

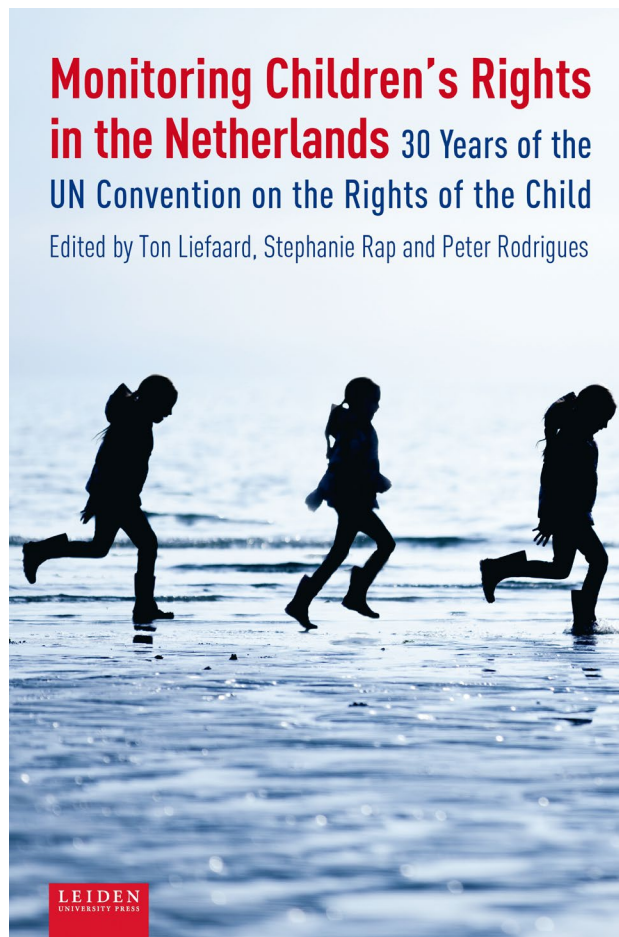
Review

**Ton Liefwaard, Stephanie Rap and Peter Rodrigues (eds):
*Monitoring children's rights in the Netherlands:
30 years of the UN Convention on the Rights of the Child***

Leiden: Leiden University Press, 2019. 127 p.

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Reviewed by Paul Vlaardingbroek



As is common knowledge, the United Nations International Children's Emergency Fund (UNICEF) advocates for children in every country around the world. UNICEF regularly publishes reports on the state of childhood, children's education, education equality, and children's health and welfare to help understand what the needs are. Several years ago, UNICEF ranked countries in order of children's happiness. The Netherlands is placed at the top of this list. According to the ranking criteria, Dutch kids' education, their material well-being, their behaviours, and the relatively minimal risks they face, were considered to be the most ideal globally. The happiness of Dutch children is attributed to a non-competitive, low-stress school culture and a good work-life balance for parents, among other reasons. Of course, it is nice to read children in the Netherlands seem to be so very happy. However, the question arises whether this ranked list really is a mirror of the position of children in the Netherlands. In the book *Monitoring children's rights in the Netherlands: 30 years of the UN Convention on the Rights of the Child* that I reviewed, one finds a much more critical approach to the situation of children in the Netherlands.

This book is the first volume of a new – bi-annual – academic series on the monitoring of children's rights, specifically in the Kingdom of the Netherlands. This series aims to capture the development of children's rights in the Netherlands and in doing so to contribute towards understanding of the dynamic around children's rights' implementation and monitoring in the Netherlands.

The editors of the book (Ton Liefaard, Stephanie Rap, and Peter Rodrigues) live in the Netherlands and are very well informed about children's rights and the legal status of children in that country. As an example of what issues authors in the book focus on, I can mention the chapter on "The protection of children's personal data in a data-driven world: A closer look at the GDPR from a children's rights perspective" by Simone van der Hof, Eva Lievens, and Ingrida Milkaite. They conclude that children are (too) often confronted with the use of their data by unknown persons and, for instance, agency providers. Even very young children are daily users of mobile phones, computers, game consoles, internet-connected toys, fitness trackers, GPS trackers and many other modern technologies. It is amazing to see how the internet has changed our daily life and how young some children are who find their way around the internet, with all the inherent risks, such as the use by others of their personal data, private photos and movies that can be sent to anyone. The General Data Protection Regulation (GDPR) guarantees each person the right to protection of personal data and so, the GDPR also fully applies to children as data subjects. However, it is not always clear how exactly the rules are interpreted with regard to children. In their contribution, the authors give a variety of examples of problems and risks that may arise for children in our data-driven society. They also found that – until recently – data protection and

