

25 juli 2019

Child Rights Connect
Rue de Varembé, 1
1202 Geneva
Switzerland

Re: **Children's Rights in The Netherlands**
*Input to the List of Issues of the UN Children Rights Committee
prepared by the Partnership of
Dutch Organizations of Parents with Youth Care
("SamenwerkingsVerband van ouders met Jeugdzorg")*

Dear members of the UN Committee on the Rights of the Child

1. The *List of Issues Prior to Reporting* put forward by the broad Dutch NGO Coalition for Children's Rights ("the Coalition", a collective of about 80 different special interest groups, but with six key members¹) is very much focused on special cases such as (cross-border) adoptions, refugees, the education of children with disabilities, and the position of children's rights in (international) business and trade policies. Surprisingly, and unfortunately, the Coalition did not include any organization of parents with children subject to (voluntary) Dutch Child Care Services ("CCS") and/or (mandatory) Child Protection Services ("CPS").
2. In our opinion the Coalition should have focused on the structural defects of the Dutch Child Care SYSTEM that affects the rights of all 409.000 children in the Netherlands under the age of 18 with voluntary CCS (about 12.5% of all minors), and about 31.000 children with court imposed CPS². These figures are remarkable for a country whose youth consistently ranks amongst the happiest children in the world according to many surveys and UNICEF statistics³.
3. This submission has therefore been prepared by the Partnership of Parents with Child Care (hereafter "the Partnership"⁴). The Partnership consists of six independent parent organizations and one social media platform for such parents. On a yearly basis we and our many volunteers annually support and represent thousands of children and their (grand- / step-) parents with their struggles against the official Child Support Network ("CSN": see §10). Although all partners of the Partnership have different perceptions, focus, and specializations, we are united in our concern about the four main structural defects in the Dutch Child Care SYSTEM.
4. To understand our concerns, we first have to give a general description of the Dutch child care SYSTEM: from reporting signals of possible issues, till the court imposed CPS. In Chapter II we will highlight the four main structural defects of the current system, as well as the infringements by the State Party of the UN Convention on the Rights of the Child (hereafter "the Convention"). In Chapter III we briefly highlight the devastating results of the investigation by the Committee de Winter (June 12th, 2019). It concluded, amongst others, that three-quarter of the children under CPS between 1945 and now, have encountered physical, sexual or psychological violence whilst under mandatory CPS or have witnessed such violence. State Party has acknowledged its shortcomings, but again refuses to acknowledge the rights of children and parents under the Convention.

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I. INTRODUCTION TO THE GENERAL DUTCH CHILD PROTECTION SYSTEM

A. *Right to regular health care, special child care, and special Child Protection Services*

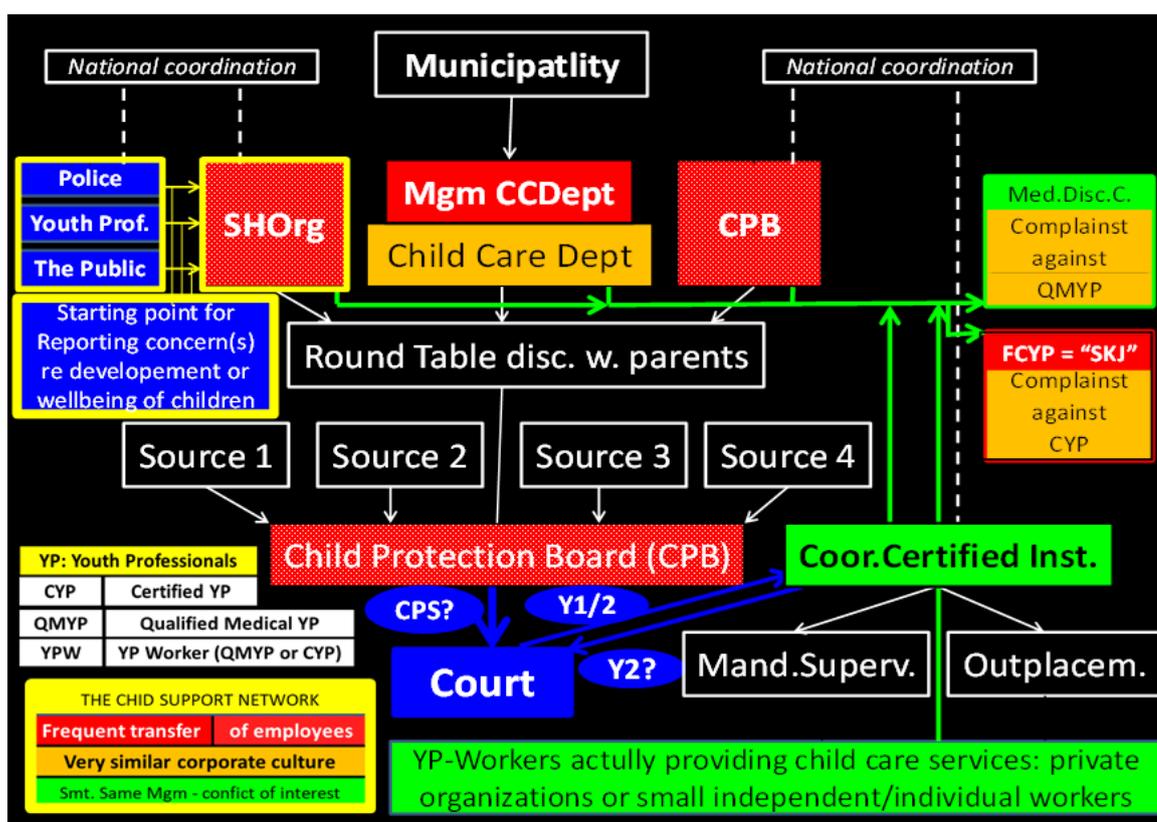
5. In cases of serious concerns about the (lack of) development or well-being of children, over and above the regular medical health care provide to all children free of charge, parents can request (voluntary) CCS from their local municipality and/or their own health insurance company. However, sometimes this is not possible or not enough. In such case special CPS may be imposed on parents by the courts. For the purpose of this submission we will solely focus on the issues associated with court imposed CPS.
6. In addition we have to distinguish between three types of Youth Professionals (“YPs”). First of all we have Certified YPs (“CYPs”). They are specially trained to care for children, but do not have a medical degree. This is the largest group of YPs, and they are customer-faced. Secondly we have the Qualified Medical YPs (“QMYPs”). They have an academic degree in a medical health discipline, for example child psychology⁵. They solely provide back-office support to their colleagues, the CYPs. QMYPs are qualified to establish medical diagnosis and recommend, prescribe, and give treatment. However, according to professional rules they are only allowed to do so, based on first-hand examination of their clients (i.e. the children). In practice the latter virtually never happens within the CSN. Thirdly we have YP-Workers. YP-Workers are those YPs (CYP or QMYP) who actually provide CCS and/or CPS to children as a commercial activity: see the overview below.

