



**IDA's Compilation of Disability
Related Extracts of Concluding
Observations of the Committee on
the Rights of the Child**

**CRC Committee's 89th session
(31 Jan 2022 - 11 Feb 2022)**

Committee on the Rights of the Child - 89th session - 2022	
Total number of Concluding Observations	3
Number of countries receiving recommendations on persons with disabilities	3
Percentage of countries receiving recommendations on persons with disabilities	100%
Number of recommendations including explicit references on disability	36

CYPRUS - CRC/C/CYP/CO/5-6

MADAGASCAR - CRC/C/MDG/CO/5-6

NETHERLANDS - CRC/C/NLD/CO/5-6

Official versions of Concluding Observation are available on the website devoted to the session [here](#).

Allocation of resources

10. The Committee takes note of the explanation by the State party of the difficulties and delays that it confronted in the implementation of budget reforms providing for allocations for children by 2021. In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party take advantage of its new financial framework to:

- (a) Integrate a child rights-based perspective to budgeting by clearly specifying the amount and proportion of the State budget allocated for the implementation of children's rights;**
- (b) Define budget lines for children in disadvantaged or vulnerable situations, including children with disabilities, children belonging to minority groups and asylum-seeking, refugee and migrant children, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**
- (c) Establish mechanisms to evaluate the adequacy, efficacy and equity of the distribution of resources allocated for the implementation of children's rights.**

Data collection

11. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, and recalling its previous recommendations, the Committee urges the State party to establish a centralized comprehensive system for data collection on children's rights that covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability status, geographical location, ethnic and national origin and socioeconomic background, and to strengthen data collection and analysis with regard to children with disabilities, asylum-seeking, refugee and migrant children, children who are victims of crime and in relation to access to social, welfare and health-care services.

Dissemination, awareness-raising and training

13. The Committee, while taking note of the awareness-raising efforts and training targeting professionals in various areas, recommends that the State party:

- (a) Strengthen its awareness-raising programmes to make the Convention and the Optional Protocols thereto known by the general public, including among parents and children themselves, and actively involve children in such activities;**
- (b) Ensure that all relevant professionals receive mandatory training on the rights of the child and the rights of children requiring special protection, including children with disabilities, asylum-seeking, refugee and migrant children and children who are victims of crime;**

Cooperation with civil society

14. The Committee welcomes the State party's support provided to civil society, including the grants-in-aid scheme, and recommends that the State party systematically involve all children's groups and non-governmental organizations working for children, including children with disabilities and asylum-seeking, refugee

and migrant children, in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children and in the preparation of reports under the Convention.

Non-discrimination

17. The Committee welcomes the adoption and implementation in schools of the Code of Conduct against Racism and the Guide for Managing and Recording Racist Incidents and the measures taken to improve access to education and health care for children in situations of vulnerability. However, it remains concerned about the lack of:

(d) Access to inclusive, mainstream and non-segregated education for children with disabilities, children belonging to minority groups, asylum-seeking, refugee and migrant children, children from socioeconomically disadvantaged families, children in alternative care, Roma children and other children in situations of vulnerability.

18. Recalling targets 5.1 and 10.3 of the Sustainable Development Goals and the Committee's previous recommendations,¹ the Committee recommends that the State party:

(d) **Collect data, disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, to assess the magnitude of discrimination against children on various grounds;**

(f) **Intensify its measures to ensure that children with disabilities, children belonging to minority groups, asylum-seeking, refugee and migrant children, children from socioeconomically disadvantaged families, children in alternative care, Roma children and other children in situations of vulnerability have access to health care, social services and inclusive and mainstream education and ensure regular and systematic monitoring and impact assessments of the measures taken.**

Respect for the views of the child

20. The Committee is concerned about the insufficient recognition of children as subjects of rights and that the views of children are rarely heard, in particular regarding migration and education matters. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) **Promote and ensure the recognition of children as subjects of rights;**

