to support families and their children in a positive way. Parents can find all kinds of information on child rearing and child development. The Centre also coordinates and provides health care support.<sup>279</sup>

Since the Youth Act entered into force on 1 July 2015, most Dutch municipalities have formed inter-professional Social district teams to provide comprehensive outreach (youth, family or citizens) care within the neighbourhoods.<sup>280</sup> These teams act as primary youth care providers or generalist care providers for all citizens. The teams differ per municipality but in general they consist of health care workers, social workers, parenting support workers, (school) psychologists and others active in the care field.

The Safe at Home organisations (*Veilig Thuis organisations*) that act as advisory and reporting centres for child abuse and domestic violence have the task to provide advice to people directly involved in child abuse (victims, perpetrators, bystanders, professionals).<sup>281</sup> The Safe at Home organisations assess which support is needed by those families. This is a legal task as defined by the Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*).<sup>282</sup> The Safe at Home organisations will provide this support to the family itself or refer to a Youth Support Provider for specialised support (counseling, training, advice, care). The Safe at Home organization's goal is to prevent the situation from deteriorating. When the situation deteriorates the Safe at Home organisations can report this situation *ex officio* (also in cases when bystanders and professionals ask for advice) and start an assessment (see below, for this trajectory).<sup>283</sup>

#### 4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The main responsibility for coordinating the support to the family and the children lies with the Safe at Home organisations. The Safe at Home organisations (*Veilig Thuis organisations*) act as advisory and reporting centres for child abuse and domestic violence. They have the task to provide advice to people directly involved in child abuse (victims, perpetrators, bystanders, professionals).<sup>284</sup> The Safe at Home organisations assess which support is needed by those families. This is a legal task as defined by the Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*).<sup>285</sup>

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<sup>279</sup> The Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2019), 'Figures about Centres Youth and Family' (['Cijfers over Centra voor Jeugd en Gezin'](#)), Web page.

<sup>280</sup> Netherlands Youth Institute (2019), [Reform of the Dutch system for child and youth care 4 years later](#).

<sup>281</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)).

<sup>282</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>283</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 24.

<sup>284</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)).

<sup>285</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

#### 4.1.4. What are the crisis emergency responses in place?

All actors involved in the procedures concerning identification, reporting, referral and placement have special procedures in which emergency responses are laid down. The Safe at Home organisations (*Veilig Thuis organisaties*) that act as advisory and reporting centres for child abuse and domestic violence for the general public and professionals will contact the Child Care and Protection Board (*Raad voor de Kinderbescherming*) immediately in emergency situations.<sup>286</sup> Other organisations that can contact the Child Care and Protection Board (bypassing the Safe at Home organisations) are: the Municipalities (including the local teams), the Certified Institutions, the Public and Prosecution Service, and the National Police.<sup>287</sup> All authorities/actors mentioned can contact (have the authority) to contact the Child Care and Protection Board.

The Safe at Home organisations and the Child and Protection Board are available 24 hours. Both organisations prioritise emergency cases. Under the relevant provisions of the Civil Code the Child Care and Protection Board has the authority to request the Children’s Judge (*kinderrechter*) to impose a child protection measure by which the child can be put in a safe place. The Children’s Judge courts have special proceedings for emergency cases.<sup>288</sup> To place children or families in a safe location Youth Care Providers (*jeugdhulpaanbieders*) have special emergency facilities (*crisisopvang*).<sup>289</sup>

#### 4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/reporting obligation foreseen in the legislation?		No.	There is no general legal reporting obligation for reporting child abuse or neglect in the Netherlands. However, there is in the Netherlands the Mandatory Protocol Domestic Violence and Child Abuse Act ( <i>Wet verplichte meldcode huiselijk</i>

<sup>286</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)).

<sup>287</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>288</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), p.183.

<sup>289</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2023), ‘Emergency care’, ([‘Crisisopvang’](#)), Webpage.

<p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p><i>geweld en kindermishandeling</i>).<sup>290</sup> This act took effect 1 July 2013. It applies to organisations and independent professionals in education, healthcare, child care, youth care, social work, and the criminal justice system. They are required by the act to adhere to a special protocol or reporting code to help them deal with signs of domestic violence and child abuse. This act does not entail an obligation to report cases of child abuse or domestic violence. But it does entail the requirement to make use of a special protocol when reporting about a case of child abuse or domestic violence. The protocol includes an action plan, guiding professionals through all the steps in the process, from identifying the signs of violence or abuse to deciding whether to file a report. The government provides a basic model for such a protocol.<sup>291</sup> Sectoral organisations have used this model to develop their own protocols.</p> <p>The Child Check (<i>Kindcheck</i>) is part of the Mandatory Protocol Domestic Violence and Child Abuse). The aim of the Child Check is to identify more children at serious risk of abuse or neglect. The Child Check is especially meant for professionals who work with adult clients/patients, such as (family) doctors, nurses, social workers, psychiatrists and psychologists.<sup>292</sup> The Child Check means that these professionals in their contacts with adult clients/patients check whether there are children involved and assess whether these children are safe. For example, they may perform the Child Check for adult clients/patients with serious psychological problems or victims or perpetrators of domestic violence.</p> <p>The Mandatory protocol was adjusted in 2019. Since then, reporting to Safe at Home is the norm when there are suspicions of acute and structural unsafety. Professionals are required to use the mandatory protocol to determine whether there is acute or structural unsafety.</p>
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<sup>290</sup> The Netherlands, Mandatory Protocol Domestic Violence Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*), 1 July 2013, [Complete Act](#).

<sup>291</sup> The Netherlands, National Government (*Rijksoverheid*) (2023), '[Domestic violence and child abuse protocol](#)', Web page.

<sup>292</sup> De Kindcheck (2020), [Factsheet The Child Check - signalling childabuse base on parental signals](#)

		<p>Some sectors have legal obligations to report some forms of abuse: primary education, secondary education, vocational education, and health care sector. Article 4a of the Act on Primary Education (<i>Wet op het Primair onderwijs</i>) contains the obligation for primary schools to report (to the police) any sexual abuse of a pupil committed by a member of the staff of the school.<sup>293</sup> Article 3 of the Secondary Education Act (<i>Wet op het Voortgezet Onderwijs</i>).<sup>294</sup> contains the obligation for secondary schools to report (to the police) any sexual abuse of a student committed by a member of the staff of the school. Article 1.3.8 of the Adult education and vocational training Act (<i>Wet educatie en beroepsonderwijs</i>)<sup>295</sup> contains the obligation for schools offering vocational training to report (to the police) any sexual abuse of a pupil committed by a member of the staff of the school. Article 11 of the Quality, Complaints and Disputes Act (<i>Wet kwaliteit, klachten en geschillen zorg</i>) Health Institutions Quality Act (<i>Kwaliteitswet Zorginstellingen</i>)<sup>296</sup> contains the obligation for youth care institutions to report (to the Health and Youth Care Inspectorate) any abuse inside the institutions involving a client or patient.</p>
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4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

The most important report mechanism in the field of child protection is provided by the Safe at Home organisations (*Veilig Thuis organisations*) that act as advisory and reporting centres (hotlines) for child abuse and domestic violence. These are regional organisations established by the municipalities in the

<sup>293</sup> The Netherlands, Primary Education Act (*Wet op het Primair onderwijs*), [Section 4a](#).

<sup>294</sup> The Netherlands, Secondary Education Act 2020 (*Wet op het Voortgezet Onderwijs 2020*), [Article 3.39](#).

<sup>295</sup> The Netherlands, Adult and Vocational Education Act (*Wet educatie en beroepsonderwijs*) , [Article 1.3.8](#).

<sup>296</sup> The Netherlands, Healthcare Quality, Complaints and Disputes Act (*Wet kwaliteit, klachten en geschillen zorg*), [Article 11](#).

region. The legal basis for the Safe at Home organisations is provided by chapter 4 of the Social Support Act 2015.<sup>297</sup> Safe at Home organisations staff professionals who have followed a relevant training (social work, social services, psychology, pedagogy, remedial pedagogy) at a university of applied sciences or a university and need to be registered at a professional register. The Municipality under whose authority the Safe at Home organisation operates must make sure that staff has sufficient expertise in the field of domestic violence and child abuse. At least one physician with child abuse expertise is available at each organisation.<sup>298</sup>

There are 26 Safe at Home organisations that cooperate together in the National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*). All Safe at Home organisation work according to a national protocol: the Protocol Safe at Home 2019 (*Handelingsprotocol Veilig Thuis 2019*).<sup>299</sup>

Citizens and professionals (for example: physicians, health care workers, police officers and teachers) who suspect abuse, violence, harassment or neglect of a child can contact a Safe at Home organisation via a free national telephone number (0800 2000). The Mandatory Protocol Domestic Violence Child Abuse indicates when a professional should contact a Safe at Home organisation. This decision is taken by the professional in accordance with the respective reporting code and in consultation with a colleague.<sup>300</sup>

Staff of the Safe at Home organisation will assess each report. The Safe at Home organisation will during this assessment take a decision within 5 working days of receiving the report as to whether further steps and or further investigation is necessary.<sup>301</sup> If the Safe at Home organisation decides further investigation is necessary it will investigate the report for a maximum of 10 weeks.<sup>302</sup> During this investigation the Safe at Home organisation will confirm or refute the reported suspicions of child abuse and initiate follow-up assistance aimed at a creating a safe situation for the child.<sup>303</sup>

After the investigation the Safe at Home Organisation transfers the case to an organisation that will provide support to the child and parents or to the Child Care and Protection Board.<sup>304</sup> When the parents are not willing to cooperate the case is referred to the Child Care and Protection Board for further investigation.

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<sup>297</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>298</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Chapter 4](#).

<sup>299</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)).

<sup>300</sup> The Netherlands, Mandatory Protocol Domestic Violence Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*), 1 July 2013, [Complete Act](#).

<sup>301</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7](#).

<sup>302</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7](#).

<sup>303</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)).

<sup>304</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40-44.



The Safe at Home organization is one of the few actors that can contact the Child Care and Protection Board (*Raad voor de Kinderbescherming*). Other organisations that can contact the Child Care and Protection Board (bypassing the Safe at Home organisations) are: the Municipalities, the Certified Institutions, the Public and Prosecution Service and the National Police.<sup>305</sup> This will happen especially in emergency situations.<sup>306</sup>

The Child Care and Protection Board (*Raad voor Kinderbescherming*) will carry out an investigation.<sup>307</sup> The Quality framework of the Child Care and Protection Board does not indicate how long this investigation will last.<sup>308</sup> During this investigation, the investigator of the Board determines whether the child's development is indeed at risk and to what extent. If the Child Care and Protection Board concludes after an investigation that the child should be protected, it will request the Children's Judge (*Kinderrechter*) to impose a child protection measure.<sup>309</sup>

Judges in divorce cases can also ask to the Board to investigate a case when the situation turns dangerous for the child.<sup>310</sup>

In very serious and urgent cases citizens can contact the police under the regular criminal procedures.<sup>311</sup> The Police has a special unit that handles reports involving children which includes child abuse cases. This unit can be contacted via the general emergency telephone number (112). The Safe at Home organisation will be informed by the Police about the reported child abuse, and both organisations will cooperate in the investigation.<sup>312</sup> Police may contact the Child Care and Protection Board directly.

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<sup>305</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>306</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), , Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>307</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), , Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>308</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>309</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 241](#).

<sup>310</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)).

<sup>311</sup> The Netherlands, Code of Criminal Procedure (*Wetboek van strafvordering*), [Articles 160-166](#) .

<sup>312</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) / National Police (*Nationale Politie*) / Child Care and Protection Board (*Raad voor de Kinderbescherming*) / Public Prosecution Service (*Openbaar Ministerie*) / Dutch Probation Service (*Reclassering Nederland*) (2017) , Guide. Working together in cases of criminal child abuse ([Handreiking. Samenwerken bij strafbare kindermishandeling](#)).

If people want to report discrimination they may contact one of the regional antidiscrimination services.<sup>313</sup> But these services have no special procedures for children.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p><u>If yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	Yes.		<p>Children can report independently to the Safe at Home organisations (<i>Veilig Thuis organisations</i>). The Safe at Home organisations handle the reports of all callers, including children. There is no specific reporting procedure for children. The Safe at Home organisations (<i>Veilig Thuis organisations</i>) provide information on the general website targeted at children.<sup>314</sup> The website also refers to the Children's Telephone (<i>Kindertelefoon</i>).</p> <p>There is a national Children's Telephone (<i>Kindertelefoon</i>) that can be contacted by children from 11h to 21h each day. This Children's Telephone is a foundation funded by the Ministry of Health, Welfare and Sport.<sup>315</sup> Some 700 volunteers work at the Children's Telephone assisted by some 50 professionals.<sup>316</sup> This institution provides help when children (age 8-18) phone in with a question or problem. Via the Children's Telephone a report about child abuse can reach a Safe at Home organisations (<i>Veilig Thuis organisations</i>). Children can also report to the police. There are no age limits to the right to report to the police.<sup>317</sup></p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	Yes.		<p>On their website, the Safe at Home organisations (<i>Veilig Thuis organisations</i>) provide information specifically targeting children. The Safe at Home organisation are the</p>

<sup>313</sup> Discriminatie.nl (2023), 'Antidiscrimination services' (['Antidiscriminatiebureaus'](#)). Webpage.

<sup>314</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2023), 'Are you younger than 18' (['Ben je jonger dan 18?'](#)), Website.

<sup>315</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2022), Annual Account 2021 ([Jaarrekening 2021](#)).

<sup>316</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2022), Annual Account 2021 ([Jaarrekening 2021](#)).

<sup>317</sup> The Netherlands, Code of Criminal Procedure (*Wetboek van strafvordering*), [Article 161](#).



		<p>Children are made aware of the existence of a Children's Telephone (<i>Kindertelefoon</i>) through the website.<sup>318</sup> The Child Helpline is staffed by volunteers who are assisted by professionals. The Children's Telephone is a general helpline covering all sorts of questions. They can help children when they want to report abuse.</p> <p>The Children's Telephone (<i>Kindertelefoon</i>) was founded in 1979. It is an established institution and because of that well known and well connected. In 2021, Children's Telephone had an average of 1,200 calls per day.<sup>319</sup> The Children's Telephone can be contacted by children from 11h to 21h each day.</p>
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4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

An evaluation study of the Mandatory Protocol Domestic Violence and Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*) found that the Child Check (*Kindcheck*) is rarely implemented.<sup>320</sup> The Child Check (*Kindcheck*) is part of the Mandatory Protocol Domestic Violence and Child Abuse.<sup>321</sup> The aim of the Child Check is to identify more children at serious risk of abuse or neglect. The Child Check is especially meant for professionals who work with adult clients/patients, such as general practitioners, doctors, nurses, social workers, psychiatrists and psychologists.<sup>322</sup> The Child Check means that these professionals, in their contacts with adult clients/patients check, whether there are children involved and assess whether they are safe. For example, they may perform the Child Check for adult clients/patients with serious psychological problems or clients who are victims or perpetrators of domestic violence.

The Dutch NGO Coalition for Children's Rights (*Kinderrechtencollectief*) indicates that there are no child-friendly discrimination reporting procedures in place for children.<sup>323</sup>

<sup>318</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2023), 'Children's Telephone' (['De Kindertelefoon'](#)).

<sup>319</sup> Foundation Children's Telephone (*Stichting De Kindertelefoon*) (2022), [Corporate leaflet 2022](#).