B. Procedure to impose court ordered special Child Protection Services

7. CPS can only be imposed if a serious concern about the development or well-being of a child exists, such concern is reported to the relevant authorities, support is required, and voluntary support proves impossible or is rejected by the parent(s) with parental authority.
 1. Reporting serious threats re the development or well-being of a child
8. Since 1st July 2013 all professionals who are likely to be in contact with children on a regular basis, such as doctors and schoolteachers, are required by law to report all suspicions regarding threats to the development or well-being of children (including Domestic Violence and/or Child Abuse, “DV/CA”) directly to the SHOrg⁶. The SHOrg is a national organization with 26 local chapters which are part of the local municipalities. In case of suspicion of DV/CA, SHOrg is, amongst others, required to establish if DV/CA actually did occur⁷. However, unlike the police the SHOrg is not equipped and not staffed to do so. Moreover, the SHOrg uses the widest possible definition of the term “threats to the development or well-being of children”, and solely applies subjective criteria to establish their existence (see §17). In addition the SHOrg has to advice what to do about these threats.
9. If SHOrg feels action is required, but parents disagree with the proposed solution, SHOrg will recommend to the Municipality to set up a Round Table discussion with parents, the Child Care Department (“CCD”) of the Municipality, the Child Protection Board (“CPB”), and SHOrg. The objective of this meeting is to decide if the CPB has to investigate and advice if mandatory CPS to be imposed by the courts. During such meetings baffled parents are often overwhelmed with the presence of anywhere between 5 and 15 YPs. At this stage the concerns about “*the (lack of) development or well-being of children*” is likely to be repeated without the child(ren) having ever been seen by a QMYP. The Round Table is solely meant, to hand over “the research” to the “investigator” (“*de Raadsonderzoeker*”) of the CPB.

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10. The Dutch Child Care SYSTEM



NOTE: all the YPs working for SHOrg, CCD, CPB, and CCI (see §12) are NOT YP-Workers. Meaning: they do not actually provide any CCS/CPS to children. Only the “YP-Workers” at the bottom of the schedule actually provide CCS and CPS to children. The five groups of YPs (SHOrg, CCD, CPB, CCI, and YP-Workers) are jointly referred to as the Child Support Network: see §17 below).

2. Round Table discussion – no solution: research by Child Protection Board

11. When it is decided at the Round Table that the CPB has to get involved, the CPB has the obligation to investigate and make a recommendation to the court regarding possible CPS. In order to come to its recommendation, an investigator⁸ will summarize the case and discuss the case with all relevant “sources”. These normally include both parents, the child(ren), the general practitioner⁹, teachers at school, YPs at SHOrg, and other relevant parties. The investigator summarizes the feedback received from the sources, and have them sign-off on their individual source-reports. As a matter of principle the investigator accepts the “perceptions” and “professional opinions and believes” expressed in the different source-reports, without the obligation to investigate the truthfulness and/or completeness of their content¹⁰. From these reports the investigator draws his conclusion(s). The background facts and circumstances, the entire source-reports, and the conclusion(s) of the Investigator are collated into a draft CPB-Report. Parents only get one week to comment on the draft CPB-Report, before the final report is submitted to the court. Individual source-reports will only be changed, if it contains very objective mistakes (e.g. wrong date of birth), or if the relevant source agrees with any specific change. For obvious reasons the latter will barely ever happen and/or takes more than one week to achieve. As a result the final reports delivered to the courts often contain many unsubstantiated “believes” and/or incorrect assumptions.