(b) **Abolish any age limit on the right of children to express their views and ensure that the right of the child to be heard in relevant legal proceedings, including those on asylum, is enshrined in legislation and effectively implemented, in particular by establishing systems and/or procedures for courts and professionals working with and for children to comply with the principle and by building their capacity to use such systems and procedures;**

(c) **Ensure that the participatory structures, including the Children's Parliament, the central student councils, the Youth Advisory Committee, and the Youth Board, represent children with distinct ethnic, religious, linguistic and cultural backgrounds, as well as children with disabilities, and are provided with adequate resources to fulfil their mandates;**

Children deprived of a family environment

27. The Committee is concerned about the following:

- (a) The lack of a legal framework on child protection;
- (b) The insufficient capacity of the social welfare services to address the needs of children in the context of family separation;
- (c) The lack of data on children in alternative care;
- (d) The possibility for parents to place their children in “private foster care” without proper assessment of the foster family by the social welfare services or the determination of the children’s best interests;
- (e) The lack of regulation and monitoring of institutional and family-based childcare facilities;
- (f) The insufficient support for foster families;
- (g) The lack of support programmes for children in care, including for children with behavioural difficulties;
- (h) The insufficient information on children leaving care.

28. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

- (a) Develop and adopt without further delay the legal framework on child protection, which would, among other things, provide for the right of children and parents to support services and establish and regulate the competences of the social welfare services;**
- (b) Allocate adequate human, financial and technical resources to strengthen the capacity of the social welfare services, both at the national and local levels, to prevent and intervene in the context of family separation, and ensure child-friendly services and support based on the best interests of the child;**
- (c) Collect data on children in alternative care, including “private foster care”, disaggregated by age, sex, ethnicity, nationality, disability, and form of care, on the basis of its assessment, develop a deinstitutionalization strategy and action plan, including systemic transformation of the childcare, welfare and protection systems, and allocate adequate resources for its implementation;**
- (d) Provide counselling and social support to parents wishing to place a child in “private foster care” to encourage and enable them to continue to care for the child and ensure that a child is only admitted into alternative care when such efforts have been exhausted and when there are acceptable and justified reasons for entry into care;**
- (e) Ensure that children are only separated from their family if it is in their best interests and only after a comprehensive assessment of their situation and that poverty, disability or ethnic origin are never the sole justification for family separation;**
- (f) Establish quality standards for all alternative care settings, ensure the regular, periodic and substantive review of the placement of children in institutional and family-based childcare facilities and monitor the quality of care therein;**
- (g) Further strengthen the support provided to foster parents and caregivers in institutions, including by providing regular and adequate training for them before and**

during the placement of children, with particular attention given to the special needs and vulnerabilities of children;

(h) Provide support programmes for children in care, including counselling, psychological support and psychotherapy.

(i) Ensure adequate support for children leaving care, develop community-based services to help them to start independent lives and take appropriate measures to ensure that children in alternative care are not stigmatized.

Children with disabilities (art. 23)

30. The Committee is seriously concerned about the following:

(a) The medical approach to disability in legislation and in practice, including the New Assessment Procedures of Disability and Functionality, which leads to the exclusion of children with disabilities, including from mainstream education, and perpetuates stigma;

(b) The absence of a uniform definition of disability, which necessitates children's undergoing several assessments, with the attendant distress, and limits access to financial assistance;

(c) The high rates of institutionalization among children with disabilities, while parents lack support to care for their children;

(d) The lack of access to public health care, including early detection and rehabilitation, forcing parents to cover the costs of private health-care services;

(e) The barriers to participation for children with disabilities and the absence of an organization representing them;

(f) The insufficient data on children with disabilities, in order to assess their enjoyment of their rights under the Convention.

31. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and to:

(a) Harmonize national legislation with the human rights model of disability and revise the assessment procedures of disability accordingly;

(b) Adopt a uniform definition of disability in compliance with the Convention on the Rights of Persons with Disabilities;

(c) Strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in a family environment, including by increasing the availability of early care, home nursing and relief services, providing timely and adequate socioeconomic support to all children with disabilities, regardless of the type of disability, and improving outreach to parents about the services available;

(d) Ensure access to affordable health care, provided in a timely manner, including by providing early detection, intervention and rehabilitation programmes, creating a network of community and outpatient health-care services and training and ensuring an adequate number of health-care personnel;

(e) Ensure and promote opportunities for children with disabilities to express their views on matters affecting them, including at school, and to have their views taken into account, tackle stigma affecting the participation of children with disabilities and support the establishment of an organization representing them;

(f) Organize the collection of data on children with disabilities, with a view to informing its policies and programmes and facilitating access for children with disabilities to services, including education and health, social protection and support services.

Standard of living

34. The Committee notes with concern the increased child poverty levels and risks of poverty and social exclusion among children as a result of the economic crisis of 2013 and its lasting effects. Recalling targets 1.1 to 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Adopt targeted measures, including a poverty reduction strategy, to eradicate child poverty and prevent the risks of social exclusion among children;**
- (b) Ensure that children in situations of vulnerability and their families receive adequate financial support and free, accessible services without discrimination, with particular attention given to children with disabilities, refugee, asylum-seeking and migrant children and single-parent families, and review its legislation, including the Guaranteed Minimum Income Law, and social and welfare policies and support accordingly;**

Education, including vocational training

36. The Committee welcomes the efforts undertaken to strengthen the quality of, and access to, education for all children and to promote tolerance and respect for diversity, including the strategic plan for the inclusion of children of a migrant origin and the national strategy for preventing and addressing school violence, 2018–2022. Recalling targets 4.1 to 4.5 and 4.a of the Sustainable Development Goals and the Committee's previous recommendations,² the Committee recommends that the State party:

- (a) Undertake efforts to address the shortcomings in learning outcomes that have resulted from the COVID-19 pandemic;**
- (b) Continue to ensure access to high-quality, holistic and non-segregated education at all levels for all children in situations of vulnerability, including children with disabilities, Roma children, children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children, children from socioeconomically disadvantaged families and children in alternative care;**
- (c) Collect and analyse data on school dropout and children out of school, disaggregated by age, sex, ethnicity, nationality, disability, geographical location and socioeconomic situation, with a view to informing its policies and strategies;**
- (d) Ensure that all children with disabilities have access to inclusive education in mainstream schools, including by aligning legislation with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities and enshrining the right to education for children with disabilities in legislation, adopting a targeted and adequately funded action plan, providing pre-service and in-service training to teachers and ensuring reasonable accommodation in terms of infrastructure, teaching support, materials, methods and individualized education plans;**

² Ibid., paras. 39 and 45.

(e) Ensure, including through legislative revisions, that certificates from special schools and units and those received through the apprenticeship system are recognized and ensure open access to gainful employment on the labour market and through unemployment schemes;

(f) Promote the value of and strengthen the system of apprentice learning, Sistema Mathitias, its curriculum and teacher training and effectively address discrimination against students attending courses through the system;

(g) Ensure accessible options for children to opt out of religious classes and acquire access to appropriate alternative to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds, and that children who opt out of religious classes are not stigmatized;

(h) Monitor and evaluate its educational reforms, on a regular basis and with the participation of children, ensure that children's views are heard and taken into account in accordance with their age, level of maturity and development and provide other meaningful opportunities for children to participate in matters relating to education, including disciplinary and complaint procedures, with particular attention given to children with disabilities and refugee, asylum-seeking and migrant children;

(i) Intensify efforts to promote a culture of peace, living together and respect for diversity through education, with emphasis on teacher training and school curricula that should be able to address racism, xenophobia and discrimination, and ensure safety and security at school;

(j) Ensure the right of all children to rest and leisure and to engage in recreational activities, including sports.

38. Recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration and its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) End the practice of forced returns, or pushbacks, of families and children, uphold the principle of non-refoulement in border management, ensure that children receive appropriate protection, access to asylum procedures and legal and humanitarian assistance, in accordance with articles 6, 22 and 37 of the Convention, investigate pushback incidents and hold accountable those responsible;

(b) Ensure that the age-determination procedure is multidisciplinary and scientifically based, respectful of children's rights and harmonized across the implementing authorities, give the benefit of the doubt to the individual being assessed, take into consideration documentary or other forms of evidence available and ensure access to effective appeal mechanisms, including by providing the reasoned decision to the applicants;

(c) Ensure that separated and unaccompanied children benefit from representation by competent lawyers throughout asylum procedures, reduce delays in processing asylum claims and family reunification and ensure that the best interests of the child are a primary consideration in all decisions relating to asylum-seeking children, including by introducing a formal best interests determination procedure;

- (d) Provide all refugee, asylum-seeking and unaccompanied children with sustainable, open and high-quality accommodation and shelter with adequate living space, access to health care, psychosocial services, education and leisure and appropriately trained staff to work with children, investigate the reports of violence and prosecute and bring to justice the perpetrators;**
- (e) Establish a formal and comprehensive procedure for identifying, assessing and addressing, including through follow-up, the specific needs of asylum-seeking children and providing durable solutions;**
- (f) Ensure the early identification and referral of unaccompanied and separated children and refugee and asylum-seeking children with specific needs to specialized rehabilitation services and psychosocial care, in particular children who are victims of human trafficking, children with serious illnesses, children with disabilities and children who are victims of violence, including female genital mutilation or forced recruitment;**
- (g) Provide support to unaccompanied migrant children transitioning to adulthood, including by expanding independent living programmes and introducing tailored reintegration plans;**
- (h) Adopt an integration strategy and action plan, with a view to facilitating the integration of refugee, asylum-seeking and migrant children into society.**

Allocation of resources

11. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights and taking note of target 16.5 of the Sustainable Development Goals, the Committee recalls its previous recommendations and recommends that the State party:

(b) Establish clear and adequate allocations for the effective implementation of social policies and programmes in areas that address disparities in indicators such as sex, disability and geographical location related to children's rights and define strategic budgetary lines in general and sectoral allocations for children in disadvantaged or vulnerable situations;

Data collection

12. Recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(b) Ensure that data are collected on children's rights for all areas covered by the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate the analysis of the situation of children, in particular those in situations of vulnerability;

Non-discrimination

16. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party strengthen measures to eliminate discrimination, in particular against girls, twins, children with disabilities, children living with HIV/AIDS, children with albinism and children living in rural areas, through programmes and policies to eliminate inequalities in access to education, health care and development, and to raise awareness of non-discrimination and foster an inclusive and tolerant environment in schools and other spaces for children.

Children with disabilities (art. 23)

30. While noting the absence of reliable data on children with disabilities in the State party and recalling the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Accelerate the establishment of the national committee for persons with disabilities;

(b) Organize the collection of data on children with disabilities and develop an efficient and harmonized system for disability assessment in order to facilitate access for children with all types of disabilities to all public services, including education and health, social protection and support services;

(c) Actively promote access for children with disabilities to inclusive education in mainstream schools equipped with trained and specialized teachers, accessible

infrastructure and teaching materials adapted to the needs of children with disabilities;

(d) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(e) Undertake awareness-raising campaigns aimed at government officials, members of the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights holders;

(f) Address the specific needs of children with intellectual and psychosocial disabilities, such as autism spectrum disorders and trisomies, and in particular ensure that they are fully integrated into all areas of social life.