<sup>320</sup> ZonMW (2020), Evaluation Mandatory Protocol Domestic Violence .Child Abuse Act ([Evaluatie Wet verplichte meldcode huiselijk geweld en kindermishandeling](#)).

<sup>321</sup> The Netherlands, Mandatory Protocol Domestic Violence Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*), 1 July 2013, [Complete Act](#).

<sup>322</sup> De Kindcheck (2020), [Factsheet The Child Check - signalling childabuse base on parental signals](#)

<sup>323</sup> Dutch NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2022), [Joint submission to the Human Rights Council. Universal Periodic Review 41st Session | 4th Cycle | The Netherlands](#).

### 4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The Safe at Home organisation or *Veilig Thuis organisatie* (that acts as an advisory and reporting centre for child abuse and domestic violence in region) assesses each report of child abuse it receives. The Safe at Home organisation uses a protocol for all the steps during and following the assessment (investigation and referrals).<sup>324</sup> During this assessment the Safe at Home organisation will take a decision within 5 working days of receiving the report as to whether further steps and or further investigation is necessary.<sup>325</sup> If the Safe at Home organisation decides further investigation is necessary it will investigate the report for a maximum of 10 weeks.<sup>326</sup> Under Article 4.1.1 of the Social Support Act 2015<sup>327</sup> a Safe at Home organisation is obligated to notify an organisation that provides youth support or the Police or the Child Care and Protection Board of a report of domestic violence or child abuse or a suspicion thereof, if the interest of the person involved or the seriousness of the situation requires this.<sup>328</sup>

During the investigation after the initial assessment, the Safe at Home organisation will confirm or refute the reported suspicions of child abuse and initiate follow-up assistance aimed at creating a safe situation for the child. The investigation of each case by the Safe at Home organisation consists of: compiling a file, talking with the person who reported, interviewing the parents and children, and interviewing informants and professionals who are involved in this case. The Safe at Home organisation uses a protocol for all these steps of the assessment, investigation and referrals.<sup>329</sup>

The Safe at Home organisations, the National Police, the Public Prosecution Service, the Child Care and Protection Board (*Raad voor de Kinderbescherming*) and the Dutch Probation Service

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<sup>324</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

<sup>325</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7.](#)

<sup>326</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7.](#)

<sup>327</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Article 4.1.1.](#)

<sup>328</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 30.

<sup>329</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

(*Reclassering*) use an interagency protocol.<sup>330</sup> This interagency protocol states that the Safe at Home organization and Police will cooperate in the investigation of all case of criminal child abuse (also in cases only reported to the Police).

After the investigation the Safe at Home Organisation transfers the case to an organisation that will provide support if the parents are willing to cooperate.<sup>331</sup> If the parents are unwilling to cooperate, the case is referred to the Child Care and Protection Board. After the transfer, the Safe at Home organisation notifies the person who reported the abuse and monitors the situation for 18 months. During the monitoring phase, the Safe at Home organisation will investigate the situation 3 months and 12 months after the transfer.<sup>332</sup>

The Child Care and Protection Board investigates the case again. The Quality framework of the Child Care and Protection Board does not indicate how long this investigation will last.<sup>333</sup> During this investigation, the investigator of the Board determines whether the child's development is indeed at risk and to what extent. If the Child Care and Protection Board concludes after an investigation that the child should be protected, it will advise the Children's Judge (*Kinderrechter*) to impose a child protection measure, such as a supervision order, or a voluntary or a forced withdrawal of parental authority.<sup>334</sup>

During the court session the court interviews the parents and the children.<sup>335</sup> The report of the Child Care and Protection Board will be considered in the decision of the Children's Judge.<sup>336</sup> At the end of the session the Judge decides whether to put the child under a child protection measure. The measure will be implemented by a Certified Institution.

Child protection cases can also reach the Child Care and Protection Board and the Children's Judge directly by way of a divorce case or a criminal procedure against a juvenile. In divorce cases, courts can ask the Child Care and Protection Board to investigate a case when the situation turns

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<sup>330</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) / National Police (*Nationale Politie*) / Child Care and Protection Board (*Raad voor de Kinderbescherming*) / Public Prosecution Service (*Openbaar Ministerie*) / Dutch Probation Service (*Reclassering Nederland*) (2017), Guide. Working together in cases of criminal child abuse ([Handreiking. Samenwerken bij strafbare kindermishandeling](#)).

<sup>331</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

<sup>332</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 50-51.

<sup>333</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>334</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-265k](#).

<sup>335</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), pp. 187-192.

<sup>336</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), p.

dangerous for the child.<sup>337</sup> When a criminal offence report is drawn up for a minor or when a minor is taken into police custody, the police will inform the Board about this.<sup>338</sup> The Child Care and Protection Board can carry out an investigation and this case can lead to a request to the Juvenile Judge to impose a child protection measure.<sup>339</sup>

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	Yes.		<p>The Safe at Home organisations (<i>Veilig Thuis-organisaties</i>) operate as regional advisory and reporting centres for child abuse and domestic violence under chapter 4 of the Social Support Act 2015.<sup>340</sup></p> <p>The Safe at Home organisations use a special protocol.<sup>341</sup> This protocol offers criteria and guiding principles for the daily work of the employees of the Safe at Home organisations including the assessment, investigation and referrals of reported cases of child abuse. This protocol was drawn up by the National Network Safe at Home (<i>Landelijk Netwerk Veilig Thuis</i>). This a platform organisation of which al Safe at Home organisations are members. The protocol is based in great part on chapter 4 of the Social Support Act 2015<sup>342</sup> and chapter 4 of the Social Support Act 2015 Implementation Decree (<i>Uitvoeringsbesluit WMO 2015</i>)<sup>343</sup>.</p> <p>The Safe at Home organisations, the National Police, the Public Prosecution Service, the Child</p>

<sup>337</sup> The Netherlands, The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), p 177 .

<sup>338</sup> The Netherlands, Code of Criminal Procedure (*Wetboek van strafvordering*), [Article 491](#).

<sup>339</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-265k](#).

<sup>340</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning*), [Chapter 4](#).

<sup>341</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

<sup>342</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning*), [Chapter 4](#).

<sup>343</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Chapter 4](#).

		<p>Care and Protection Board and the Dutch Probation Service use an interagency protocol.<sup>344</sup></p> <p>The Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) has a Quality Framework (<i>Kwaliteitskader</i>) and several protocols. The Quality Framework contains the working method of the Child Care and Protection Board.<sup>345</sup> The Quality Framework is drawn up by the State Secretary of Security and Justice. The Quality Framework describes among other things how investigations into cases must be carried out, which information is put in the report and how long an investigation may take place. In addition to this, the Child Care and Protection Board makes use of several protocols in which it is laid down how the Board operates in certain cases. The Board has a special protocol for child protection cases.<sup>346</sup> The other protocols relate to adoption cases<sup>347</sup>, divorce cases<sup>348</sup>, and juvenile criminal cases<sup>349</sup>.</p>
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	Yes.	<p>The assessments and investigations at both the Safe at Home organisations or <i>Veilig Thuis-organisaties</i> (that act as advisory and reporting centres for child abuse and domestic violence) and the Child Care and Protection Board (<i>Raad</i></p>

<sup>344</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) / National Police (*Nationale Politie*) / Child Care and Protection Board (*Raad voor de Kinderbescherming*) / Public Prosecution Service (*Openbaar Ministerie*) / Dutch Probation Service (*Reclassering Nederland*) (2017), Guide. Working together in cases of criminal child abuse ([Handreiking. Samenwerken bij strafbare kindermishandeling](#)).

<sup>345</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>346</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Protection Cases ([Protocol Beschermingstaken](#)).

<sup>347</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Relinquishing Screening, Adoption and Ancestry Questions ([Protocol Afstand, Screening, Adoptie en Afstammingsvragen \(ASAA\)](#)).

<sup>348</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Authority and Contact with Children after Divorce ([Protocol Gezag en omgang na scheiding](#)).

<sup>349</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Criminal Cases ([Protocol strafzaken](#)).

		<p><i>voor Kinderbescherming</i>) are carried out by multidisciplinary teams.</p> <p>The Municipality under whose authority the Safe at Home organisation (<i>Veilig Thuis organisatie</i>) operates must make sure that staff at the Safe at Home organisation has sufficient expertise in the field of domestic violence and child abuse. At least one physician with child abuse expertise must be available.<sup>350</sup> The experts involved in the assessment at the Safe at Home organisations are, besides the physician, behavioural experts. Experts outside the organisation can be consulted.<sup>351</sup></p> <p>The teams of the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) consist of: an investigator, a legal expert, a behavioural expert and a team leader.<sup>352</sup> All are employees of the Board. The regulatory framework is provided by the Protocol Protection Tasks (<i>Protocol beschermingstaken</i>).<sup>353</sup></p>
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The Safe at Home organisation or *Veilig Thuis organisatie* (that acts as an advisory and reporting centre for child abuse and domestic violence) assesses each report for child abuse it receives. The Safe at Home organisation will during this assessment take a decision within 5 working days of receiving the report as to whether further steps and or further investigation is necessary.<sup>354</sup> If the Safe at Home organisation decides further investigation is necessary it will investigate the report for

<sup>350</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Chapter 4](#).

<sup>351</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safeat Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 33.

<sup>352</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2023) Who works on an investigation? ([‘Wie werken aan een raadsonderzoek?’](#)), Web page.

<sup>353</sup> Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Protection Cases ([Protocol Beschermingstaken](#)).

<sup>354</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7](#).



a maximum of 10 weeks.<sup>355</sup> Under Article 4.1.1 of the Social Support Act 2015<sup>356</sup> a Safe at Home organisation is obligated to notify an organisation that provides youth support or the Police or the Child Care and Protection Board of a report of domestic violence or child abuse or a suspicion thereof, if the interest of the person involved or the seriousness of the situation to which the report relates so requires this.<sup>357</sup>

During the investigation after the initial assessment, the Safe at Home organisation will confirm or refute the reported suspicions of child abuse and initiate follow-up assistance aimed at creating a safe situation for the child. The investigation of each case by the Safe at Home organisation consists of: compiling a file, talking with the person who reported, interviewing the parents and children, interviewing informants and professionals who are involved in this case. The Safe at Home organisation uses a protocol for all the steps during the assessment, investigation and referrals.<sup>358</sup>

The Safe at Home organisations, the National Police, the Public Prosecution Service, the Child Care and Protection Board (*Raad voor de Kinderbescherming*) and the Dutch Probation Service (*Reclassering*) use an interagency protocol.<sup>359</sup> This interagency protocol states that in all cases of criminal child abuse the Safe at Home organization and Police will cooperate in the investigation (also in cases in which the case is reported to the Police only).

After the investigation the Safe at Home Organisation transfers the case to an organisation that will provide support if the parents are willing to cooperate.<sup>360</sup> If the parents are unwilling to cooperate, the case is referred to the Child Care and Protection Board. After the transfer, the Safe at Home organisation notifies the person who reported the abuse and monitors the situation for 18 months. During the monitoring phase, the Safe Home organisation will investigate the situation 3 months and 12 months after the transfer.<sup>361</sup>

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<sup>355</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Article 4.1.7](#).

<sup>356</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Article 4.1.1](#).

<sup>357</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 30.

<sup>358</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

<sup>359</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) / National Police (*Nationale Politie*) / Child Care and Protection Board (*Raad voor de Kinderbescherming*) / Public Prosecution Service (*Openbaar Ministerie*) / Dutch Probation Service (*Reclassering Nederland*) (2017), Guide. Working together in cases of criminal child abuse ([Handreiking. Samenwerken bij strafbare kindermishandeling](#)).

<sup>360</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 40.

<sup>361</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 50-51.

The Child Care and Protection Board investigates the case again. The Quality framework of the Child Care and Protection Board does not indicate how long this investigation will last.<sup>362</sup> During this investigation, the investigator of the Board determines whether the child's development is indeed at risk and to what extent. If the Child Care and Protection Board concludes after an investigation that the child should be protected, it will advise the Children's Judge (*Kinderrechter*) to impose a child protection measure, such as a supervision order or termination of parental authority.<sup>363</sup>

During the court session the court interviews the parents and the children.<sup>364</sup> The report of the Child Care and Protection Board will be considered in the decision of the Children's Judge.<sup>365</sup> At the end of the session the Judge decides whether to put the child under a child protection measure. The measure will be implemented by a Certified Institution.

Child protection cases can also reach the Child Care and Protection Board and the Children's Judge directly by way of a divorce case or a criminal procedure against a juvenile. In divorce cases, courts can ask the Child Care and Protection Board to investigate a case when the situation turns dangerous for the child.<sup>366</sup> When a criminal offence report is drawn up for a minor or when a minor is taken into police custody, the police will inform the Board about this.<sup>367</sup> The Child Care and Protection Board can carry out an investigation and this case can lead to a request to the Juvenile Judge to impose a child protection measure.<sup>368</sup>

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society	Yes.		The roles and responsibilities of the various actors and professionals in investigating and assessing the situation of the child and the family are laid down in the relevant provisions of Book 1 of the Civil Code <sup>369</sup> and in the relevant provisions

<sup>362</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework of the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>363</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-265k](#).

<sup>364</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), pp. 187-192.

<sup>365</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), p.

<sup>366</sup> The Netherlands, The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), p 177 .

<sup>367</sup> The Netherlands, Code of Criminal Procedure (*Wetboek van strafvordering*), [Article 491](#).

<sup>368</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-265k](#).

<sup>369</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), [Book 1](#).



organisations) clearly stated in the legislative and regulatory framework?			of the following administrative law acts and decrees: the Youth Act ( <i>Jeugdwet</i> ); <sup>370</sup> the Youth Act Implementation Decree ( <i>Besluit Jeugdwet</i> ); <sup>371</sup> the Social Support Act 2015 ( <i>Wet maatschappelijke Ondersteuning 2015</i> ). <sup>372</sup>
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?	Yes.		The Safe at Home organisations, the National Police, the Public Prosecution Service, the Child Care and Protection Board and the Dutch Probation Service use an interagency protocol in cases of child abuse. <sup>373</sup>
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>	No.		There are no special procedures depending on the residential status.  Article 1.2 of the Youth Act Decree ( <i>Besluit Jeugdwet</i> ) grants access to youth care services to children with an irregular status (or undocumented children).. <sup>374</sup>
4.3.8. Are affected children heard as part of the procedures?  <u>If yes</u> , are the hearings child-sensitive and designed age-	Yes.		During the investigation of reports of child abuse, the Safe at Home organisation ( <i>Veilig Thuis organisaties</i> ) will speak to the affected when they are older than 4 years. <sup>375</sup> Children younger than 4 years will be observed. The Municipality under whose authority the Safe at Home organisation

<sup>370</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>371</sup> The Netherlands, Youth Act Decree (*Besluit Jeugdwet*), 1 January 2015, [Complete Decree](#).

<sup>372</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Chapter 4](#).

<sup>373</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) / National Police (*Nationale Politie*) / Child Care and Protection Board (*Raad voor de Kinderbescherming*) / Public Prosecution Service (*Openbaar Ministerie*) / Dutch Probation Service (*Reclassering Nederland*) (2017), Guide. Working together in cases of criminal child abuse ([Handreiking. Samenwerken bij strafbare kindermishandeling](#)).

<sup>374</sup> The Netherlands, Youth Act Decree (*Besluit Jeugdwet*), [Article 1.2](#).