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3. The Family Court

12. The Court has three basic options: don't interfere and refer back to voluntary CCS; impose mandatory "Supervision"¹¹ of the parents by one or two guardian(s) of a "Coordinating Certified Institution" ("CCI") with broad powers to intervene; or "Outplacement"¹² of the child under the supervision of a CCI: the child is physically moved to a foster home or institution to be raised by third parties.

4. Secure quality standards of YP – Independent Complaints procedure

13. All CYPs, unlike management staff, are registered and certified by the Foundation for Complaints regarding YPs ("FCYP"). The FCYP certifies these YPs, and tries to uphold quality standards by providing a supposedly independent complaints procedure. However, FCYP was set up by three professional organizations of YPs to organize and facilitate the complaints procedures on behalf of these three organizations. FCYP complies with this assignment by using its Procedural Rules to check the actions and behaviors of YP against the different Professional Codes of Conduct drafted by the three organizations. Complaints against QMYPs can be filled with the Medical Disciplinary Committee ("MDC")¹³. It should be clear that the Codes of Conduct and the Procedural Rules are both drafted very much in favor of the CYPs/QMYP, and offer little protection to children and parents against incompetent and/or illegal behavior of CYP/QMYP¹⁴.

II. FOUR MAIN STRUCTURAL DEFECTS OF THE CURRENT SYSTEM

A. Decentralization, privatization and evasion of responsibility

14. The entire structure of Dutch CCS/CPS is focused on decentralization and privatization. Discussions about privatization of health care services started more than a decade ago with the promise that it would improve cost-efficiency and effectiveness. Full privatization was only achieved for the YP-workers who actually provide CCS and CPS. However, they never delivered on cost-efficiency and effectiveness. Moreover, it became more and more clear, that shrewd entrepreneurs are earning millions at the expense of quality of youth care¹⁵.

15. As from January 1, 2015, the situation was aggravated by the decentralization: all 393 municipalities were supposed to take over the responsibility for CCS and CPS¹⁶, but at the same time overall funding was reduced by 30%: classic cost-saving-exercise by State Party. The Municipalities were simply unable¹⁷ to accept this (financial) responsibility and legal liability, and as such fully "outsourced" all of their responsibility to the lowest bidders. The negative consequences of the decentralization are also acknowledged by the Coalition¹⁸.

16. This drive for decentralization and privatization had four major consequences. First of all the Municipalities were forced to negotiate bottom-prices with their subcontractors (CCIs and YP-workers). This strategy instantly forced these lowest bidders (private entrepreneurs) to avoid losses by maximizing the number of clients/children (in order to use economies of scale), whilst cutting corners when providing their services.

17. Several methods are used to (artificially) grow the number of new clients. First of all the entrance threshold to actually enter the system is lowered, by allowing SHOrg to use the widest possible definitions ("wide open doors"), and by refusing to perform adequate fact-finding (see structural defect number 2) to avoid abuse of the system ("no doorman"). To make things worse, State Party has been encouraging all individuals to even report remotely

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possible concerns about the safety and well-being of children to the SHOrg. Only one example: since August 27th, 2018, State Party also launched no less than three national campaigns to encourage every individual to step forward to report possible DV/CA¹⁹: “wide open doors”, “no doorman”, and a State Party who is actively encouraging its citizens to enter.