children's rights were two separate worlds. They further conclude that the GDPR offers sufficient possibilities for these two worlds to intersect with each other and to grow together in the long run. As they see it, courts and Data Protection Impact Assessments (DPIAs) will have to interpret the relevant provisions in more detail. They are pleased that the European Data Protection Board (EDPB) has planned to issue guidelines on children's data. They also welcome the initiatives of the Council of Europe and the UN Committee on the Rights of the Child (78, 117-119, 121). In my opinion, this is a very interesting chapter, because it gives a good overview of the developments in better protecting children through regulations. The question arises whether more and better regulations will give children better data protection. The role of parents, guardians, teachers, social care workers, and the like in protecting children against the risks of using modern technology and the prevention of data is as important as creating better and more regulations. Therefore, it is crucial that all children be properly informed about the risks of using the internet, mobile phones, and so on, before they enter the digital world. Here, then, lies an important task in the field of prevention for governments. Although this chapter is not specifically confined to Dutch children, it is very interesting because of the emphasis the authors place in their plea for better personal data protection of children everywhere.

In "New frontiers in the monitoring of children's rights" Ann Skelton focuses on the wide range of issues that must be monitored by the Commission on the Rights of the Child (CRC). She is concerned about the workload of the CRC, because the work of the CRC spans an incredibly wide range of issues that must be monitored in 196 countries. Tasks of the CRC are extensive and complex and will become more so as every year a growing number of children claim remedies to the violation of their rights.

In yet another chapter, which will be of special interest to experts outside the Netherlands engaged in comparative studies, we find a noteworthy and critical "Report on the rights of children in the Netherlands 2016-2018." In the first part of this report, key facts and figures are given about the (legal position of) children in the Netherlands. It is remarkable that one third of all youngsters has drunk alcohol, while 6% of children has smoked and 6% has used cannabis in the past 12 months prior to being interviewed. Many children grow up in a single-parent family and a great number of them have a higher risk of growing up in poverty, experiencing social exclusion and/or more health problems. Indeed, too many children grow up in low-income households with often negative consequences, including poverty, unhealthy food intake, health problems, language delay, difficulties at school, including with their academic performance. The chapter also provides statistical data on the protection of children, on children in the justice system (juvenile delinquency, victims) and on children on the move. In 2018

almost 5000 young asylum seekers came to the Netherlands to find a safer and better place to live there. Remarkably, a number of these young children disappeared during the asylum procedure, while the authorities do not know where they went (family?, prostitution?, criminality?). In 2019, that number was 480 children.

Statistical information has been considered along three themes: inclusion and exclusion, safety and security and participation, and access to justice and citizenship. All three themes have been elaborated on and give a good insight into the legal position of children in the Netherlands. The authors conclude that children's rights need to be given more specific attention by the Dutch authorities and the Committee on the Rights of the Child, especially regarding child justice, the sale of children, child prostitution, child pornography, and children's rights in relation to the digital environment. I think another issue could be mentioned, namely the natural environment of children, which cries out for close attention too.

When looking at the figures that are annually collected by UNICEF, the conclusion could be drawn that children living in the Netherlands are the happiest in the world. However, the book's numbers paint an unvarnished, realistic view of problems and concerns about Dutch youth. The figures regarding youth care reveal that about 11% of all children of minority age in the Netherlands received care in 2019. The number of children with care even increased over the last three years. Unfortunately, (too) many children are confronted with discrimination, exclusion and even with poverty in this small country, despite the Netherlands being one of the richest countries in the world. The authors provide – in my view – an accurate description of the problems with which Dutch children are confronted.

I recommend this book to those who wish to have a closer look at the statistical data on children who grow up in the Netherlands. Certainly, it offers important insight concerning a variety of problems with which Dutch children are confronted. I was impressed by the professional and critical discussions contained in all the contributions in this edited volume, which together provide a good mixture of statistical data and in-depth information based on the literature and jurisprudence.

About the reviewer

Paul Vlaardingerbroek is professor emeritus of family and youth law at Tilburg University (Netherlands), Deputy Judge at the District Court of Rotterdam and Deputy Judge at the Court of Appeal in 's-Hertogenbosch. Previously, he served as president of the International Society of Family Law and as chair of the youth section at the Council for the Administration of Criminal Justice and Protection of

Juveniles. He earned his Ph.D. from the Katholieke Universiteit Brabant (Netherlands) in 1991. Among his publications, he co-authored *De bijzondere curator, stem voor het kind in het recht* (Uitgeverij SWP, 2017, with Veronica Smits, Liesbeth Groenhuijsen, and Marjolein Rietbergen), about the role of court-appointed legal guardians in the Netherlands.