<sup>375</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 9.

<p>appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>		<p>(<i>Veilig Thuis organisation</i>) operates must make sure that staff at the Safe at Home organisation has sufficient expertise in the field of domestic violence and child abuse. At least one physician with child abuse expertise must be available.<sup>376</sup></p> <p>During the investigation of child protection cases the Child and Care Protection Board (<i>Raad voor de Kinderbescherming</i>) will speak to the children involved.<sup>377</sup> They will be informed in a child friendly way about the proceedings. Parents and children may be assisted by a confidential adviser (<i>vertrouwenspersoon</i>). This is either a professional or an informal adviser (family friend for example). Employees of the Child and Care Protection Board are trained professionals.</p> <p>The Children’s Judge (<i>Kinderrechter</i>) will interview the parents and children during the court sessions.<sup>378</sup> Parents and children are assisted by a lawyer. Children older than 12 have a right to be heard. Children younger than 12 may be given an opportunity by the Children’s Judge to be heard.</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	<p>Yes.</p>	<p>The organisations that provide mental health support services operate under the Youth Act (<i>Jeugdwet</i>). Mental health support services are a form of Youth Support under the Youth Act. Children have access to these services in the same way as other services provided under the Youth Act.</p>
<p>4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.</p>		
<p>In a report published on 5 May 2020, the Netherlands Court of Audit (<i>Algemene Rekenkamer</i>) concludes that emergency care is guaranteed in the Netherlands but that the response of the relevant</p>		

<sup>376</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [Chapter 4](#).

<sup>377</sup> The Netherlands, Child Care and Protection Board (Raad voor de Kinderbescherming) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)), Chapter 4.

<sup>378</sup> The Netherlands, Council of the Judiciary (*Raad voor de Rechtspraak*) (2022), Procedural regulations juvenile and family law district courts ([Procesreglementen familie- en jeugdrecht rechtbanken](#)), pp. 187-192.

actors (the Certified Institutions in particular) after the emergency care is not adequate.<sup>379</sup> Due to long waiting lists caused by a lack of capacity the children and families do not receive the appropriate support and alternative care in time.

In June 2022, the Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) published a report about the quality of fact finding carried out by professionals of the Child Care and Protection board (*Raad voor de Kinderbescherming*) and the Certified Institutions (*Gecertificeerde instellingen*) prior to a request for an out-home-placement order by the Children's Judge.<sup>380</sup> A total of 45 cases were investigated. The main conclusion is that professionals do not provide enough justification as to why an out-of-home placement is necessary. In none of the cases the fact-finding was fully in order. The Inspectorate adds that the professionals in question are very passionate who work to the best of their ability to ensure the healthy and safe development of children, but they run up against limits in the complicated system of youth protection.

#### 4.4. Placement decisions – care orders

##### 4.4.1. Following the investigation and assessment of the child's situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

The Children's Judge (*Kinderrechter*) decides whether to issue a child protection measure. Such a decision is made at request of the Child Care and Protection Board (*Raad voor de Kinderbescherming*).<sup>381</sup> Other actors that have the authority to make such a request to the Children's Judge are the Public Prosecution Service and the Mayor (although the Mayor may only request one child protection measure, the family supervision order).

The Civil Code defines five important child protection measures.<sup>382</sup> The most frequently implemented measure is the family supervision order (*ondertoezichtstoestelling* or *OTS*). With this order, the authority of the parents is partially limited: a family guardian (also called youth protector) is appointed that counsels the family.<sup>383</sup> Certified Institutions implement the family supervision order and appoint the family guardian. Family guardians are employees of the Certified Institution. The children will stay in the family. Sometimes, when the Children's Judge (*Kinderrechter*) decides it is necessary, the family

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<sup>379</sup> The Netherlands Court of Audit (*Algemene ekenkamer*) (2020), Results accountability survey 2019. Ministry of Justice and Security (VI) ([Resultaten verantwoordingsonderzoek 2019. Ministerie van Justitie en Veiligheid \(VI\)](#))

<sup>380</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) (2022), Quality fact-finding before the application of out-of-home placement orders ([Kwaliteit van feitenonderzoek rond de aanvraag van machtigingen vooruithuisplaatsingen](#)).

<sup>381</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 267](#).

<sup>382</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 254-278](#).

<sup>383</sup> The Netherlands, The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 255](#).

supervision order is accompanied by an out-of-home placement order<sup>384</sup> to place the child in alternative care. The family supervision order lasts one year but can be extended.

The second child protection measure is the termination of parental authority (*gezagsbeëindiging*) issued in cases when parents have culpably ill-treated their child.<sup>385</sup> By this measure children are placed in alternative care. This measure is always accompanied by an out-of-home placement order to place the child in alternative care.<sup>386</sup>

The third child protection measure is the temporary suspension of parental authority (*schorsing*) issued in cases where it is necessary to remove an acute and serious threat to the child or if medical treatment is necessary for the child and the parents exercising parental authority refuses permission for treatment.<sup>387</sup> The suspension last three months, but may be extended.

The fourth child protection measure is the out out-of-home placement order.<sup>388</sup> This order is always accompanied by a family supervision order or a termination of parental authority (*gezagsbeëindiging*).

The fifth child protection measure is the custody measure (*voogdijmaatregel*) by which custody of the child is granted to person other than the original parents exercises.<sup>389</sup> This happens after a termination of parental authority order (*gezagsbeëindiging*).

Pursuant to article 809 of the Code of Civil Procedure (*Wetboek van burgerlijke rechtsvordering*) the view of children is taken into consideration during court session.<sup>390</sup> It is mandatory for the Children's Judge (*Kinderrechter*) to enable children of twelve years or older to give their view. The Children's Judge is entitled to give this opportunity to children younger than twelve.

The minimum age of consent for adoption is 12.<sup>391</sup>

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the	Yes.		Article 255 of Book 1 of the Civil Code states the criteria to be taken into consideration when issuing a family supervision order ( <i>ondertoezichtsstelling</i> ). <sup>392</sup> It states that if the parents are not capable to raise a child according to the conditions set by clause 2 of article 247 of

<sup>384</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265b](#).

<sup>385</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 266](#).

<sup>386</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265b](#).

<sup>387</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 268](#).

<sup>388</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265b](#).

<sup>389</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 245](#).

<sup>390</sup> The Netherlands, Code of Civil Procedure (*Wetboek van burgerlijke rechtsvordering*) , [Article 809](#).

<sup>391</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 208](#).

<sup>392</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 255](#).

<p>situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>		<p>the Book of the Civil Code the Children’s Judge may issue a family supervision order. The text of this clause is: “care and upbringing shall include the care and responsibility for the child's mental and physical well-being and safety as well as promoting the development of his personality. In the care and upbringing of the child, the parents shall not apply mental or physical violence or any other degrading treatment.”<sup>393</sup></p> <p>Article 266 of the Civil Code<sup>394</sup> states the criteria for a termination of parental authority: when the parents are not capable to raise a child according to the conditions set by clause 2 of article 247 of the Book of the Civil Code (see directly above) or when the parents abuse their authority.<sup>395</sup></p> <p>Article 268 of the Dutch Civil Code states the criteria for the temporary termination of parental responsibility (<i>schorsing</i>): if is necessary to remove an acute and serious threat to the child or if medical treatment is necessary for the child and the parents exercising parental authority refuses permission for treatment.<sup>396</sup></p> <p>The principle of necessity and appropriateness are not mentioned.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p>If <u>yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	<p>Yes.</p>	<p>The protocol of the Safe at Home organisations (<i>Veilig Thuis organisaties</i>) states that during the investigation of reports of child abuse, the investigation team will speak to the affected when they are older than 4.<sup>397</sup> Children younger than 4 years will be observed.</p> <p>The Quality framework for the Child Care and Protection Board (<i>Het Kwaliteitskader van de Raad voor de Kinderbescherming</i>) indicates that the children will be heard during the investigation</p>

<sup>393</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 247](#).

<sup>394</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 266](#).

<sup>395</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 247](#).

<sup>396</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 268](#).

<sup>397</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Protocol Safe at Home 2019 ([Handelingsprotocol Veilig Thuis 2019](#)), p. 9.

			<p>of child protection cases.<sup>398</sup> The Board indicates that in its communication with the family and children it uses a solution-oriented attitude. In its talks with the family, the Board explicitly considers both the child's and the parents' perspective. When looking for a solution, the Board takes into account the possibilities of the child, the family, the people around them.</p> <p>Pursuant to article 809 of the Code of Civil Procedure (<i>Wetboek van burgerlijke rechtsvordering</i>). The view of children is taken into consideration during court session.<sup>399</sup> It is mandatory for the Children's Judge (<i>Kinderrechter</i>) to enable children of twelve years or older to give their view. The Children's Judge is entitled to give this opportunity to children younger than twelve.</p>
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#### 4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	Yes		<p>Foster care is provided by foundations operating under the Youth Act and contracted and funded by the municipalities.</p> <p>Some Foster Care Providers are religious institutions.</p> <p>Chapter 5 of the Youth Act provides the legal basis for foster care.<sup>400</sup> Foster care is a form of youth support under the Youth Act. Most foster care provider are members of Foster Care Netherlands (<i>Pleegzorg Nederland</i><sup>401</sup>), a sub branch of</p>	

<sup>398</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)), Chapter 4.

<sup>399</sup> The Netherlands, Code of Civil Procedure (*Wetboek van burgerlijke rechtsvordering*) , [Article 809](#).

<sup>400</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 5](#).

<sup>401</sup> Foster Care Netherlands (*Pleegzorg Nederland*) (2023), 'What is Foster Care Netherlands ('[Wat is pleegzorg.nl?](#)'), Webpage.

			the sectoral organisation Youth Care Netherlands ( <i>Jeugdzorg Nederland</i> ).
Residential – institutional care	Yes		<p>Residential – institutional care is provided by foundations operating under the Youth Act and contracted and funded by the municipalities</p> <p>There are two types of residential care: Open Residential Care and Closed Residential Care (<i>gesloten jeugdzorg</i> or <i>jeugdzorgplus</i>). Chapter 5 of the Youth Act provides the legal basis for Closed Residential Care foster care.<sup>402</sup> The Youth Act specifies this type of care as a form of youth support (<i>jeugdhulp</i>).</p> <p>Statistics Netherlands (CBS) puts the Open Residential Care and the supervised independent living arrangements in the same category: other residential youth support (<i>Overig met verblijf</i>).</p>
Other forms of family-based or family-like care placements	Yes		<p>Family-like care placements is provided by foundations operating under the Youth Act and contracted and funded by the municipalities</p> <p>Family-like care placements are categorized by Statistics Netherlands as family focused youth support (<i>Gezinsgerichte Jeugdhulp</i>). This category contains three different types of family like care arrangements: family houses (<i>gezinshuizen</i>) /care farms (<i>zorgboerderijen</i>) / Lodging House (<i>Logeerhuis</i>). The Youth Act specifies this type of care as a form of youth support (<i>jeugdhulp</i>).</p>
Supervised independent living arrangements for children	Yes		Supervised independent living arrangements together with the open residential care are categorized by Statistics Netherlands as Other residential youth support with residence ( <i>Overig met verblijf</i> ). The Youth Act specifies this type of care as a form of youth support ( <i>jeugdhulp</i> ).
<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
4.5.1. Is there data available on the number of children in care (disaggregated by type of care,	Yes		Data are collected and published by Statistics Netherlands (CBS). In 2022 Statistics Netherlands published a paper on the figures it collected on all forms of youth support and care in the year 2021. <sup>403</sup> These figures are disaggregated by type of care, gender, age, migration-background. In 2021 43,900 children and youths (23,300 boys and 20,675 girls)

<sup>402</sup> The Netherlands, Youth Act (Jeugdwet), [Chapter 5](#).

<sup>403</sup> Netherlands Statistics (CBS) (2022), Youth Support ([Jeugdhulp 2021](#)).



gender/age, length of placement, etc)?			<p>received residential youth support; foster care (21,500), family-like care (6,500), closed residential care (1,815) and all other forms of residential care (18,435).</p> <p>In 2021 the children who received residential youth support are divided into the following age groups: 0-3 years (3,330 children), 4-7 years (5,850), 8-11 years (8,980) and , 12-17 years (21,700).<sup>404</sup> The available figures do not make it possible to differentiate these age groups per form of alternative care.</p>
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?		No.	<p>No data are available on children that disappeared or went missing from foster care and residential care institutions. There is no legal obligation to report missing children from residential care institutions.</p>
4.5.3. Is there a <u>national</u> registry of foster care families?  How many children can be fostered in one family?		No.	<p>There is no registry for foster care families at the national level. There are also no registries at the regional and local level.<sup>405</sup></p> <p>There is no maximum limit to the number of children that can be fostered in one family.<sup>406</sup></p>
4.5.4. How and by whom foster families are <u>recruited, vetted, and trained</u> ? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.			
<p>The placement of children in foster families is carried out by the Certified Institutions (<i>Gecertificeerde Instellingen</i>) by order of the Children’s Judge (<i>Kinderrechter</i>).<sup>407</sup> For these placements the Certified Institutions contact one of the Foster Care Providers.<sup>408</sup> These Youth Care Providers recruit, screen,</p>			

<sup>404</sup> Netherlands Statistics (CBS) (2022), Youth Support ([Jeudghulp 2021](#)).

<sup>405</sup> Based on information provided by Foster Care Netherlands (*PleegzorgNederland*) by email on 10 March 2023.

<sup>406</sup> Based on information provided by Foster Care Netherlands (*PleegzorgNederland*) by email on 10 March 2023.

<sup>407</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 255](#).

<sup>408</sup> The Netherlands, Youth Act (*Jeugdwet*), Chapter 5, [Articles 5.1-5.5](#).



select and train foster families.<sup>409</sup> These Foster Care Providers work together in the sectoral organisation or platform organisation Foster Care Netherlands (*Pleegzorg Nederland*) that is part of Youth Care Netherlands (*Jeugdzorg Nederland*). This platform organisation represents Foster Care within the broader mandate of the sectoral organisation. It represents the interests of foster care in the public discussion, develops informational materials and campaigns and tries to influence the public image of foster care.

Article 5.1 of the Youth Act (*Wet Jeugdzorg*)<sup>410</sup> stipulates the following selection criteria for foster parents: they are older than 21; they have received a declaration of no objection (*verklaring van geen bezwaar*) from the Child Care and Protection Board (*Raad voor de Kinderbescherming*), they have successfully finished a training course offered by the Foster Care Providers. The request for a declaration of no objection is submitted to the Child Care and Protection Board by the Foster Care Provider on behalf of the candidate foster parent.<sup>411</sup> The Child Care and Protection Board subsequently vets the candidate using a special protocol,<sup>412</sup> which includes special criteria such as that they have to be able to deal with the possibility of contact between child and biological parent and that they are prepared to provide information about the child to the biological parent. This protocol also stipulates that a criminal record because of child abuse or a sexual offence always constitutes a reason to reject a candidate foster parent. The Child Care and Protection Board decides on issuing a declaration of no objection.

If everything is in order the foster parents and the Foster Care Providers sign a contract and the child is placed in the Foster Family. The legal framework for this contract is provided by article 5.2 of the Youth Act.<sup>413</sup> In addition to the legal framework provided by the Youth Act, the Foster Care Providers adhere to the Quality Framework Training and Screening in Foster Care (*Kwaliteitskader Voorbereiding en training in de pleegzorg*) when screening candidate foster parents.<sup>414</sup> This Quality Framework contains six criteria for screening foster parents: sincerity and clarity; a willingness to cooperate; a willingness to develop a positive attitude towards life among foster children; a willingness to change the behaviour of the foster child; a capacity to understand what it means to be a foster parent; and the capacity to offer a safe environment.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable

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<sup>409</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 5.1](#).