18. In addition to these three methods, the increase in (contested) divorces²⁰ and the awareness of specialized divorce lawyers that no fact-finding is performed at the entrance of the system, has led the system to actively being abused. The helplines of the members of the Partnership are flooded with questions by parents with children involved in contested divorces, whereby one or both parents (falsely) accuse the other parent of DV/CA. The strength of this weapon in contested divorces is clear: fighting parents are a potential threat to the development of children, an argument used by SHOrg to target CPS. Allowing false accusations to go unchallenged, exponentially increases the fighting between parents, and as such strengthens the positions of the accusing parent and SHOrg/the CSN. The accusing parent and the CSN clearly have a common objective: simply “believe” and confirm the allegations without fact-finding, and impose CPS to support the accusing parent to get control of the children at the expense of the accused parent. If it would be clear from the outset, that adequate fact-finding is performed at the entrance of the system, parents would be much less likely to voice false accusations, and disputes would be much easier to resolve. However, this does not seem to be in the best (financial) interest of the CSN, the (revenge-seeking) accusing parent, and the divorce lawyers.
19. In this respect it should be pointed out, that (possibly) unnecessary escalation of parental fighting (due to the known lack of fact-finding by the CSN), can easily result in loss of contact between the child(ren) and one or both (falsely accused) parent(s). In any case: according to Article 9(3) of the Convention, State Party has to “*respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis*”. At the moment thousands of children have lost virtually all contact with one or both parents as a result of the refusal to perform fact-finding, whereas the escape route (“*except if it is contrary to the child’s best interests*”) is not available, since no QMYP within the CSN does actually establish what “is” in “*the child’s best interests.*” At the moment society starts to realize, that “parental alienation” is a form of child abuse and should be avoided at all costs.
- 20. Question 1: When is State Party going to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. Article 18 of the Convention.**
21. Secondly, local municipalities are focused on risk-avoidance, and only accept the most basic coordinating- and administrative responsibilities. Many local municipalities were unable (or refused) to hire qualified staff to manage their often hundreds of private subcontractors. As a result there is no competence at municipality (and State Party) level to assess the quality of the work performed by the CSN. Some municipalities even choose to outsource management of their Child Care Department (“CCD”) to (managers of) their own subcontractors. Due to the obvious conflict of interest of these managers, it should be clear that the relevant CCD of the Municipalities are often grossly mismanaged. In addition some public organizations are managed by the same individuals as the private organizations that depend on decisions of those public organizations²¹.

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22. As a third consequence of the decentralization and privatization, YPs (often with the same or similar training, education, and employment history) were divided between private organizations (the CCIs and private/institutional YP-Workers) and public organizations (SHOrg, CCD of Municipalities, and the CPB), but regularly move between them. This cross-pollination resulted in comparable corporate cultures, strong loyalties between the major players and their employees, enforced established perceptions of the roles and status of YPs (“WE know what is best for the child”), parents (“who have failed as parents”), and others, and created a common concern (lack of budget) as well as a deeply rooted awareness of the need to solicit “clients”. For the remainder of this paper these five organizations are jointly referred to as “the CSN”.
23. The four consequence of the failed decentralization are the attempts to conceal the truth about what’s going on. Organizations like LOC and NJI (see below) are used to document that parents support the reorganization, whereas SHOrg is allowed to supply statistical information that is so confusing, that it cannot be used to support policy decisions²²
24. Finally it should be clear, that especially as a result of the privatization and decentralization, the large available overall budget, the lack of qualified supervision at all governmental levels, the deeply rooted and shared corporate culture of the entire CSN, and the often intertwined management structures, this CSN is prone to fraudulent practices. As such it should not come as a surprise, that the central coordinator for fraud within the health care sector recently investigated whether there was link between potentially fraudulent behavior of health organizations, and criminal convictions of their upper management. On July 4th 2019 the results were published. In total 53 directors of 41 identified organizations were investigated. Out of 53 directors 30 proved to have a criminal record, and 24 had already been convicted²³. On the 26th of June 2019 it was also announced, that the Ministry of Health, Welfare & Sport²⁴ is investigating artificial financial structures in the health care sector.
25. Notwithstanding the forced decentralization, the members of the CSN quickly realized that (the continuation of) cooperation at a national level is essential to protect their (profit oriented) interest against (quality and support oriented) interest of parents and children. As such the SHOrg created their own National Network of SHOrg²⁵, and the CCIs got united in the Association “Jeugdzorg Nederland”²⁶. The CPBs are centrally managed and coordinated by the Ministry of Justice & Safety, and the Municipalities are united in the Association of Dutch Municipalities²⁷. These co-operations are extremely well organized, well-funded, and powerful. Their power is increased even more, by extreme efforts to block parents from getting organized and being heart: see §37-41.
26. **Question 2: Given these logical consequences of the decentralization, privatization and cost-saving exercise, what actual steps has the State Party taken to:**
- A. **comply with its obligation under Article 3(1) of the Convention, and avoid a shift from “quality and support oriented” actions “in the best interest of the child”, to a purely “profit oriented” industry not managed by the State Party, but at best poorly managed by local municipalities which have fully outsourced all of their responsibilities?**
- B. **“ensure” compliance with its obligations under Articles 2(1), 2(2), 3(2), 3(3), 9(1), 18, and 24?**
- B. *Refusal to perform adequate fact-finding research*
27. For decades all YPs within the CSN have passionately argued that “facts don’t exist” and “everybody is entitled to his own opinions and/or perceptions”. Nobody in the entire CSN

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feels responsible to perform adequate fact-finding research in order to establish the actual situation and/or the actual needs of children (and parents). YPs not only refuse to perform any kind of research into facts and circumstances, but even refuse to take note of (counter) evidence submitted to them by parents. Moreover, the opinions of CYPs expressed in official reports (e.g. submitted to courts) are hardly ever based on professional opinion of a QMYP. The latter is also impossible, since QMYPs function as back-office support to CYPs, and per definition never examine children first-hand.

