

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT**  
**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**THE NETHERLANDS REVIEW**

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**I. Justice System**

**B. Quality of justice**

*Accessibility of courts (e.g. court fees, legal aid, language)*

In its 2022 concluding observation, the UN Committee on the Rights of the Child expressed concern at the high prevalence of violence against children, including sexual exploitation and online violence and recommended to the Netherlands, among others, to ensure effective investigation of and intervention in all cases of violence against children and availability of legal support and child-friendly and confidential complaint mechanisms in residential care, mental health institutions, foster care systems and child protection services, and ensure that cases are promptly addressed. The Committee further recommended to ensure child-friendly asylum procedures for all children under 18 and that asylum-seeking and refugee children have access to justice mechanisms and remedies ([CRC/C/NLD/CO/5-6](#), paras 21 - 22 and 36 - 37).

*Training of justice professionals (including judges, prosecutors, lawyers, court staff)*

In March 2022, the UN Committee on the Rights of the Child in its concluding observation recommended the Netherlands to address the overrepresentation of migrant children in special schools and the justice system, including through mandatory training on non-discrimination for members of the judiciary, law enforcement officials and teachers ([CRC/C/NLD/CO/5-6](#), para. 15).

**C. Efficiency of the justice system**

**Other – please specify**

**Automatic immigration detention of Venezuelan migrants and asylum seekers, including children:** In March 2022, several Special Procedures mandate holders, including Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment entered into a dialogue with the Netherlands expressing concern at information they had received concerning the alleged use of automatic immigration detention of Venezuelan migrants and asylum seekers, including children, arriving irregularly to Curaçao, where they are held in dire conditions of detention for indefinite periods of time ([AL NLD 2/2022](#)).

**Children's rights and the business sector:** In March 2022, the UN Committee on the Rights of the Child in its concluding observation noted the introduction of legislation requiring businesses to apply due diligence, and the efforts to revise the national action plan on business and human rights. However, it was concerned about reports of the negative impact of the business sector, including in oil extraction and soy production, on children's rights and the environment and the lack of legal accountability for businesses that have violated children's rights. The Committee recommended that the Netherlands continue to examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the Netherlands' territory and establish monitoring mechanisms for the investigation and redress of

violations of children's rights, with a view to improving accountability and transparency ([CRC/C/NLD/CO/5-6](#), para. 13).

**Best interest of the child, respect for the child's view and administration of child justice:**

In March 2022, the UN Committee on the Rights of the Child in its concluding observation recommended the Netherlands to ensure that the **principle of the best interests of the child** is consistently applied in programmes and legislative, administrative and judicial proceedings and to abolish any age limit for the right of children to express their views in all issues concerning them and ensure that all children, including those under 12 years of age, can express their opinion and be heard in all decisions affecting them, including in courts and civil proceedings. In relation to the **administration of child justice**, the Committee recommended to: consider raising the age of criminal responsibility to at least 14 years and to review legislation to ensure the application of its child justice system to all children below the age of 18 years, as well as to prevent, limit the use of and monitor pretrial detention by ensuring that children who are arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of the deprivation of liberty or its continuation ([CRC/C/NLD/CO/5-6](#), paras 16-17 and 40).

**IV. Other institutional issues related to checks and balances**

**B. Independent authorities**

*Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions<sup>1</sup>*

In 2022, the UN Committee on the Rights of the Child in its concluding observations welcomed the ratification of the law establishing the children's ombudsman in Curaçao and the establishment of a national children's rights committee in Sint Maarten. The Committee recommended that the Netherlands expeditiously establish an independent mechanism for monitoring and promoting children's rights in Aruba, and ensure that such mechanisms in all constituent countries are in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and can receive, investigate and competently address complaints by children in a child-friendly manner ([CRC/C/NLD/CO/5-6](#), para. 11)

**Other – please specify**

**Universal Periodic Review (UPR):** The next Netherlands UPR review took place in 2022. Kindly note that the Report of the Working Group on the Universal Periodic Review with recommendations accepted by the Netherlands will be adopted during the next session of the Human Rights Council that will be held between 27 February and 31 March 2023.

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<sup>1</sup> Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>