<sup>410</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 5.1](#).

<sup>411</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 5.1](#).

<sup>412</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Relinquishing Screening, Adoption and Ancestry Questions ([Protocol Afstand, Screening, Adoptie en Afstammingsvragen \(ASAA\)](#)).

<sup>413</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 5.2](#).

<sup>414</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality Framework Preparing and Training in Foster Care ([Kwaliteitskader Voorbereiding en training in de pleegzorg](#)), Utrecht, Jeugdzorg Nederland.

legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The Foster Care Provider conducts at least one evaluation of the foster care placement or foster home annually.<sup>415</sup> On request of the foster parents, this evaluation may take place more often than once a year. If the Foster Care Provider sees fit, it may decide that a new certificate of no objection from the Child Care and Protection Board (*Raad voor de Kinderbescherming*) is necessary. This requires consent from the foster parents.<sup>416</sup>

All Youth Care Providers that provide care arrangements may be subjected to investigations by the Health and Youth Care Inspectorate (*Inspectie gezondheidszorg en jeugd*) of article 9.1 of the Youth Act (*Jeugdwet*).<sup>417</sup>

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	Yes		Foster parents are initially sought in the child's immediate environment, within the family or social network, so-called 'network foster care'. 47% of foster children in the Netherlands live with acquaintances. <sup>418</sup> A family placement does not always mean it is close to the biological parents, friends or school, but then the family connection is more important than physical distance. When no foster family is available within the network, a suitable match is sought from the foster care provider's database. Then distance from the familiar environment does become an (important) factor. But due to a shortage of foster parents, it is not always possible to place a foster child close to its familiar environment. <sup>419</sup>

<sup>415</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality Framework Preparing and Training in Foster Care ([Kwaliteitskader Voorbereiding en training in de pleegzorg](#)), Utrecht, Jeugdzorg Nederland.

<sup>416</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality Framework Preparing and Training in Foster Care ([Kwaliteitskader Voorbereiding en training in de pleegzorg](#)), Utrecht, Jeugdzorg Nederland.

<sup>417</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 9.1](#).

<sup>418</sup> Based on information provided by Foster Care Netherlands (PleegzorgNederland) by email on 10 March 2023.

<sup>419</sup> Based on information provided by Foster Care Netherlands (PleegzorgNederland) by email on 10 March 2023.

<p>4.5.7. Is there a <u>national registry</u> of residential institutions for children?</p> <p><u>If yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>		No.	<p>In the Netherlands there is a national registry for closed residential institutions.<sup>420</sup> This registry contains only the names and addresses of the institutions that provide closed residential care and the name and addresses of the accommodations that fall under these institutions. It contains no information on their capacity. At present the registry contains the names of 12 institutions and 23 accommodations.</p> <p>The sectoral organisation Youth Care Netherlands publishes an annual factsheet about the closed residential institutions (<i>jeugdzorgplus</i>). The most recent factsheet (covering the year 2021) indicates that in 2021 the Netherlands has 11 regional institutions that provide closed residential care covering the whole territory of the Netherlands.<sup>421</sup> In 2021, the total number of children placed in the closed residential institutions was 1.029. The average stay was 6,5 months. A study of the Youth Authority (<i>Jeugdautoriteit</i>) indicates that the capacity of the closed residential institutions or youth care plus (<i>jeugzorgplus</i>) was 684 on 1 July 2022.<sup>422</sup></p>
<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p> <p><u>If yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>		No.	<p>There is a notification duty for all Youth Support Providers (including residential institutions).</p> <p>Under article 4.0.1 of the Youth Act<sup>423</sup> and the Care Providers Accreditation Act (<i>Wet toetreding zorgaanbieder</i>)<sup>424</sup> all Youth Support Providers must notify the CIBG agency three months before the start of their activities. The CIBG agency is an executive organisation within the Ministry of Health and Sport. The Ministry of Health, Welfare and Sport is the responsible authority.</p>

<sup>420</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van gezondheidszorg, welzijn en Sport*) (2023), 'Registered youth support providers' (['Geregistreerde jeugdhulpverleners'](#)), Web page.

<sup>421</sup> Youth Care Netherlands (Jeugdzorg Nederland) (2022), Youth care plus Placement and outflow data 2021 (['Jeugdzorgplus Plaatsings- en uitstroomgegevens 2021'](#)).

<sup>422</sup> The Netherlands, Youth Authority (*Jeugdautoriteit*) (2022), Key figures on youth care plus (['Kerncijfers Jeugdzorg Plus'](#)).

<sup>423</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.0.1](#),

<sup>424</sup> The Netherlands, Care Providers Accreditation Act (*Wet toetreding zorgaanbieder*), 1 January 2022, [Complete Act](#).

			During the notification process the Youth Care Provider must fill in a questionnaire. These questionnaires is used by the Health and Youth Care Inspectorate during the monitoring of the Youth Care Providers.
4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?	Yes	.	<p>Chapter 4 of the Youth Act contains criteria which the youth support providers (including the open residential institutions) must meet.<sup>425</sup> Chapter 6 of the Youth Act contains criteria which the closed residential institutions must meet.<sup>426</sup></p> <p>The Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) has the mandate to investigate and monitor the quality of youth services under the Youth Act.<sup>427</sup></p> <p>The Youth Act mandates the Health and Youth Care Inspector (<i>Inspectie Gezondheidszorg en Jeugd</i>) to monitor and inspect youth support providers (<i>jeugdhulpaanbieders</i>), including residential institutions.<sup>428</sup> The Dutch Inspectorate for Youth Care makes use of the Quality Framework Closed Youth Care for the assessment of the closed residential care.<sup>429</sup> This quality framework contains 14 criteria translated into 51 indicators. The living conditions, treatment, daily care, the use of disciplinarian measures, the number of staff and qualifications of staff.</p> <p>For the Certified Institutions (<i>Gecertificeerde instellingen</i>) a special framework with quality standards is laid down by ministerial regulation.<sup>430</sup></p>
4.5.10. How is the residential care staff recruited, vetted, and trained?			

<sup>425</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 4](#).

<sup>426</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 6](#).

<sup>427</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 9](#).

<sup>428</sup> The Netherlands, Youth Act (*JeugdWet*), [Article 9.1](#).

<sup>429</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality framework Youth Care Plus ([Kwaliteitskader JeugdzorgPlus](#)), Utrecht, Jeugdzorg Nederland:

<sup>430</sup> The Netherlands, Regulation quality standards framework youth protection and youth probation (*Regeling normenkader jeugdbescherming en jeugdreclassering*), 10 June 2016, [Complete regulation](#).

Article 4.1.6 of the Youth Act (*Jeugdwet*) stipulates that all staff of Youth Support Providers (including residential care institutions) working with children or youths should be in possession of a recent Certificate of Conduct (*Verklaring Omtrent het Gedrag*).<sup>431</sup> A Certificate of Conduct is a document by which the Dutch Minister of Security and Justice declares that the applicant has not committed any criminal offences that are relevant to the performance of his or her duties. Applicants for a certificate are screened by Justis, the screening authority, that resorts under the Ministry of Security and Justice. The Certificate of Conduct should not be older than three years. If circumstances warrant, the Youth Support Provider may ask for a new Certificate of Conduct.

Article 5.1.1. of the Youth Act Decree (*Besluit Jeugdwet*) stipulates that the staff of all Youth Support Providers (including foster care and residential care) and Certified Institutions must be registered professionals.<sup>432</sup>

The Quality Framework Youth Care Plus Care (*Kwaliteitskader gesloten jeugdzorg*) for the closed residential institutions provide closed residential care or youth care plus (*jeugzorgplus*)<sup>433</sup> indicates that these institutions recruit personnel with a suitable education and provide training for their personnel to keep them well qualified. Residential care therefore only recruits personnel that is already well trained and qualified (according to this Quality Framework). This training is provided by vocational training schools in the Netherlands that are subsidized by the government. Training to keep staff well qualified is a responsibility of the residential care institutions themselves.

Question	Yes	No	Comments
4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?	Yes		<p>Under paragraph 4.2a of the Youth Act it is mandatory for all Youth Support Providers (including foster care and residential care) to have a complaints procedure and a complaints commission.<sup>434</sup> Parents, foster children, guardians and youths can lodge complaint against staff or persons (including foster persons) working for a Youth Support Provider.</p> <p>Paragraph 4.2a of the Youth Act (<i>Jeugdwet</i>) stipulates that Youth Support Providers should inform the clients (including foster children) of the existence of a complaint procedure.<sup>435</sup> This paragraph also stipulates that the complaints commission should consist of three members.</p>

<sup>431</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.1.6.](#)

<sup>432</sup> The Netherlands, Youth Act (*Besluit Jeugdwet*), [Article 5.1.1.](#)

<sup>433</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality framework Youth Care Plus ([Kwaliteitskader JeugdzorgPlus](#)), Utrecht, Jeugdzorg Nederland:

<sup>434</sup> The Netherlands, Youth Act (*Jeugdwet*), [Paragraph 4.2.a](#)

<sup>435</sup> The Netherlands, Youth Act (*Jeugdwet*), [Paragraph 4.2.a](#)

<p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>		<p>The president of the commission may not be an employee of the Youth Support Provider in question.</p> <p>The Youth Act does not foresee in child friendly procedures. But complainants are allowed to be assisted.</p> <p>Children can ask for support from special confidential advisers (<i>vertrouwenspersonen</i>) when they have complaints. Article 1.a 1 of the Youth Act (<i>Wet op de Jeugdzorg</i>) makes it mandatory for the Minister of Health, Welfare and Sport to make confidential advisers available for children, youths and parents.<sup>436</sup> Article 2.5 of the Youth Act stipulates that municipalities inform children, youths and parents about the availability of confidential advisers.<sup>437</sup></p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	<p>Yes</p>	<p>Under the Youth Act (<i>Jeugdwet</i>) the municipality is responsible for making sure that such assistance is provided, if the adolescent is younger than 18. The municipality will assess the need and provide an indication which gives access to a Youth Support Provider. The range of services provided under the Youth Act is broad and includes mental health services, coaching etc.</p> <p>Financial and vocational assistance are provided under other Act. The municipality is responsible. .</p>
<p>4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.</p>		
<p>Assistance in the form of training or counselling is provided under the Youth Act (<i>Jeugdwet</i>). The coordination of the assistance is done by the Certified Institutions (<i>Gecertificeerde Instellingen</i>).<sup>438</sup> Certified Institutions are responsible for the implementation of child protection orders like an out-of-</p>		

<sup>436</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 1.a 1](#).

<sup>437</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.5](#).

<sup>438</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 3](#).

home placement order. The Certified Institutions provides family guardians who, together with the parents, decide what action needs to be taken before the child returns home. The Child Care and Protection Board (*Raad voor de Kinderbescherming*) may also give advice which actions must be undertaken. These actions will be laid down in an action plan (*Plan van Aanpak*).<sup>439</sup> The Certified Institutions will contact a Youth Care Provider if Youth Support is needed (a training or coaching for example). After a child returns home, parents always receive counselling to ensure that things continue to go well at home.<sup>440</sup>

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	<p>Yes .</p>		<p>After a child returns home, parents always receive counselling to ensure that things continue to go well at home.<sup>441</sup> Under the Youth Act, the Certified Institutions (<i>Gecertificeerde Instellingen</i>) are responsible for coordinating assistance and support.<sup>442</sup> The Certified Institutions provides family guardians who, together with the parents, decide what action needs to be taken before the child returns home. These actions are laid down in an Action Plan.<sup>443</sup> The Certified Institutions will contact a Youth Care Provider if Youth Support is needed (training or coaching for example).</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p><u>If yes</u>, please provide the applicable legislative provisions. How</p>	<p>Yes .</p>		<p>The placement of a child in alternative care by an out-of-home placement order is decided upon by the Children’s Judge (<i>Kinderrechter</i>) on request of the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>), a Certified Institution or the Public Prosecution Service</p>

<sup>439</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2022), ‘When can my child return home’ ([‘Wanneer kan mijn kind weer thuis komen wonen’](#)), Webpage.

<sup>440</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2022), ‘When can my child return home’ ([‘Wanneer kan mijn kind weer thuis komen wonen’](#)), Webpage.

<sup>441</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2022), ‘When can my child return home’ ([‘Wanneer kan mijn kind weer thuis komen wonen’](#)), Webpage.

<sup>442</sup> The Netherlands, Youth Act (*Jeugdwet*), [Chapter 3](#).

<sup>443</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2022), ‘When can my child return home’ ([‘Wanneer kan mijn kind weer thuis komen wonen’](#)), Webpage.



<p>frequently is this done? By whom?</p>		<p>(<i>Openbaar Ministerie</i>) pursuant article 265b of Book 1 of the Civil Code (<i>Burgerlijk Wetboek</i>).<sup>444</sup></p>
<p>Are the children's views taken into consideration?</p>		<p>An out-of-home placement order lasts a year at a maximum. After this year has passed, the Children's Judge can extend an out-of-home placement order with an extra year on request of the Certified Institution (Gecertificeerde Instelling) or the Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) pursuant article 265c of Book 1 of the Civil Code.<sup>445</sup> There is no limit to the number extensions. A Certified Institution can end an out-of-home placement order anytime if it is not considered necessary anymore (article 265d of Book 1 of the Civil Code).<sup>446</sup> It must notify the Child Care and Protection Board of this decision. Under article 265d of Book 1 of the Civil Code parents and the children older than 12 can request the Certified Institution or the Children's Judge to end an out-of-home placement order.<sup>447</sup></p> <p>The view of children is taken into consideration during court sessions. It is mandatory for the Children's Judge (<i>Kinderrechter</i>) to enable children of twelve years or older to air their opinions during court sessions. The Children's Judge is entitled to give this opportunity to children younger than twelve.<sup>448</sup></p>

4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

Yes.

The legal framework for within-country adoptions is provided by sections 227 to 232 of Book 1 of the Civil Code (*Burgerlijk Wetboek*).<sup>449</sup> The civil court decides on the adoption of a child on request of the prospective adoptive parents. Anyone wanting to adopt a Dutch child must fulfil a number of conditions. These conditions are stipulated by article 228 of Book 1 of the Dutch Civil Code (*Burgerlijk Wetboek*). They are: that the child, on the day of the adoption request, is a minor; that the child is not a child or grandchild of the adopting parent; that the adopting parent or each of the adopting parents is at least 18 years older than the child; that none of the parents of the child refuse the request for adoption; that the mother of the child, if she is a minor, has reached at least the age of

<sup>444</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265b](#).

<sup>445</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265c](#).

<sup>446</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Article 265d](#).

<sup>447</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book, [Article 265d](#).

<sup>448</sup> The Netherlands, Code of Civil Procedure (*Wetboek van burgerlijke rechtsvordering*), [Article 809](#).