28. On December 4th 2008 fourteen lawyers (specialized in children’s rights) made a public statement about wrongdoing by CSN and the disrespectful way in which parents and children were treated by these organizations. This resulted in a national congress (“Zorg om de Jeugd zorg”) on 24 april 2009. Over 544 representatives of all relevant health services, lawyers, academics, and parent organizations had a lively debate. This resulted in the 2010 publication by academics of the Erasmus University²⁸. Nothing was done with the outcome of the Congress and the publication by the Erasmus University.
29. In 2013 the Dutch children’s ombudsman (Mr Dullaert) was asked by Parliament to look into the lack of fact-finding by the CSN. In December 2013 he offered his devastating report²⁹ to the Dutch Parliament. Mr Dullaert pointed out, that within the CSN no adequate fact-finding was performed by any organization or individual YP-worker. He urged ALL YPs to base their decisions “as much as possible” on facts. He even listed six Minimum Quality Requirements for reports drafted by YPs. Even though his report was unanimously accepted by Parliament, and supposedly codified (see §30 below), up to today all YPs (even CYPs working for CCIs) still refuse to perform any kind of fact-finding: even in 2019 lawyers of YPs categorically state during complaint procedures and in civil proceedings, that they “will not” perform any “*fact-finding research*”, simply because it is not part of their job description. The FCYP and MDC obviously support this position of their members by not requiring fact-finding, and the judiciary have been set aside by the legislator through the codification of Article 3.3 Youth Act (“*Jeugdwet*”): see §30 below.
30. **Question 3: Given the total refusal to perform any kind of fact-finding research by the entire CSN, how does the State Party comply with its obligation under Article 3(2) (ensure “*the child such protection and care as is necessary for his or her well-being*” and Article 9(2) of the Convention (ensure “*that such separation is necessary for the best interests of the child*”)? At which stage in the procedure, does which QMYP, using which qualified medical method determine what is “*necessary*” for any particular child? How is compliance monitored and enforced?**

C. Poorly drafted legislation

31. Only two examples of how laws obviously designed to give explicit rights to parents (as representatives of their children), are actually reversed by other provisions.
1. No obligation to perform fact-finding research, but legal assumption to the contrary
32. In 2014 the above mentioned report by Mr Dullaert resulted in the codification of article 3.3 Youth Act (“*Jeugdwet*”). It states:

“The Child Protection Board and the Certified Institutions are required to list all relevant facts complete and truthfully in their reports or request papers”

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33. Instead of being worded as an instruction to YPs to perform adequate fact-finding research whilst preparing reports and requests, this poorly drafted provision has ever since been interpreted and (ab)used as a legal presumption that all reports and requests by the CPB and the CCI DO represent the full truth. Given the second structural defect mentioned above it should be clear that this assumption is fundamentally flawed, and is a serious violation of the separation of powers (“trias politica”): it basically eliminates all judiciary review by virtually forcing judges to endorse the recommendations by CPB and/or CCI, and as such violates at least Articles 9(1) and 12(2) of the Convention.

34. Question 4: Why doesn't the State Party correct this “legal presumption”, given the fact that all YPs within the CSN (including CPB and CCI) openly refuse to perform any kind of fact-finding research? When is State Party to going require adequate fact-finding from the CSN, and impose sanctions on non-compliance?

2. Legal rights to receive, review, and correct files: all frustrated

35. Officially Dutch law gives parents the right to request copies of files regarding their children, as well as the right to correct the content of those files. However, the powerful CSN has also managed to nullify these rights. According to article 7.3.8. Youth Law³⁰ each YP has the sole discretion to determine the content of “the file”. In other words: if and when a YP is being challenged before the courts, FCYP, or MDC, the YP-Worker can take at least four weeks to clean the file from all incriminating evidence. Courts have often confirmed that, given current legislation, parents have to prove that information is missing in the file, and even if they manage to do so, the sole discretion to determine the content of the file rests with the YP: case closed.

36. Officially a copy of the file has to be provided within four weeks³¹. However, very often it takes several months before parents get the copy. No sanction for non-compliance is provided for.

37. Moreover, several years ago, the CSN of Amsterdam decided to no longer include all (e-mail) correspondence in the file. Instead, it was internally agreed that very vague summaries of such communication would be sufficient³². This became known as the replacement of “contact journals” by “Logs” (“logboeken”). Ever since, this practice has been adopted by virtually all members of the CSN. Together with article 7.3.8. Youth Act (“Jeugdwet”) this has dé-facto also eliminated the rights of parents under the General Data Protection Regulation that became effective on May 25th, 2018³³.

38. Question 5: Why does the State Party introduce legal provisions (such as article 7.3.8), and grant pseudo-legislative powers to the CSN to frustrate legal rights of children and parents under the General Data Protection Regulation, as a result of which Articles 3(2), 5, 7, and 9(1) of the Convention can be infringed without judicial review being available? What is State Party going to do about this violation of the GDPR and the Convention?