Education, including vocational training and guidance

38. The Committee takes note of the adoption of the education sector plan, 2018–2022, but is concerned about the following:

(a) Low enrolment, school attendance and completion rates, especially at the secondary level of education, with large disparities among children in different regions;

(b) Lack of appropriate classrooms and access to clean water, sanitation and hygiene facilities;

(c) Long distances that many children must travel to school and the burden of educational costs on parents;

(d) Poor quality of education and the lack of qualified teachers;

(e) Limited access to distance learning and online education during school closures related to the COVID-19 pandemic, with large regional disparities due to limited access to electricity and the Internet;

(f) Low budget allocations for education.

39. Taking note of targets 4.1, 4.6, 4.a, 4.b and 4.c of the Sustainable Development Goals, the Committee recommends that the State party take the measures necessary to:

(d) Address inequalities generated by the necessity for home schooling during the COVID-19 crisis, including by ensuring the availability of electricity and Internet access for all to access online education, giving particular attention to children in rural areas and children with disabilities.

NETHERLANDS - CRC/C/NLD/CO/5-6

Data collection

10. The Committee notes the existence of the National Youth Monitor and the measures taken by Statistics Netherlands to improve its data-collection system, but is concerned at the lack of a comprehensive and disaggregated data-collection system that encompasses all areas of the Convention in all constituent countries. It recommends that the State party:

(a) Ensure that its data-collection system encompasses all areas of the Convention and covers both qualitative and quantitative indicators; that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background; and that data from all relevant entities and municipalities, irrespective of the different methodologies used, are collected and analysed;

Non-discrimination

14. The Committee welcomes the establishment of a National Coordinator against Discrimination and Racism and the measures taken to draft a national plan to combat all forms of discrimination, but remains concerned that not all municipalities have an anti-discrimination service in accordance with the Municipal Anti-Discrimination Services Act, and that regional disparities and de facto discrimination disproportionately affect children in disadvantaged situations, including in education, youth care and the justice system.

15. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(e) Ensure that children with disabilities, asylum-seeking and migrant children and children without a regular residence status have access to inclusive and quality education, including early childhood education, without discrimination;

(g) Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating stereotyping of, and prejudice and discrimination against, inter alia, children belonging to ethnic and religious minority groups (including Muslims, Jews and children of African descent), refugee, asylum-seeking, migrant and undocumented children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and children living in poverty.

Violence against children

21. The Committee is concerned about the high prevalence of violence against children, including sexual exploitation and online violence, in the State party, and the lack of legislative measures to protect children from abuse, domestic violence and corporal punishment in Bonaire, Saba and Sint Eustatius.

22. Taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(f) Develop initiatives aimed at protecting children with disabilities and transgender and gender-diverse children from all forms of violence, including physical and mental abuse, maltreatment and sexual exploitation;

Children with disabilities (art. 23)

26. The Committee is concerned about the increase in the number of children with disabilities attending special schools, lack of access to early education and the number of exemptions granted to children with disabilities under the Compulsory Education Act.

27. The Committee recommends that the State party:

(a) Ensure that all children with disabilities, including those with intellectual and psychosocial disabilities, have access to and benefit from inclusive education at all levels, including in Bonaire, Saba and Sint Eustatius;

(b) Strengthen measures for ensuring inclusive education, including by adapting curricula and training and assigning specialized teachers and professionals in integrated classes so that children with learning difficulties receive individual support and due attention;

(c) Expediently amend the Compulsory Education Act to limit the grounds for exemption of children with disabilities from compulsory education on physical or psychological grounds, and allocate sufficient human, technical and financial resources for the implementation of the Act, with a view to ensuring that exemptions are not used disproportionately to deny a child's right to education;

(d) Strengthen support provided to children with disabilities for their social integration and individual development and ensure that families of such children know how to seek the necessary support, including by ensuring that personal health budgets are sufficient to cover the costs of quality care and that all municipalities implement the comprehensive assessment framework aimed at ensuring that children with disabilities receive prompt and early support.