<sup>449</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 227-232](#),



16 at the time of the request for adoption; that the adopting parent or both of the adopting parents have cared for and raised the child for at least one year; that the parent or parents of the child no longer have parental authority. The Child Care and Protection Board (*Raad voor de Kinderbescherming*) screens prospective adoptive parents using a special protocol.<sup>450</sup> The Board screens prospective adoptive parent for domestic adoptions the same way as prospective adoptive parents for inter-country adoptions, with one exception. For domestic adoptions there is no age limit. For inter-country adoption there is an age limit of 42. Domestic adoptions are very rare in the Netherlands. Private adoption is permitted.<sup>451</sup>

In the Netherlands there is a special regulatory framework for inter-country adoption: the Placement of Foreign Foster Children Act (*Wet opneming buitenlandse kinderen ter adoptie*)<sup>452</sup>; the Guidelines for the Placement of Foreign Foster Children 2000 (*Richtlijnen opneming buitenlandse kinderen ter adoptie 2000*)<sup>453</sup>; and the Quality Framework Licenseholders Inter-country Adoption (*Kwaliteitskader vergunninghouders interlandelijke adoptie*).<sup>454</sup> These regulations focus on the adoptive parent (screening of candidates, conditions for adoption) and the mediating organisation, called literally 'licenseholders' (*Vergunninghouders*). There are four mediating organisation in the Netherlands that have been granted a permit or license by the Minister of Justice and Security to mediate in inter-country adoption. The Minister has the authority to do so by article 16 of the Placement of Foreign Foster Children Act (*Wet opneming buitenlandse kinderen ter adoptie*).<sup>455</sup>

The aforementioned legislation does not discriminate between homosexual and heterosexual couples. So homosexual couples can adopt children. Intercountry adoption by a homosexual couple is only possible if the country in question will allow a child to be adopted by a homosexual couple.<sup>456</sup>

The Central Authority International Children's Issues (*Centrale autoriteit Internationale Kinderaangelegenheden*) of the Ministry of Security and Justice executes the adoption procedure. It issues a permit allowing parents to adopt a child from abroad.

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<sup>450</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Relinquishing Screening, Adoption and Ancestry Questions ([Protocol Afstand, Screening, Adoptie en Afstammingsvragen \(ASAA\)](#)).

<sup>451</sup> The Netherlands, Civil Code (*Burgerlijk Wetboek*), Book 1, [Articles 227-232](#).

<sup>452</sup> The Netherlands, Placement of Foreign Foster Children Act (*Wet opneming buitenlandse kinderen ter adoptie*), 8 December 1988, [Complete Act](#).

<sup>453</sup> The Netherlands, Guidelines for the Placement of Foreign Foster Children 2000 (*Richtlijnen opneming buitenlandse kinderen ter adoptie 2000*), 1 December 2000, [Complete Guidelines](#).

<sup>454</sup> The Netherlands, Joint License Holders Intercountry Adoptions (*Gezamenlijke vergunninghouders interlandelijke adopties*) (2013), Quality framework Intercountry Second version ([Kwaliteitskader Interlandelijke Adoptie. Tweede Versie](#)).

<sup>455</sup> The Netherlands, Placement of Foreign Foster Children Act (*Wet opneming buitenlandse kinderen ter adoptie*), [Article 16](#).

<sup>456</sup> The Netherlands, Government of the Netherlands (2023), '[Conditions for adopting a child from outside the Netherlands](#)', Web page.

The Ministry delegates a number of tasks to Fiom (an organisation that provides adoption services)<sup>457</sup> and the Child Care and Protection Board (*Raad voor de Kinderbescherming*). Fiom provides aspiring adoptive parents with information and registers the applications for a permission to adopt a child from another country. The Child Care and Protection Board screens candidate and advises the Minister about issuing a permit. The Child Care and Protection Board has a special protocol for this.<sup>458</sup> When the aspiring adoptive parents are in possession of such a permission they can contact one of the mediating organisations for actual mediation. These mediating organisation guide the aspiring adoptive parents and offer them support. These mediating organisations have the legal task to screen the organisations and persons in the other country involved in the adoption procedure as to their integrity (Placement of Foreign Foster Children Act (*Wet opnemng buitenlandse kinderen ter adoptie*)).<sup>459</sup> The Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) inspects the mediating organisations. For parents there is the possibility to lay the foundation for an adoption through their own contacts but few parents choose this option. When parents decide to do this, the screening of the partners abroad must still be carried out by one of the mediating organisation or licence holders.

Since 1998 the Netherlands is party to the Hague Adoption Convention of 1993. The Dutch adoption procedure is based on the Hague Adoption Convention.

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

On 18 April 2019, the Minister for Legal Protection established the Investigative Committee Intercountry Adoption (*Commissie Onderzoek Interlandelijke Adoptie*) to investigate potential abuses related to intercountry adoptions in the past. The assignment set by the minister focused primarily on the period 1967-1998 and on the countries Bangladesh, Brazil, Colombia, Indonesia and Sri Lanka. On 8 February 2021, the committee published its report.<sup>460</sup> The committee concluded that serious abuses in intercountry adoption occurred in all the countries studied. Although the nature and extent varied between countries and over time, the committee found that these abuses were an almost permanent and structural problem in intercountry adoption. They include illegal activities such as corruption, falsification of documents, child trafficking, child theft and fraud. The committee established that the structural and systematic abuses identified are caused by complex factors, both in the countries of origin and in the Netherlands. The committee asserted that many of these factors continue unabated to this day and form a lasting trigger for potential abuses. Abuses did not

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<sup>457</sup> Fiom (2023), 'Adoption', '(['Adoptie'](#))', Web page.

<sup>458</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Protocol Relinquishing Screening, Adoption and Ancestry Questions ([Protocol Afstand, Screening, Adoptie en Afstammingsvragen \(ASAA\)](#)).

<sup>459</sup> The Netherlands, Placement of Foreign Foster Children Act (*Wet opnemng buitenlandse kinderen ter adoptie*), 8 December 1988, [Complete Act](#).

<sup>460</sup> The Netherlands, Investigative Committee Intercountry Adoption (*Commissie Onderzoek Interlandelijke Adoptie*) (2021), [Report](#).

disappear after 1998. Because of the conclusions of this report the Minister for Legal Protection decided to temporarily suspend all intercountry adoption.<sup>461</sup>

On 11 April 2022 the Minister for Legal Protection informed the House of Representatives that he wants to resume inter-country adoption.<sup>462</sup> To combat abuses, he proposed a new system with stricter conditions. The best interests of the child must come first. The minister wants to reduce the risks of abuses by merging the four current mediation agencies ('licenseholders' or 'Vergunninghouders') and placing them under stricter government authority. The Minister acknowledges that the risk of abuses cannot be completely eliminated. The Minister further states that a child should only be eligible for inter-country adoption if there really is no suitable care in the country of birth. In a news release, the NGO Defence for Children stated that inter-country adoption should stop.<sup>463</sup> Defence for Children sees no scope for an inter-country adoption system in which the rights of the child are fully guaranteed.

In 2022 a study (based on existing literature) by legal scholars and social scientist of the University of Leiden concludes that the lack of legal protection faced by parents is the biggest bottleneck in the area of an out-of-home placement order (under which placements of a child in alternative care takes place).<sup>464</sup> The lack of legal protection manifests itself in emergency procedures without prior hearing, inaccurate reports, lack of legal assistance, an open legal basis (a legal basis that allows a broad interpretation for removal which leads to legal uncertainty), a children's judge that only has a limited role and cannot direct the Certified Institution (the organisation that implement the an out-of-home placement). The study was commissioned by the House of Representatives.

On 3 February 2023, the State Secretary of Health, Welfare and Sport sent a letter to parliament announcing that the Closed Residential Care (*gesloten jeudhulp*), also called youth care plus (*jeugzorgplus*), will be scaled down and eventually replaced by small open facilities.<sup>465</sup> Residents of the Closed Residential Care are children with serious behavioural problems often in combination with a mental disability or psychiatric disorder. By a child protection measure issued by the Children's Judge (*kinderrechter*) they are placed in Closed Residential Care. The closed care institutions will

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<sup>461</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2021), 'Policy reply to report of Investigative Committee Intercountry Adoption; (['Beleidsreactie rapport Commissie Onderzoek naar Interlandelijke Adoptie in het verleden'](#)), Letter to House of Representatives, 8 February 2021.

<sup>462</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2022), 'Viewpoint on future inter-country adoption ( ['Standpunt Interlandelijk Adoptie'](#) ), Letter to House of Representatives, 11 April 2022.

<sup>463</sup> Defence for Children (2022), 'Permanent stop of intercountry adoption only option' (['Permanente stopzetting interlandelijke adoptie enige weg'](#)), News release, 21 April 2022.

<sup>464</sup> Bruning, M.R., Van der Zon, K., Alink, L.R.A. and Van der Asdonk, S. (2022). Out of home placements. Parliament and Science (['Uithuisplaatsingen. Parlement en Wetenschap'](#)).

<sup>465</sup> The Netherlands, State Secretary of Health, Welfare and Sport (*Staatsscretaris van Volksgezondheid, Welzijn en Sport*) (2023), 'Implementation plan scaling down and conversion of closed youth care' (['Uitvoeringsplan af- en ombouw gesloten jeugdhulp'](#)), Letter to House of Representatives, 3 February 2023.

eventually be closed by 2030. A special plan has been drawn up.<sup>466</sup> In this plan it is laid down that that by 2030 no children will be placed in closed residential care institutions but in small scale facilities where no force will be used. This plan has been drawn up in response to a motion adopted by the House of Representatives urging the government to close the Closed Residential Care of Youth Care Plus.<sup>467</sup> The Closed Residential Care has been a matter of public debate since 2018 when an ex resident of these institutions told his personal story to numerous media outlets.

#### 4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

On 1 January 2015, the Youth Act (*Jeugwet*) took effect.<sup>468</sup> The main ambition of the new act was to deliver integral care of families and children. Under the old Youth Care Act (*Wet Jeugdzorg*) many bodies or agencies are working without knowing of each other that they are working on the same case. Under the new system directed by the municipalities the responsibility of one case should lie with one actor (an agency or body) which coordinates all help for this particular case. Since the 1980 this lack of integrated care was seen as a problem.

The main ambition of the Youth Act has not been achieved. In 2021, the responsible ministers concluded that the youth protection is too complex in a policy letter submitted to parliament.<sup>469</sup> Too many actors are involved that work in a relay chain model. Their investigation tasks and individual support plans partly overlap. As a result, children and families are visited by several professionals, to whom they have to tell their story all over again. For the families involved, it is often unclear where they stand and what they are working towards. In 2020, a study of the Netherlands Institute for Social Research (SCP) concluded that the overall system of services is too complex.<sup>470</sup> There are a myriad of different actors, schemes and provisions in which citizens and professionals and employers can easily lose their way.

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<sup>466</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), From large to small, from closed to open, from a house to a home.

Implementation plan dismantling and conversion of closed youth care ([Van groot naar klein, van gesloten naar open, van thuis naar huis. Uitvoeringsplan af- en ombouw gesloten jeugdhulp](#)).

<sup>467</sup> The Netherlands, House of Representatives (*Tweede Kamer*) (2021), Motion of the Members Peters and Kuiken, Parliamentary Document II, 35925 XVI, nr. 119 ([Motie van de leden Peters en Kuiken. Kamerstuk II, 35925 XVI, nr. 119](#)).

<sup>468</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>469</sup> The Netherlands, Minister of Justice and Security (*Ministerie van Justitie en Veiligheid*) / Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Scenario concerning the future of child and family protection' (['Toekomstscenario kind- en gezinsbescherming'](#)). Letter to parliament, 31 March 2021.

<sup>470</sup> The Netherlands, Kromhout, M., Van Echtelt, P. and Feijten, P. (2022), Social reforms on track? Expectations and results of five years of decentralised policy ([Sociaal domein op koers?](#))

At the same time there are serious capacity problems resulting in waiting lists. In 2019, the Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) and the Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) published a report in which they raised major concerns about the whole youth protection system in the Netherlands.<sup>471</sup> Vulnerable children and their families end up on waiting lists for the Safe at Home organisations (*Veilig thuis organisaties*), the local teams (*wijkteams*), the Child Care and Protection Board (*Raad voor de Kinderrbescherming*), the Certified Institutions (*Gecertificeerde Instellingen*) and the Youth Support Providers (*jeugdhulpaanbieders*). Sometimes youth protection orders issued by the Children's Judge cannot be implemented because the Youth Support is not available. Causes of these waiting lists are financial shortages, labour market shortages, an increased workload, and the lack of opportunities for professionals in youth protection to provide appropriate support to these children without delay (partly due to the non-availability of support and due to bureaucratic processes at the municipalities). Following this report both Inspectorates gave recommendations to all actors in the field on how to improve the situation. But to no avail. On 9 September 2022, both inspectorates sent a letter to the responsible ministers informing them that at present the youth protection system does not meet the minimum quality requirements set out in the law.<sup>472</sup> The government is failing in its duty to protect vulnerable children. The governments should immediately start a crisis approach for the whole youth protection system.

So far the government has responded to this crisis by exploring a long term solution. For this reason the responsible ministers initiated an action plan that contains an outline for a future child protection system that will be explored in the coming 5 to 10 years (The 'Child and family protection future scenario' (*Toekomstscenario kind- en gezinsbescherming*)).<sup>473</sup> Major actors in this system will be the Social district teams (*wijkteams*) and the Regional Safety Teams (*regionale veiligheidsteams*). In the Regional Safety Teams the functions of the Certified Institutions, the Safe Home organisations (*Veilig Thuis Organisaties*) and the Child Care and Protection Board (*Raad voor de Kinderbescherming*) will be brought together. Together with this action plan a reform agenda was initiated that aims at a manageable and therefore financially sustainable system.<sup>474</sup>

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[Verwachtingen en resultaten van vijf jaar decentraal beleid](#)), The Hague, Netherlands Institute for Social Research (SCP).

<sup>471</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Vulnerable children inadequately protected. Youth protection chain at risk ([Kwetsbare kinderen onvoldoende beschermd. Jeugdbeschermingsketen in gevaar](#)).

<sup>472</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) / Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), , 'Supervision Youth Protection Chain' ([Toezicht jeugdbeschermingsketen](#)), Letter to the Minister for Legal Protection (*Minister voor Rechtsbescherming*) / State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*), 9 September 2022.

<sup>473</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbescherming](#)).

<sup>474</sup> The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2023), Reform Agenda Youth ([Hervormingsagenda Jeugd](#)).

#### 4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Child Check (Kindcheck) is part of the Mandatory Protocol Domestic Violence and Child Abuse.<sup>475</sup> The aim of the Child Check is to identify more children at serious risk of abuse or neglect. The Child Check is especially meant for professionals who work with adult clients/patients, such as (family) doctors, nurses, social workers, psychiatrists and psychologists. The Child Check means that these professionals in their contacts with adult clients/patients check whether there are children involved and assess whether these children are safe. For example, they may perform the Child Check for adult clients/patients with serious psychological problems or victims or perpetrators of domestic violence. We have selected the Child Check as a promising although an evaluation study of the Mandatory Protocol Domestic Violence and Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*) found that the Child Check (*Kindcheck*) is rarely implemented.<sup>476</sup>

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<sup>475</sup> The Netherlands, Mandatory Protocol Domestic Violence Child Abuse Act (*Wet verplichte meldcode huiselijk geweld en kindermishandeling*), 1 July 2013, [Complete Act](#).

<sup>476</sup> ZonMW (2020), Evaluation Mandatory Protocol Domestic Violence .Child Abuse Act ([Evaluatie Wet verplichte meldcode huiselijk geweld en kindermishandeling](#)).