D. Input and opinion of parents are structurally ignored

39. Most members of the CSN are required to have a Client Representative Body (“CRB”). However, even if they comply, most CRBs do not function properly, because the members of the CSN, fully control the composition, budgets, and activities of their CRBs. Furthermore, and unlike the five members of the CSN, the CRBs are not coordinated at a national level.

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40. The Foundation LOC³⁴ did coordinate CRBs in other health sectors, and in 2016 the Ministry of Justice and the Ministry of Health Welfare & Sport selected LOC to also be the spokesperson for parents with CCS/CPS. However, LOC is a one-man Foundation that only runs a social media “platform” solely designed to facilitate communications between CRBs. In 2017 and 2018 LOC was given a subsidy by the Ministry of Health Welfare & Sport to look into the lack of “fact finding” within the CSN. LOC organized five focus groups, four regional meetings and a national congress to do so. However, during all events the opinion of parents was diminished to a minority voice, and basically ignored. In return for a subsidy, and the promise for future subsidies, LOC was admitted into the CSN, and refused to consult and represent parents. At the end of May 2018, LOC’s fact-finding Project ended in an official “Improvement Plan” which the Ministry of Justice drafted with the help of the CSN (including LOC), and submitted to Parliament. This Improvement Plan was widely rejected by all real parent organizations. Almost 3.000 parents signed an official petition against LOC and the official Improvement Plan³⁵.
41. On June 5th 2018 the Partnership submitted its own “Alternative Improvement Plan” to Parliament³⁶. However, at that stage the Ministry of Justice, the CSN, and LOC already secured enough political support for their official Improvement Plan.
42. In April 2019 it was announced that the Dutch Youth Institute³⁷ also received a subsidy to largely repeat the “research” supposedly performed by LOC in 2017/2018. NJI announced it was also going to organize focus groups and regional meetings. Moreover, again the focus groups consist for the vast majority (i.e. no less than 75%) out of YPs. To make sure that parents are not represented properly, NJI (actively assisted by LOC) also implemented a totally non-transparent procedure to select parent-participants, whereas all YP-participants were carefully selected by their own organizations. The Partnership has officially challenged the dubious procedures used by NJI to perform their so-called “research”, but obviously never got a substantive response³⁸.
43. During the 2017-2018 LOC-project the legal department of the Erasmus University was initially invited to comment on the systematic violations of the legal rights of parents and children during the CPS-procedures. However, given their academic criticism of the existing system, their suggestions for improvements were also patronized and ignored by LOC and the Ministry of Justice.
44. **Question 6: Parents’ rights and duties have to be “taken into account” (Article 3(2)) and “respected” (Article 5). Why does State Party allow a one-person private foundation that does not represent any parent to misrepresent concerns by parents, and block legitimate (Partnerships of) parent organizations from being heard? When and how is State Party going to allow legitimate (Partnerships of) parent organizations to be heard over and above State selected commercial entrepreneurs who solely pretend to represent parents, and in return for subsidies support the commercial interests of the CSN? When is State Party going to realize, that the structural defects and profit oriented business model of its CSN is at the base of the existing problems?**

III. Negligence on behalf of State Party

45. On June 12th, 2019, the official Dutch News reported as follows:

*“Three-quarter of the children under CPS between 1945 and now, have encountered physical, sexual or psychological violence **whilst under CPS** or have witnessed such*

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*violence. In most cases it involved psychological violence. About 10% confirmed to have been subject to physical or psychological violence often or even very often*³⁹.

46. This was the conclusion of the Commission de Winter⁴⁰ after extensive research between July 2015 and June 2019. On June 12th, 2019, the Dutch Government has accepted the conclusions of the Committee, and again promised improvements to be made⁴¹. However, the outcome of the Commission could not have come as a surprise. Above we have highlighted that over the last 70 years the warning signals by parents have constantly been ignored and patronized. The State Party has actively facilitated the state run CSN to maintain the structural defects that have allowed these crimes to be committed against children in violation of article 19 of the Convention. Still, State Party continues to ignore parents. In its official acceptance of the conclusions of the Committee de Winter, the government promised to review and implement the recommendations of the Committee. However, twenty-four times they promise to do so in cooperation with representatives of the CSN (those responsible for the crimes) and “*children*”. In the entire six page response, “*parents*” of the currently 31.000 victims of the CSN are only mentioned ONES.

47. Question 7: When and how is State Party going to stop the CSN from committing the crimes confirmed by the Committee de Winter, and prohibited by Article 19 of the Convention?

48. Question 8: When and how is State Party going to invite legitimate (Partnerships of) parent organizations (actually representing parents with rights granted to them under Articles 3(2), 5, and 7 of the Convention) to also be directly included in the review and implementation procedures regarding the recommendations of the Committee de Winter?

