

Report on the Netherlands

14 October 2014

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"Migrants' and children's rights need better protection in the Netherlands"



Positives

- Well-established human rights protection system with the creation of the Children's Ombudsman and the NHRI
- Adoption of National Action Plan on Human Rights
- Residence permits to some migrants who cannot be expelled and to some rejected asylum seeker children
- Plans to avoid detention of asylum seeker children and families
- Existence of a mechanism for the oversight of intelligence and security activities
- Measures to combat child abuse



Concerns

- Extensive use of administrative detention of asylum seekers and immigrants
- Legal limbo for irregular migrants and stateless people
- Too restrictive criteria to grant residence permits to foreigners who cannot be returned and to foreign (Children's Pardon)
- Age of minimum criminal responsibility too low
- Limited use of alternatives to juvenile pre-trial detention
- Persistence of child abuse
- School segregation of children with disabilities
- Decentralisation can lead to uneven implementation of human rights norms

Recommendations



National human rights system

- Ratify UN Convention on the Rights of Persons with Disabilities and the Council of Europe Convention on preventing and combating violence against women and domestic violence
- Refrain from cutting the budget of NHRSS
- Strengthen human rights education and training for civil servants
- Strengthen oversight of intelligence and security activities

Migration and asylum

- Use detention of asylum seekers and immigrants only as last resort
- Never detain asylum seeker children and those in vulnerable situations
- Stop detaining foreigners who cannot be expelled
- Ensure socio-economic rights to irregular migrants
- Increase protection for stateless people
- Ease restrictive conditions for issuing residence permits to foreigners who cannot be returned and to foreign children (Children's Pardon)

Children's rights

- Increase age of criminal responsibility
- Change the law which allows treating children as adult offenders in some cases
- Implement anti-poverty policies in cooperation with local authorities
- Ensure proactive implementation of tools against child abuse
- Set clear targets and timetables for reducing segregated school settings for children with disabilities