## 5. Accountability, data collection, and monitoring mechanisms

### 5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) and the Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) collect data on the child protection system at the national level. Articles 7.4.1 to 7.4.5 of The Youth Act (*Jeugdwet*) provide the legal framework for this data collection.<sup>477</sup>

The municipalities collect data on the child protection system at the municipal level under article 7.4.1.2 of the Youth Act (*Jeugdwet*).<sup>478</sup>

Most actors in the child protection system are obligated under article 7.4.3 of the Youth Act (*Jeugdwet*) to provide data to the Ministry of Security and Justice, the Ministry of Health, Welfare and Sport and the municipality.<sup>479</sup> Under article 7.4.2 of the Youth Act municipalities are obligated to provide data to the Ministry of Security and Justice and the Ministry of Health, Welfare and Sport.<sup>480</sup>

Under article 7 of the Youth Act Regulation (*Regeling Jeugdwet*)<sup>481</sup> Certified Institutions (*Gecertificeerde Instellingen*) and Youth Support Providers (*jeugdhulpaanbiders*) are obligated to deliver data to Statistics Netherlands (CBS) using a special information protocol.<sup>482</sup> The Safe at Home organisations (*Veilig Thuis organisations*) that act as advisory and reporting centres for child abuse and domestic violence are obligated under article 4.2.12 of the Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*) to provide data to the Ministry of Security, Justice and the Ministry of Health, Welfare and Sport and the municipality.<sup>483</sup> Under articles 4.3.1, 4.3.2 and 4.3.3 of the Social Support Act 2015 Implementation Decree (*Wet maatschappelijke Ondersteuning 2015*)<sup>484</sup> the Safe at Home organisations are obligated to deliver data to Statistics Netherlands (CBS) using a special information protocol.<sup>485</sup>

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<sup>477</sup> The Netherlands, Youth Act (*Jeugdwet*), [Articles 7.4.1 to 7.4.5](#).

<sup>478</sup> The Netherlands, Youth Act (*Jeugdwet*), [Subarticle 7.4.1.2](#).

<sup>479</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 7.4.3](#).

<sup>480</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 7.4.2](#).

<sup>481</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 7](#).

<sup>482</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Annex 2](#).

<sup>483</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Article 4.3.1 – 4.3.3](#).

<sup>484</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*),

<sup>485</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Policy information Safe at Home ([Beleidsinformatie Veilig Thuis. Informatieprotocol 2.0](#)).

The Ministry of Health, Welfare and Sport, Ministry of Security and Justice and all relevant actors receive annual reports from the Youth Support Providers and Certified Institutions as stipulated by article 4.3.1 and 4.3.2 of the Youth Act.<sup>486</sup> These reports must contain information on how quality is maintained in the organisation, the involvement of clients, the complaints procedure and the complaints handled. These reports can be consulted on a special website of the Ministry of Health, Welfare and Sport: [www.jaarverantwoordingindezorg.nl](http://www.jaarverantwoordingindezorg.nl).

The Health and Youth Care Inspectorate (*Inspectie Gezondheid en Zorg*) inspects the quality of the Certified Institutions, Youth Support Providers, and Safe at Home organisations. It has a legal obligation to do so through the Youth Act (*Jeugdwet*).<sup>487</sup> It acts on its own initiative or by request of the responsible ministers. Each year it publishes a report of its activities. In this annual report the Health and Youth Care Inspectorate does not give an overall assessment of the performance but reports on its investigations carried out in that year. The Health and Youth Care Inspectorate is part of the Ministry Health, Welfare and Sport.

The Joint Inspectorate for Youth (*Samenwerkend Toezicht Jeugd*) oversees the broad range of services available to children and families (including child protection services). It is a partnership of four inspectorates of the national government that aims to supervise the broad range of services available to children and families. The partnership, which conducts joint investigations, consists of the following inspectorates: the Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*), the Inspectorate of Education (*Inspectie van het Onderwijs*), the Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*), and the Netherland Labour Authority (*Nederlandse Arbeidinspectie*).

A systematic independent monitoring on the child protection system is provided by a coalition of NGOs united in the NGO Coalition for Children's Rights (*Kinderrechtencollectief*).<sup>488</sup>

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The latest two national action plans in the field of child protection are: "Violence does not belong anywhere: Approach domestic violence and child abuse (*Geweld hoort nergens thuis. Aanpak huiselijk geweld*)",<sup>489</sup> which ran from 2018 to 2021, and the 'Child and family protection future

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<sup>486</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.3.1 - 4.3.2](#).

<sup>487</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 9.1](#).

<sup>488</sup> Dutch NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023) 'Who are we' (['Wie zijn we'](#)). Webpage.

<sup>489</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), Violence does not belong anywhere: Approach domestic violence and child abuse ([Geweld hoort nergens thuis. Aanpak huiselijk geweld](#))



scenario (*Toekomstscenario kind- en gezinsbeschermingToekomstscenario*),<sup>490</sup> which started in April 2022.

The implementation of these action plans is monitored by the two responsible ministries: the Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) and the Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*). During the implementation of the action plan ‘Violence does not belong anywhere’, seven implementation reports were published and sent to parliament. The last one was published in December 2021.<sup>491</sup> During the implementation of the action plan ‘Child and family protection future scenario’ information and reports about its implementation are published on a special website ‘For youth and family’ (*Voor jeugd en gezin*).<sup>492</sup>

Question	YES	NO	Comments
5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights’ assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.		No	A child rights assessment is not foreseen.
5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.			

<sup>490</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Child and family protection future scenario ([Toekomstscenario kind- en gezinsbeschermingToekomstscenario](#)).

<sup>491</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2021), Violence does not belong anywhere: Final report about the programme ([Geweld hoort nergens thuis. Eindrapportage over het programma](#)).

<sup>492</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2023), ‘For youth and family’ ([‘Voor jeugd en gezin’](#)), Website.

The quality standards for child protection services are laid down in a number of laws, regulations, frameworks etc.

The relevant articles of the Youth Act (*Jeugdwet*)<sup>493</sup> provide quality standards for the Youth Support Providers and the Certified Institutions. The relevant articles of the Social Support Act 2015 provide quality standards for the Safe at Home organisations (*Veilig Thuis organisaties*).<sup>494</sup> The Safe at Home organisations are regional advisory and reporting centres for domestic violence and child abuse

There is a general Quality Framework Youth (*Kwaliteitswerk Jeugd*) that indicates which task may be performed by employees of Youth Support Provider or Certified Institution who are registered in a professional register, and which task may be done by employees who are not registered.<sup>495</sup>

For the Certified Institutions (*Gecertificeerde instellingen*) a special framework with quality standards is laid down by ministerial regulation.<sup>496</sup>

The Child Care and Protection Board (*Raad voor de Kinderbescherming*) has a Quality Framework (*Kwaliteitskader*). The Quality Framework contains the working method of the Child Care and Protection Board and contains quality standards.<sup>497</sup>

The Safe at Home organisations (*Veilig Thuis organisaties*) have a special protocol containing quality standards.<sup>498</sup> The Safe at Home organisations are regional advisory and reporting centres for domestic violence and child abuse.

The closed residential youth care institutions have a special quality framework: the Quality Framework Closed Youth Care (*Kwaliteitskader gesloten jeugdzorg*).<sup>499</sup>

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<sup>493</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>494</sup> The Netherlands, Social Support Act 2015 (*Wet Maatschappelijke Ondersteuning 2015*), Chapter 4.

<sup>495</sup> Youth Care Netherlands (*Jeugdzorg Nederland*) (2016). Quality Framework Youth, Second Version ([Kwaliteitskader Jeugd. Tweede Versie](#)).

<sup>496</sup> The Netherlands, Regulation quality standards framework youth protection and youth probation (*Regeling normenkader jeugdbescherming en jeugdreclassering*), 10 June 2016, [Complete regulation](#).

<sup>497</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>498</sup> The Netherlands, National Network Safe at Home (Landelijk Netwerk Veilig Thuis) (2019), Protocol Safe at Home 2019 (*Handelingsprotocol Veilig Thuis 2019*).

<sup>499</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality framework Youth 2.0 Care Plus ([Kwaliteitskader JeugdzorgPlus 2.0](#)).

The Youth Support Providers who provide foster care adhere to the Quality Framework Training and Screening in Foster Care (*Kwaliteitskader Voorbereiding en training in de pleegzorg*) when screening candidate foster parents.<sup>500</sup>

The mediating organisations in inter-country adoption have a special quality framework: Quality Framework Licenseholders Inter-country Adoption (*Kwaliteitskader vergunninghouders interlandelijke adoptie*).<sup>501</sup>

The Collective Labour Agreement Youth Care (*COA Jeugdzorg*) agreed upon by sectoral organisation Youth Care Netherlands (*Jeugdzorg Nederland*) and the trade unions contain several standards.<sup>502</sup>

The Health and Youth Care Inspectorate (*Inspectie Gezondheid en Zorg*) uses several assessment frameworks when it monitors organisations that operate under the Youth Act.<sup>503</sup>

Question	YES	NO	Comments
5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?	Yes.		<p>Article 2.10 of the Youth Act (<i>Jeugdwet</i>) stipulates that each municipality should assess the needs of clients each year and give clients or their representatives the opportunity to react to policy proposals or initiate policy proposals.<sup>504</sup> The Youth Act Regulation (<i>Regeling Jeugdwet</i>) provides the demands which such an assessment must meet.<sup>505</sup></p> <p>Article 4.2.4 of the Youth Act stipulates that each Certified Institution (<i>Gecertificeerde instelling</i>) and Youth Support Provider (<i>jeughulpverlener</i>) must</p>

<sup>500</sup> The Netherlands, Youth Care Netherlands (*Jeugdzorg Nederland*) (2019), Quality Framework Preparing and Training in Foster Care (*Kwaliteitskader Voorbereiding en training in de pleegzorg*), Utrecht, Jeugdzorg Nederland.

<sup>501</sup> The Netherlands, Joint License Holders Intercountry Adoptions (*Gezamenlijke vergunninghouders interlandelijke adopties*) (2013), Quality framework Intercountry Second version ( *Kwaliteitskader Interlandelijke Adoptie. Tweede Versie*).

<sup>502</sup> Youth Care Netherland (*Jeugdzorg Nederland*) / FNV / CBV / FZW (2020), Collective Labour Agreement Youth Care. 1 January 2021 - 31 December 2023 ([Cao Jeugdzorg 2021 - 2023. Looptijd: 1 januari 2021 tot en met 31 december 2023](#)).

<sup>503</sup> The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheid en Zorg*) (2023), 'Assessment frameworks Youth' (['Toetsingkader Jeugd'](#)). Web page.

<sup>504</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.10](#) .

<sup>505</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 3](#).

<p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>		<p>have a client council.<sup>506</sup> These client councils should represent the interests of both the children and their parents. The Participation of Clients of Care Institutions Act 2018 (<i>Wet medezeggenschap cliënten zorginstellingen 2018</i>) provides the legal framework for these client councils.<sup>507</sup></p> <p>Article 4.2.5 of the Youth Act stipulates that each foster care provider must have a client council.<sup>508</sup> These client councils should represent the interests of both the children and the foster parents. The Participation of Clients of Care Institutions Act 2018 (<i>Wet medezeggenschap cliënten zorginstellingen 2018</i>) provides the legal framework for these client councils.<sup>509</sup></p> <p>The Child Care and Protection Board (<i>Raad voor de Kinderbescherming</i>) has a client council although it has no legal obligation to establish a clients council.<sup>510</sup></p>
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	<p>Yes.</p>	<p>Relevant parts of the Youth Act (<i>Jeugdwet</i>),<sup>511</sup> the Youth Act Decree (<i>Besluit Jeugdwet</i>), the Youth Act Regulation (<i>Regeling Jeugdwet</i>),<sup>512</sup> the Social Support Act 2015 (<i>Wet maatschappelijke Ondersteuning 2015</i>),<sup>513</sup> and the Social Support Act 2015 Implementation Decree (<i>Wet maatschappelijke</i></p>

<sup>506</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.4](#) .

<sup>507</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

<sup>508</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.5](#).

<sup>509</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

<sup>510</sup> The Netherlands, Child Care and Protection Board (*Raad voor de Kinderbescherming*) (2021), Quality framework for the Child Care and Protection Board ([Het Kwaliteitskader van de Raad voor de Kinderbescherming](#)).

<sup>511</sup> The Netherlands, Youth Act (*Jeugdwet*), 1 January 2015, [Complete Act](#).

<sup>512</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 7](#) .

<sup>513</sup> The Netherlands, Social Support Act 2015 (*Wet maatschappelijke Ondersteuning 2015*), [Article 4.3.1 – 4.3.3](#) .

			<i>Ondersteuning 2015</i> ) <sup>514</sup> provide the legislative framework.
5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?  <u>If yes</u> , Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?	No.		<p>The collection of general data and a tracking database are considered as two separate items in Dutch legislation.</p> <p>Under article 7 of the Youth Act Regulation<sup>515</sup> Certified Institutions and Youth Support Providers are obligated to deliver data to Statistics Netherlands (CBS) using a special information protocol.<sup>516</sup> Under articles 4.3.1, 4.3.2 and 4.3.3 of the Social Support Act 2015 Implementation Decree (<i>Wet maatschappelijke Ondersteuning 2015</i>)<sup>517</sup> the Safe at Home organisations are obligated to deliver data to Statistics Netherlands (CBS) using a special information protocol.<sup>518</sup></p> <p>Statistics Netherlands uses and publishes this data on its website (in dahsboards) and in monitors and reports. The most relevant monitor is the Impact monitor tackling domestic violence and child abuse (<i>Impact monitor aanpak huiselijk geweld en kindermishandeling</i>), the latest edition of which was published in January 2023.<sup>519</sup> The Impact monitor is the result from the national action plan : “Violence does not belong anywhere: Approach domestic violence and child abuse (<i>Geweld hoort nergens thuis. Aanpak huiselijk geweld</i>)”,<sup>520</sup> that ran from 2018 to 2021.</p>

<sup>514</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), 1 January 2015, [Complete Decree](#).

<sup>515</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 7](#).

<sup>516</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Annex 2](#).

<sup>517</sup> The Netherlands, Social Support Act 2015 Implementation Decree (*Uitvoeringsbesluit WMO 2015*), [4.3.1 - 4.3.3](#).

<sup>518</sup> The Netherlands, National Network Safe at Home (*Landelijk Netwerk Veilig Thuis*) (2019), Policy information Safe at Home ([Beleidsinformatie Veilig Thuis. Informatieprotocol 2.0](#)).

<sup>519</sup> Statistics Netherlands (CBS) (2023), Impact monitor tackling domestic violence and child abuse 2022 ([Impactmonitor aanpak huiselijk geweld en kindermishandeling 2022](#)).