IV. CONCLUSION

49. Only last month the Commission the Winter revealed major and structural child abuse of children under supervision and control of State Party between 1945 and now. Above we have documented the four structural defects of the Dutch Child Care SYSTEM (privatization / decentralization, refusal by the CSN to perform adequate fact-finding, poorly drafted legislation, and the use by State Party of fake parent representatives) that have allowed this to happen.



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On behalf of the Partnership of Parents with Child Care
(het “SamenWerkingsVerband van Ouders met Jeugdzorg”):

- Belangenvereniging IKZ, t.a.v. mevr Vera Hooglugt (voorz.), info@bvikz.nl;
website: <http://bvikz.nl>
- Coöperatie Ouderkracht voor 't Kind, mevr D. v Doremalen, Weerdsingel OZ 31, 3514 AB Utrecht;
website: <http://www.ouderkrachtvoortkind.nl/>
- ME/CVS Vereniging, mevr A. Noorlander, contact@me-cvsvereniging.nl;

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- website: <https://www.me-cvsvereniging.nl/>
- Platform Herkenouderverstoting, secretariaat@herkenouderverstoting.com;
website: <https://www.herkenouderverstoting.com/>
 - Stichting KOG, t.a.v. secretariaat KOG, Koninginneweg 90, 2012 GR Haarlem,
kog@upcmail.nl;
website: <https://www.stichtingkog.info/>
 - Stichting Passage, dhr Sipke Baarsma, Muzenplein 113, Den Haag,
passage@stichtingpassage.eu
website: <http://www.stichtingpassage.eu>
 - Stichting Vader Kennis Centrum, secretariaat@vaderkenniscentrum.nl;
website: <https://vaderkenniscentrum.nl/>

¹ The Coalition consists of six key members (i.e. Defence for Children, Kinderpostzegels, the National Youth Council -Association “Nationale Jeugdraad”, <https://www.njr.nl/nl/over-njr/>-, Save the Children, Terre des Hommes, and UNICEF The Netherlands), and has the Netherlands Youth Institute (“Nederlands Jeugdinstituut”, <https://www.nji.nl/>: a research organization predominantly financed by subsidies from the central government) as their advisor. The National Youth Council is an Association of legal entities that represent youngsters.

² See <https://www.cbs.nl/nl-nl/artikelen/nieuws/2019/18/428-duizend-jongeren-in-jeugdzorg>

³ See <https://www.telegraph.co.uk/family/parenting/raise-worlds-happiest-children-time-went-dutch/> and <https://www.asktherightquestion.org/children-netherlands-happiest-kids-whole-wide-world/>

⁴ “het SamenwerkingsVerband van Ouders met Jeugdzorg”

⁵ “GZ psychologen”

⁶ Veilig Thuis: <https://veiligthuis.nl>

⁷ Article 4.1.1. Wet Maatschappelijke Ondersteuning

⁸ “raadsonderzoeker”

⁹ “huisarts”

¹⁰ During the procedure many parents focus their hope on the “investigator” of the CPB. However, even the “investigator” refuses to check and/or evaluate facts. This is also the overwhelming experience of the volunteers working for the members of the Partnership. Even in cases where different sources contradict each other on vital elements, and only marginal research is required to come up with the true facts, the investigator is not required by the rules and procedures of his employer to perform such adequate fact-finding research. All this is well-documented and confirmed in many complaints procedures.

¹¹ “Ondertoezichtstelling”

¹² “Uithuisplaatsing”

¹³ “(Regionaal) Medisch Tucht College”, <https://www.tuchtcollege-gezondheidszorg.nl/>

¹⁴ On January 25th, April 15th, and May 21st 2019 the Partnership has submitted letters to the Board of FCYP/“SKJ” in which we express our concerns about the biased Codes of Conducts of the Professional organizations and the Procedural Rules of FCYP/“SKJ”. On July 25th 2019 we had a meeting to discuss the unsatisfactory answers (on March 29th, and June 12th, 2019). Although the result still has to be assessed, it became clear that FCYP is mainly interposed to camouflage the biased self-regulation of the Professional Organizations. Copies of the letters and/or summary translations of the main issues will be provided upon request.

¹⁵ See <https://www.1limburg.nl/miljoenenwinsten-op-jeugdzorg-zuid-limburg>

¹⁶ See <http://www.youthpolicy.nl/en/Download-NJi/Publicatie-NJi/Children-and-youth-support-and-care-in-The-Netherlands.pdf>

¹⁷ CCS and CPS are very complex, and as a result of the privatization consist of many players. It is impossible for all local municipalities to hire sufficiently competent staff to understand all implications and be able to manage the hundreds of private entrepreneurs offering CCS and CPS with only one objective: maximizing profits at all costs. See Question 1 and violation of article 3(1) of the Convention.

¹⁸ The Coalition already mentions the same structural problem in its introduction, but uses an euphemism (“do not always”) to describe the situation: “*The decentralisation of government tasks – especially youth care – to municipalities, which started in 2015, influences many issues on this list. The Coalition observes that the parties involved do not always bear the Convention on the Rights of the Child (CRC) in mind*”.