<sup>520</sup> The Netherlands, Ministry of Security and Justice (*Ministerie van Veiligheid en Justitie*) / Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) / Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), Violence does not

		<p>Paragraph 7.1 of the Youth Act (<i>Jeugdwet</i>) provides the legal framework for a national database in the youth care sector which makes it possible to track children and youth under 23 who are at risk (<i>risicjongeren</i>).<sup>521</sup> Children and youth at risk are children and youth who at one time or another have, because of problems, been in contact with professionals in the youth health care sector, education, child and youth care sector (including child protection) and the criminal justice system. This database is called the Reference Index for Youth at Risk (<i>Verwijsindex Risicjongeren</i>). Professionals in these sectors can make use of this Reference Index when they are authorised to do so. This authorisation is provided under the Youth Act Decree.<sup>522</sup> The database itself is developed and supported by the national government. The Ministry of Health, Welfare and Sport is the controller. Professionals can add information to the database or track a child or youth (whether he or she has been in contact with other institutions). When the Index receives two or more records about one youth all professionals involved in this case receive an email. This database is geared towards tracking children and not geared towards monitoring the child protection system. This means that it does not provide data on the number of children at risk, but that it is a practical instrument for intervention.</p>
<p>5.1.8. Are there common indicators in place to monitor the performance of the child protection system?</p>	<p>Yes</p>	<p>Statistics Netherlands publishes annually the Impact monitor tackling domestic violence and child abuse (<i>Impact monitor aanpak huiselijk geweld en kindermishandeling</i>), the latest edition of which was published in January 2023.<sup>523</sup> The first edition was published in 2019.<sup>524</sup> Figures of this monitor are also</p>

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belong anywhere: Approach domestic violence and child abuse ([Geweld hoort nergens thuis. Aanpak huiselijk geweld](#))

<sup>521</sup> The Netherlands, Youth Act (*Jeugdwet*), [Paragraph 7.1](#).

<sup>522</sup> The Netherlands, Youth Act Decree (*Besluit Jeugdwet*), [Paragraph 7.1](#).

<sup>523</sup> Netherlands Statistics (CBS) (2023), Impact monitor tackling domestic violence and child abuse 2022 ([Impactmonitor aanpak huiselijk geweld en kindermishandeling 2022](#)).

<sup>524</sup> Netherlands Statistics (CBS) (2019), Impact monitor tackling domestic violence and child abuse 2019 ([Impactmonitor aanpak huiselijk geweld en kindermishandeling 2019](#)).

		disclosed in a special dashboard. <sup>525</sup> The impact monitor shows the state of affairs in the Netherlands and the impact of the approach by the national government and municipalities to domestic violence and child abuse. This monitor makes local, regional and national developments visible. This involves both implementation and policy. The monitor uses a wide range of indicators for victims and perpetrators including : age group, gender, immigration background, socioeconomic status religious affiliation, characteristics abuse, whether the parents are divorced or not, region.
5.1.9. Are there data protection protocols in place and adhered to?	Yes.	The Youth Act Regulation ( <i>Regeling Jeugdwet</i> ) stipulates that the data processing under the Youth Act must comply with NEN-ISO-IEC 27001 and NEN-ISO-IEC 27002 or other standards. <sup>526</sup>

5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

Statistics Netherlands is the organisation in the Netherlands that is responsible for the data collection system. Since 2019 Statistics Netherlands publishes annually the 'Impact monitor tackling domestic violence and child abuse' (*Impact monitor aanpak huiselijk geweld en kindermishandeling*), the latest edition of which was published in January 2023.<sup>527</sup> Figures of this monitor are also disclosed on a special dashboard. The impact monitor shows the state of affairs in the Netherlands and the impact of the approach taken by the national government and municipalities to tackle domestic violence and child abuse. This monitor makes local, regional and national developments visible. The Dutch NGO Coalition for Children's Rights indicates though that, "the data that is collected often remains unused. Richer and more meaningful local policy data can be obtained, for example showing to what extent children about whom a report has been filed to Safe at Home organisations end up in youth care."<sup>528</sup>

<sup>525</sup> Netherlands Statistics (CBS) (2023), Impact approach domestic violence and child abuse ([Impactmonitor huiselijk geweld en kindermishandeling](#)), Web page.

<sup>526</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 6](#).

<sup>527</sup> Netherlands Statistics (CBS) (2023), Impact monitor tackling domestic violence and child abuse 2022 ([Impactmonitor aanpak huiselijk geweld en kindermishandeling 2022](#)).

<sup>528</sup> Dutch NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2021), [Children's rights in the Netherlands 2015 – 2020, Fifth NGO report of the Dutch NGO Coalition for Children's Rights to the UN Committee on the Rights](#), p. 16.



The Ombudsman for Children stated about data collected Statistics Netherlands: “often the data cannot be broken down by age. The data thus paints with a very broad brush. Indicators or age groups cannot always be linked or grouped together, which makes it more difficult to conduct longitudinal research into trends and developments. However, we also note that Statistics Netherlands is also taking steps to remedy this.”<sup>529</sup>

The Safe at Home organisations (*Veilig Thuis organisaties*) have set up a nationally uniform register for child abuse.<sup>530</sup> The Safe at Home organisations are regional advisory and reporting centres for domestic violence and child abuse. At the same time (as indicated by the Dutch NGO Coalition for Children’s Rights) the Safe at Home organisation changed the way they provide data to Netherlands Statistics in 2019, which means that the number of reports of child abuse is not comparable to previous years.<sup>531</sup>

The Ombudsman for Children indicates that for some parts of the Youth Support System no data are available. “Information about children in youth mental health services or, more broadly, about the mental well-being of children and young people is virtually non-existent.”<sup>532</sup>

In a report published on 5 May 2020, the Netherlands Court of Audit (*Algemene Rekenkamer*) states that the €1 billion of extra funds made available by the Ministry of Health, Welfare and Sport to municipalities for youth support for the period 2019-2021 is not earmarked and can be freely spent by municipalities.<sup>533</sup> Municipal governments are only accountable to the municipal council and not to the national government for spending these funds. It can therefore not be established at the national level - neither by the Minister of Health, Welfare and Sport nor by the Court of Audit - whether the allocated money was adequate and whether the intended effect was achieved.

In a report published on 5 May 2020, the Netherlands Court of Audit (*Algemene Rekenkamer*) states the quality of the youth protection would be safeguarded by certification, but certification checks considered only the institutions’ compliance with the right procedures.<sup>534</sup> They did not necessarily say anything about quality. Furthermore, for a long time the Inspectorates did not supervise the

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<sup>529</sup> The Netherlands Ombudsman for Children (*Kinderombudsman*) (2021), [The Netherlands – Report to the UN Committee on the Rights of the Child](#), p. 16.

<sup>530</sup> Dutch NGO Coalition for Children’s Rights (*Kinderrechtencollectief*) (2021), [Children’s rights in the Netherlands 2015 – 2020, Fifth NGO report of the Dutch NGO Coalition for Children’s Rights to the UN Committee on the Rights](#), p. 16.

<sup>531</sup> Dutch NGO Coalition for Children’s Rights (*Kinderrechtencollectief*) (2021), [Children’s rights in the Netherlands 2015 – 2020, Fifth NGO report of the Dutch NGO Coalition for Children’s Rights to the UN Committee on the Rights](#), p. 28.

<sup>532</sup> The Netherlands Ombudsman for Children (*Kinderombudsman*) (2021), [The Netherlands – Report to the UN Committee on the Rights of the Child](#), p. 16.

<sup>533</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2020), Results accountability survey 2019. Ministry of Justice and Security (VI) ([Resultaten verantwoordingsonderzoek 2019. Ministerie van Justitie en Veiligheid \(VI\)](#))

<sup>534</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2023), Organised impotence. The role of central government in youth protection ([Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming](#)).



specific features of youth protection. They did not depart from their general supervisory policy. It was not until early 2019, when they received many reports and warnings, that the inspectorates decided to investigate some youth protection institutions. In the same report<sup>535</sup>, the Netherlands Court of Audit (*Algemene Rekenkamer*) states: "When it transferred youth protection to municipalities (in 2015 when the Youth Act took effect), the central government deliberately decided to collect only limited information on the protection provided. For some considerable time, therefore, the responsible ministers had little insight into the practice. They had no information, for example, on the length of waiting lists, the number of custodial placements or the financial health of the youth protection institutions. As most municipalities did not carry out obligatory client studies, moreover, the ministers did not know what the children thought about the system. For all these reasons, the ministers did not realise until late that all was not well with youth protection."

## 5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

On 1 January 2015 the Youth Act took effect. The Explanatory Memorandum to the Youth Act (*Jeugdwet*) pointed to the fact that each sector in the old youth care and child protection system (the system before 2015) used its own indicators and collected its own data.<sup>536</sup> The memorandum recommended that under the new system the municipalities, the national government, and other relevant actors use a uniform set of input, throughput, output and outcome indicators for the whole system.

Since 2015 there have been several developments towards more uniform data collection. Statistics Netherlands collects data at the national level. Since 2019 Statistics Netherlands publishes annually the 'Impact monitor tackling domestic violence and child abuse' (*Impact monitor aanpak huiselijk geweld en kindermishandeling*), the latest edition of which was published in January 2023. Figures of this monitor are also disclosed on a special dashboard. The impact monitor shows the state of affairs in the Netherlands and the impact of the approach by the national government and municipalities to domestic violence and child abuse. This monitor makes local, regional and national developments visible. In addition to the Impact Monitor, Statistics Netherlands publishes a general Youth Monitor in which all figures on children and youths are brought together<sup>537</sup> and a benchmark for youth support.<sup>538</sup> In 2022

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<sup>535</sup> The Netherlands Court of Audit (*Algemene Rekenkamer*) (2023), Organised impotence. The role of central government in youth protection ([Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming](#)).

<sup>536</sup> The Netherlands, State Secretary of Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) / State Secretary of Health Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), Explanatory Memorandum Youth Act ([Memorie van toelichting. Jeugdwet](#)).

<sup>537</sup> Netherlands Statistics (CBS) (2023), Youth Monitor Statline ([Jeugdmonitor Statline](#)).

<sup>538</sup> Netherlands Statistics (CBS) (2023), Benchmark Youth Support ([Benchmark Jeugdhulp](#)).

Statistics Netherlands published a paper <sup>539</sup> on the figures it collected on all forms of youth support and care in the year 2021 and a paper on the figures it collected on youth protection measures.<sup>540</sup>

The Dutch NGO Coalition for Children’s Rights indicates though that: “the data that is collected often remains unused. Richer and more meaningful local policy data can be obtained, for example showing to what extent children about whom a report has been filed to Safe at Home organisations end up in youth care.”<sup>541</sup>

### 5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Since Statistics Netherlands publishes annually the ‘Impact monitor tackling domestic violence and child abuse’ (*Impact monitor aanpak huiselijk geweld en kindermishandeling*), the latest edition of which was published in January 2023. Figures of this monitor are also disclosed on a special dashboard. The impact monitor shows the state of affairs in the Netherlands and the impact of the approach by the national government and municipalities to domestic violence and child abuse. This monitor makes local, regional and national developments visible.

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<sup>539</sup> Netherlands Statistics (CBS) (2022), Youth Support ([Jeudghulp 2021](#)).

<sup>540</sup> Netherlands Statistics (CBS) (2022), Youth protection measures and youth probation services 2021 ([Jeugdbescherming en jeugdreclassering 2021](#)).

<sup>541</sup> Dutch NGO Coalition for Children’s Rights (*Kinderrechtencollectief*) (2021), [Children’s rights in the Netherlands 2015 – 2020, Fifth NGO report of the Dutch NGO Coalition for Children’s Rights to the UN Committee on the Rights](#), p. 16.

## 6. General education, promotion, and awareness raising

### 6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

No. But this may change due to the new Civic Education Act.

According to research figures, disclosed by the NGO Coalition for Children's Rights (*Kinderrechtencollectief*) in its 2021 report to the UN Committee on the Rights of the Child, only thirty percent of children indicate that their primary and/or secondary school pays (or has paid) attention to child rights.<sup>542</sup> These figures reflect the situation from before 2021. 1 August 2021, a new Civic Education Act took effect.<sup>543</sup> In this new Act the assignment for schools is more obligatory than in the older legislation: it obligates schools to pay attention to human rights in their education. This Act also obligates schools in primary and secondary education to teach pupils and students about respect for differences in religion or belief, political opinion, ethnic origin, gender, disability or sexual orientation as well as the value of equal treatment.

The Act does not mention child rights. The Explanatory Memorandum to the Act pays hardly any attention to child rights.<sup>544</sup> There is no information available on how many schools include child rights in their curriculum after the Civic Education Act took effect.

The formal curricula in the Netherlands are laid down in the 'Core Objectives' (*Kerndoelen*). The Primary Education Core objectives do not mention human rights or child rights.<sup>545</sup> The Secondary Education Core Objectives do mention human rights once, in an international context.<sup>546</sup>

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<sup>542</sup> Dutch NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2021), *Children's rights in the Netherlands 2015 – 2020, Fifth NGO report of the Dutch NGO Coalition for Children's Rights to the UN Committee on the Rights*, p. 16.

<sup>543</sup> The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (Staatsblad van het Koninkrijk der Nederlanden) (2021), 'Civic education Act' (['Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs'](#)). Vol. 2021, No. 320.

<sup>544</sup> The Netherlands, Minister for Primary and Secondary Education and Media (*Minister voor Basis- en Voortgezet Onderwijs en Media*) (2019), Explanatory Memorandum. Civic Education Act. ([Memorie van Toelichting, Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs](#) )

<sup>545</sup> SLO - Netherlands institute for curriculum development (2020), Core Objectives Primary Education 2005' ([Kerndoelen Primair Onderwijs 2006](#)).

<sup>546</sup> SLO - Netherlands institute for curriculum development (2020), Core Objectives Secondary Education ([Karakteristieken en kerndoelen. Onderbouw voortgezet onderwijs](#)).

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

We have identified the following activities aiming at educating children about child rights. No activities specifically targeting parents could be identified.

In 2019 the NGO Coalition for Children's Rights (*Kinderrechtencollectief*) published a guide about child rights intended for children older than 10.<sup>547</sup> This guide is written in a child friendly way but is only available in Dutch and not in other languages. In addition to this guide, the website of the NGO Coalition for Children's Rights<sup>548</sup> provides information about child rights in a child friendly manner, including a quiz<sup>549</sup> and an age ladder of rights and obligations<sup>550</sup>. The website of the NGO Coalition for Children's Rights also contains information on child rights for professionals.<sup>551</sup>

The Ombudsman for Children (*Kinderombudsman*) presents information on its website in a child friendly manner and language (containing a quiz and an age ladder).<sup>552</sup> It is only available in the Dutch language. Moreover, the website contains a toolkit (*stappenplan*) that supports every professional to put children's best interests first when making decisions.<sup>553</sup>

In the most recent concluding observations the UN Committee on the Rights of the Child expressed concerns about the low level of knowledge of the Convention on the Rights of the Child among children. The Committee recommends that the Netherlands promotes the active involvement of children in public outreach activities, continues its awareness-raising regarding child rights among the public and ensures systematic training on child rights and the Convention.<sup>554</sup>

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<sup>547</sup> NGO Coalition for *Children's Rights (Kinderrechtencollectief)* (2020), What rights do you have ([Welke rechten heb jij?](#)). .

<sup>548</sup> NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023), 'Youth' (['Jeugd'](#)), Webpage.

<sup>549</sup> NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023), 'Children's right quiz' (['Kinderrechten quiz'](#)), Webpage.

<sup>550</sup> NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023), Age ladder (['Leeftijdsladder'](#)), 'Webpage.

<sup>551</sup> NGO Coalition for Children's Rights (*Kinderrechtencollectief*) (2023), 'Professionals' (['Professionals'](#)), Webpage.

<sup>552</sup> The Netherlands, Ombudsman for Children (*Kinderombudsman*) (2023), 'Children Rights' (['Kinderrechten'](#)), Webpage.

<sup>553</sup> The Netherlands, Ombudsman for Children (*Kinderombudsman*) (2023), 'Toolkit. The best decision' (['Toolkit 'Het beste besluit'](#)), Webpage.

<sup>554</sup> United Nations, Committee on the Rights of the Child (2022), [Concluding observations on the combined fifth and sixth periodic reports of the Netherlands](#).

## 6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

We have identified three national campaigns focusing on child abuse and domestic violence targeting a general audience.

Since 2013, the national government organises an annual Week against Child Abuse (*Week tegen de kindermishandeling*). The latest edition took place in the week of 20 November 2022.<sup>555</sup> To give professionals tools on how to start the conversation about child abuse, the campaign website shared stories from other professionals and tools for professionals.

A campaign from the national government about domestic violence and child abuse 'Domestic Violence' (*Geweld in in Huiselijke Kring*) ran from 2019 until the end of 2020, calling on family, friends and neighbours to act on suspicions of domestic violence and child abuse.<sup>556</sup> Different (social) media and resources were used for different purposes. For instance, TV and radio spots showed examples of people taking action when they suspected domestic violence. Articles in news media, magazines and door-to-door magazines brought a lot of attention and depth to the subject. The central message was that everyone can take action if they suspect domestic violence and that taking action is important. The campaign website aimed to make taking action more accessible by using illustrative examples and providing concrete tips and action perspectives. An assessment study was conducted to measure the impact of the campaign. This study adopted a research design with a pre- and post-measurement that consist of independent samples (N=401 and N=405) to determine effects on the objectives of the campaign. The study found that respondents are of the opinion that action should be taken in the event of (a suspicion of) domestic violence. About three-quarters of the respondents feel that victims and bystanders are the ones who should take action. After the campaign, this share remained the same. At same time, after the campaign, more people know what they can do when they suspect domestic violence.

A social media campaign of the national government about domestic violence and child abuse (*Huiselijk geweld en kindermishandeling*) ran from 5 July 2021 until 30 September 2021, calling on

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<sup>555</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), 'Week against Child Abuse 2022' (['Week tegen de kindermishandeling 2022'](#)), Web page.

<sup>556</sup> DVJ Studies (2021), Domestic violence. Campaign effect study (['Geweld in huiselijke kring. Campagne-effect studie'](#)).

family, friends and neighbours to act on suspicions of domestic violence and child abuse.<sup>557</sup> A toolkit with social media posts, banners and posters was made available. An assessment study of this campaign has not been published.

No awareness raising on the EU Charter of Fundamental Rights exists in the area of children's rights

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure<sup>558</sup>? Please briefly describe.

No. There are no awareness raising activities regarding complaint mechanisms at national or sub-national level.

The Netherlands has not ratified the third Optional Protocol to the Convention on a communications procedure (UN Doc A/C.3/66/L.66). As a result, children cannot put forward their complaint of a violation under the Convention when their legal remedies at national level have been exhausted.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Yes.

A few examples:

There is a general website maintained by the national government [www.veiliginternetten.nl](http://www.veiliginternetten.nl) which contains information on online safety but also information targeting children, parents and teachers.<sup>559</sup> The materials targeting children are in child-friendly language but are only available in the Dutch language. The website discloses a wide range of materials, including training materials. This website maintains a separate website [www.meldknop.nl](http://www.meldknop.nl) via which children or parents can find organisations where they can report online abuse or wrongdoing (bullying, discrimination, sexting, blackmail etc).

Another example is Helpwanted, a programme organisation which provides online support for children and youth who face online sexually transgressive behaviour.<sup>560</sup>

Helpwanted developed an interactive theatre performance called 'Shame on You' in cooperation with the theatre group 'Playback'.<sup>561</sup> The target group of this theatre performance consists of students in secondary education. During the performance, students empathise with someone whose nude photo is posted online by someone else. After the performance, the pupils engage in a conversation with the actors and an experienced discussion leader.

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<sup>557</sup> The Netherlands, Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2022), 'Social media campaign domestic violence and child abuse started' (['Social media campagne Huiselijk geweld en kindermishandeling van start'](#)), News release, 5 July 2022.

<sup>558</sup> URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

<sup>559</sup> The Netherlands, Ministry of Economic Affairs and Climate / National Cyber Security Centre (2023), 'Safe internet' (['Veilig internetten'](#)), Website.

<sup>560</sup> Helpwanted (2023). 'About helpwanted' (['Over help wanted'](#)), Web page.

<sup>561</sup> Helpwanted (2023). 'Requesting schools theatre tour 'Shame On You'' (['Scholen-theatertour 'Shame On You' aanvragen'](#)), Web page.

In November 2022, the national government announced that it will add digital literacy to the curriculum for primary and secondary education so that pupils and students have sufficient skills early on to make the best use of the opportunities offered by digitalisation.<sup>562</sup>

### 6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Promising practices we have identified are:

The Dutch section of Amnesty International gives lessons to tens of thousands of pupils and students in primary and secondary education every year.<sup>563</sup> The lessons are given by volunteers of Amnesty International who undergo extensive training before starting work. Amnesty International has developed numerous material for human rights education in primary education<sup>564</sup> and secondary education<sup>565</sup>.

UNICEF Netherlands provides support and teaching materials for human rights education in primary and secondary education.<sup>566</sup>

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<sup>562</sup> The Netherlands, National government (Rijksoverheid) (2023), Working agenda value driven digitalisation ([Werk agenda waardegedreven digitaliseren](#)).

<sup>563</sup> Amnesty International Dutch Section (2023), 'Human Rights Education' (['Mensenrechteneducatie'](#)), Webpage.

<sup>564</sup> Amnesty International Dutch Section (2023), 'Teaching materials primary education' (['Lesmaterialen primair onderwijs'](#)), Webpage,.

<sup>565</sup> Amnesty International Dutch Section (2023), 'Teaching materials secondary education ' (['Lesmaterialen voortgezet onderwijs'](#)), Webpage,.

<sup>566</sup> UNICEF Netherlands (2023), 'Teachers; (['Leerkrachten'](#)), Webpage,



## 7. Child participation and community engagement

### 7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles <sup>567</sup> in place, with an ability to hear, review and enforce individual complaints from children?		No	<p>The Ombudsman for Children provides an independent child complaints procedure. The evaluation study of Ombudsman for Children states that the Netherlands Ombudsman for Children is <u>not</u> fully compliant with the Paris Principles because of its dependency on the National Ombudsman.<sup>568</sup> Its budget, for example, is decided by the National Ombudsman.</p> <p>Besides the national Ombudsman for Children there is a municipal Ombudsman in Amsterdam<sup>569</sup> and in Rotterdam<sup>570</sup>.</p>
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?	Yes		<p>Under Dutch criminal and civil (family) law special courts for children exist: de <i>Kinderrechter</i> (Children's Judge also translated sometimes as Juvenile Court).<sup>571</sup></p> <p>The Jurisdiction Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (<i>Raad voor Strafrechtstoepassing en Jeugdbescherming</i>) reviews decisions made regarding children and young persons in detention centres and in situations of Closed</p>

<sup>567</sup> URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

<sup>568</sup> ZonMW (2017), Evaluation Ombudsman for Children Act ([Evaluatie Wet Kinderombudsman](#)).

<sup>569</sup> The Netherlands, Municipality Amsterdam m, Ombudsman for Children (2023), 'What does the Ombudsman for Children do' ( '[Wat doet de kinderombudsman](#)' ), Web page.

<sup>570</sup> The Netherlands, Municipality Rotterdam, Ombudsman for Children (2023), 'What does the Ombudsman for Children do' ( '[Wat doet de kinderombudsman](#)' ), Web page.

<sup>571</sup> The Netherlands, Council for the Judiciary (*Raad voor de Rechtspraak*) (2023), 'The Children's Judge' ('[De Kinderrechter](#)'), Web page.



			Residential Care ( <i>gesloten jeudhulp</i> ). <sup>572</sup> The Council reviews decisions according to the law and the general principle of fairness. The judgments given by the Council are binding: there are no further possibilities of appeal.
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## 7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?		No	<p>There are support fora such as children's groups established at local/community level but these have <u>no</u> formal status (see below under 7.2.2 for examples).</p> <p>Formal feedback mechanisms in the child protection system exist but these mechanisms focus on clients (parents and children). This means that children may participate in them. We give a few examples:</p> <p>Article 2.10 of the Youth Act (<i>Jeugdwet</i>) stipulates that each municipality should assess the needs of clients each year and give clients or their representatives the opportunity to react to policy proposals or initiate policy proposals.<sup>573</sup> Article 3 of the Youth Act Regulation (<i>Regeling Jeugdwet</i>) provides the demands which such an assessment must meet.<sup>574</sup></p> <p>Article 4.2.4 of the Youth Act stipulates that each Certified Institution (<i>Gecertificeerde instelling</i>) and Youth Support Provider (<i>jeughulpverlener</i>) must have a client council.<sup>575</sup> These client councils should represent the interests of both the children and their parents. The Participation of Clients of Care Institutions Act 2018 (<i>Wet medezeggenschap cliënten zorginstellingen 2018</i>) provides the legal framework for these client councils.<sup>576</sup></p>

<sup>572</sup> The Netherlands, Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor Strafrechtstoepassing en Jeugdbescherming*) (2023), '[About the RSJ](#)', Web page.

<sup>573</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 2.10](#).

<sup>574</sup> The Netherlands, Youth Act Regulation (*Regeling Jeugdwet*), [Article 3](#).

<sup>575</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.4](#).

<sup>576</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

			<p>Article 4.2.5 of the Youth Act stipulates that each foster care provider must have a client council.<sup>577</sup> These client councils should represent the interests of both the children and the foster parents. The Participation of Clients of Care Institutions Act 2018 (<i>Wet medezeggenschap cliënten zorginstellingen 2018</i>) provides the legal framework for these client councils.<sup>578</sup></p>
7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?	X		<p>Community-based mechanisms exists. A national overview of these mechanism is compiled by the Netherlands Youth Institute.<sup>579</sup> Most of these mechanisms do exist on a national, few on a regional or municipal level. There is <u>no</u> monitoring on the effectiveness of these mechanisms.</p> <p>We provide below a number of indicative examples: On a national level major community-based mechanisms are: YouthWelfareCouncil (<i>JeugdWelzijnsBeraad</i>) and ExpEx Platform. The YouthWelfareCouncils is a platform organisation of youth councils of organisations that provide youth care.<sup>580</sup> ExpEx platform is a foundation with the aim of improving youth care from the perspective of the young people themselves.<sup>581</sup></p> <p>In 2022, both these two mechanisms have been consulted by the State Secretary of Health, Welfare and Sport in drawing up a plan to scale down and replace the Closed Residential Care</p>

<sup>577</sup> The Netherlands, Youth Act (*Jeugdwet*), [Article 4.2.5](#).

<sup>578</sup> The Netherlands, Participation of Clients of Care Institutions Act 2018 (*Wet medezeggenschap cliënten zorginstellingen 2018*), 1 July 2020, [Complete Act](#).

<sup>579</sup> Netherlands Youth Institute (*Nederlands Jeugdinstituut*) (2021), Youth participation in Youth Support and Youth Care ([Jongerenparticipatie inde jeugdhulp en jeugdzorg. Een kort overzicht](#)).

<sup>580</sup> YouthWelfareCouncil (*JeugdWelzijnsBeraad*) (2022), Standard Anbi form ([Standaardformulier publicatieplicht ANBI algemeen](#)).

<sup>581</sup> ExpEx (2023). 'Vision and mission' (['Visie en missie'](#))

		<p>(<i>gesloten jeudhulp</i>), also called youth care plus (<i>jeugzorgplus</i>), by open small facilities.<sup>582</sup></p> <p>On a municipal level: Youth Platform Amsterdam (<i>Jeugdplatform Amsterdam</i>) advises the local government in Amsterdam about care and education for vulnerable young people and their caretakers.<sup>583</sup> Youth Platform Amsterdam is a core group of 8 young people and 4 caretakers that comes together every month to share experiences and talk to local professionals about how care and education can be improved.</p> <p>On an organisational level: Some organisations providing Youth Support (<i>jeugdhulp</i>) under the Youth Act have established a youth council. For example Entrea Voorhout (an organisation that provides youth support under the Youth Act) has established a special youth council (<i>jongerenraad</i>).<sup>584</sup></p> <p>Some Certified Institutions (<i>Gecertificeerde Instellingen</i>) have a Youth Council (<i>jongerenraad</i>). An example is the JBRR or Jeugdbescherming Rotterdam-Rijnmond (<i>Youth Protection Rotterdam-Rijnmond</i>) that has established a Youth Council.<sup>585</sup></p>
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### 7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

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<sup>582</sup> The Netherlands, State Secretary of Health, Welfare and Sport (*Staatsscretaris van Volksgezondheid, Welzijn en Sport*) (2023), 'Implementation plan scaling down and conversion of closed youth care' (['Uitvoeringsplan af- en ombouw gesloten jeugdhulp'](#)), Letter to House of Representatives, 3 February 2023.

<sup>583</sup> Youth Platform Amsterdam (Jeugdplatform Amsterdam) (2023), 'This is Youth Platform Amsterdam' (['Dit is jeugdplatform Amsterdam'](#)), Web page.

<sup>584</sup> Entrea Lindenhout (2023), [Entrea Lindenhout organogram](#).

<sup>585</sup> Youth Protection Rotterdam-Rijnmond (Youth Protection Rotterdam-Rijnmond) (2023), 'Youth council' (['Jongerenraad'](#)), Web page.

In 2020, the Ombudsman for Children of the municipality of Amsterdam published, in cooperation with research agency Alexander Foundation, a scan of child rights in Amsterdam.<sup>586</sup> The study used several methods to collect data: panel discussions and individual in-depth interviews with more than 100 children and young people, school square discussions with random children and young people, discussions with chain partners and focus group meetings. Children indicate in this scan that there is much room for improvement. They give tips on participation, safety and accessibility of social services.

During a pilot among a number of municipalities, a questionnaire was developed by research agency Alexander Foundation and the Netherlands Youth Institute by which municipalities can implement the assessment study under clients of the child protection service as made mandatory by Article 2.10 of the Youth Act (*Jeugdwet*).<sup>587</sup> This questionnaire was tested among parents and children older than 12 in 10 municipalities in 2016.

Alexander Foundation (*Stichting Alexander*) is an independent Dutch NGO specialised in youth participation and participatory action research.<sup>588</sup> Stichting Alexander has delivered more than 500 projects over 27 years in close collaboration with young people, commissioners and collaborators. It provides the following services: (1) Qualitative research, to gain an in depth understanding of the worlds of youth; (2) Participatory action research, to enable young people to become agents of change through research; (3) Train and coach professionals to work in a participatory manner, e.g. in youth care services, local youth work or educational services; (4) Facilitate processes aimed at implementing methods and structures for participation and learning and exchange.

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<sup>586</sup> The Netherlands, Municipality of Amsterdam, Ombudsman of Children (Kinderombudsman Amsterdam) (2020), Children's rights scan. A study of child rights in Amsterdam ([An investigation into child rights in Amsterdam](#)).

<sup>587</sup> Alexander Foundtion/ Netherlands Youth Institute (2017), Pilot MJCO: From measuring to improving. ([Project MCJO: Van meten naar verbeteren. Eindrapportage](#)).

<sup>588</sup> Alexander Foundation (*Stichting Alexander*) (2023), '[About us](#)', Web page.