¹⁹ See <https://www.ikvermoedhuiselijkgeweld.nl/> and <https://www.opvang.nl/site/item/overheids campagne- een-veilig-thuis-daar-maak-je-je-toch-sterk-voor.>

²⁰ See <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/83519NED/table?ts=1561709236015>

²¹ E.g. the CCI for Limburg (“Bureau Jeugdzorg Limburg”, a private organization) has the same Managing Director and exactly the same Supervisory Board (“Raad van Toezicht”), as the SHOrg for North- and Middle Limburg (“Veilig Thuis Noord- en Midden Limburg”: a public organization): page 3 of Bestuursverslag 2018.

²² In fact, there is lots of uncertainty about the actions taken by SHOrg. Twice per year the SHOrg is required to provide statistical information about their work and performance to the Central Bureau of Statistics. Even though SHOrg has been operational since January 1, 2015, and was a continuation of an ongoing operation, SHOrg is still not able to provide reliable information. In their last report, over the second half of 2018, the CBS recommends: “great restraint in the use of the figures presented in this report” (“adviseert het CBS grote terughoudendheid bij het gebruik van de in dit rapport gepresenteerde cijfers”: <https://www.cbs.nl/nl->

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[nl/publicatie/2019/18/beleidsinformatie-veilig-thuis-2e-halfjaar-2018](https://www.rijksoverheid.nl/publicatie/2019/18/beleidsinformatie-veilig-thuis-2e-halfjaar-2018)). The information provided by the 26 different regional offices is inconsistent and cannot be used to compare regions and/or provide a reliable overview at a national level.

²³ het rapport "Strafrechtelijke antecedenten bij vermoedens van zorgfraude":

<https://www.ikz.nl/actueel/nieuws/2019/07/04/bestuurders-frauderende-zorgorganisaties-onder-de-loep> .

²⁴ "Ministerie van Volksgezondheid, Welzijn, en Sport"

²⁵ Landelijk Netwerk Veilig Thuis : "Ons land telt 26 regionale Veilig-Thuisorganisaties (VT's) die met elkaar voortdurend werken aan verbetering van de kwaliteit van hun werk. Daartoe hebben zij zich verenigd in het Landelijk Netwerk Veilig Thuis (LNVt)": <https://veiligthuis.nl/landelijke-afspraken/>

²⁶ <https://www.jeugdzorgnederland.nl/onze-leden/>

²⁷ "Vereniging van Nederlandse Gemeenten": <https://vng.nl/>

²⁸ "Zorg om Jeugdzorg", 2010, J. uit Beijerse, K. Logtenberg en M.P.G. Rietbergen / Boom Juridische uitgevers, ISBN 978-90-8974-281-0

²⁹ "Fact-finding as a starting point for major decision in child care cases" ("feitenonderzoek aan de basis van ingrijpende jeugdzorg beslissingen"),

<https://www.dekinderombudsman.nl/zoeken?keys=ls+de+zorg+gegrond%3F+Analyse+van+het+feitenonderzoek+aan+de+basis+van+ingrijpende+jeugdzorgbeslissingen>

³⁰ Artikel 7.3.8. van de Jeugdwet

³¹ Paragraaf 3.3 of Privacy reglement Gecertificeerde Instellingen

³² The logbook would read for example: "Five e-mails by the mother about several topics". Even though it was established by the court that these five e-mails were not confidential, the courts had no means to force the CCI to release the actual e-mails.

³³ "Algemene verordening gegevensbescherming (AVG)"

³⁴ Stichting Landelijk Overleg Cliëntenraden, Stichting LOC, <https://www.loc.nl/>

³⁵ See <https://petities.nl/petitions/waarheidsvinding-en-rechtsvinding-in-de-jeugdbescherming?locale=nl>

³⁶ Available upon request

³⁷ "Nederlands Jeugd Instituut": "The Netherlands Youth institute is the knowledge centre committed to collecting, enriching, interpreting and sharing topical knowledge on youth, professionalism and the youth services infrastructure.", <https://www.nji.nl/> and <http://www.youthpolicy.nl/>. Even though it's annual accounts are not very clear, it seems that over 90% of its income comes from government subsidies.

³⁸ Two letters dated 8 May 2019 and 16 May 2019: copies available upon request

³⁹ <https://nos.nl/nieuwsuur/artikel/2288728-onderzoekscommissie-veel-geweld-in-de-jeugdzorg-en-het-is-nog-steeds-niet-voorbij.html> and <https://www.commissiegeweldjeugdzorg.nl/>

⁴⁰ See <https://www.commissiegeweldjeugdzorg.nl/eindrapport/index.aspx>

⁴¹ See https://www.commissiegeweldjeugdzorg.nl/binaries/Kabinetsreactie%2012-06-2019%20op%20het%20Eindrapport%20van%20de%20Commissie-de%20Winter_tcm18-393812.pdf

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