

**WRITTEN CONTRIBUTION**

To the OHCHR study on the human rights of youth

February 2018

# Contribution to the OHCHR report on the human rights of youth

## Introduction

The Netherlands Institute for Human Rights (College voor de Rechten van de Mens, hereafter ‘the Institute’) is happy to respond to the request of the Office of the High Commissioner for Human Rights to provide input for the preparation of a report regarding the implementation of the human rights of young people.

The Institute recognizes the challenges mentioned in the Human Rights Council Resolution 35/14 on youth and human rights and in the preceding discussions and confirms the need for special attention to the challenges faced by many young men and women when reaching the age of legal majority. The transition from the relative protection accorded to those under the age of 18 years to the self-reliance expected of adults when turning 18 is particularly stark for the most vulnerable.

In the Netherlands approximately 15% of all youth between the ages of 16 and 27 years are considered vulnerable because they have problems in one or more areas such as debts, homelessness, unemployment, addiction, (mental) disability, early school leaving, complex family situation, abuse.<sup>1</sup> Often the problems are multi-faceted. As a child, they may still be entitled to special protection, by their school, their parents and child welfare. But the moment they turn 18 years the ‘adult’ laws apply, with all their complexity, strict criteria and a strong emphasis on self-reliance.

In its contribution to the OHCHR report, the Institute will mention a few issues that are exemplary of the problem in the Netherlands. At the same time it acknowledges that there will be other challenges and other groups of young people that struggle with this transition.

## Vulnerable youth - general

Between 2011 and 2016 almost 7,5% of youth between 16 and 27 years of age received one or more forms of youth welfare services, rehabilitation and reintegration services, and/or care and protection services. These young persons often have more difficulty finishing their education and finding a job, and form a large part of the number of so-called NEET youth (Not in Education, Employment or Training). Figures show a strong correlation between early school leaving, psycho-social problems, conflict with the law and a history in care and protection services. Moreover, these youth also often struggle with the transition into financial responsibility and end up in debt. Around 14,5% of youth aged 18-27 years have some kind of financial problem, ranging from late rent and unpaid electricity bills to regularly high overdrafts or credit card debts.<sup>2</sup> These can easily lead to other problems, such as living on the streets.

## Youth living in and on the streets

The number of youth living in and on the streets in the Netherlands seems to be rising. The Statistics Netherlands (CBS) estimated that in 2016 approximately 41% of all people living

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<sup>1</sup> Nederlands Jeugd Instituut. Van jeugd naar volwassenheid. Last visited on 6 February 2018. <http://nji.nl/nl/Kennis/Dossier/van-jeugd-naar-volwassenheid/Jongeren/Jongeren-in-kwetsbare-posities-typeringen>

<sup>2</sup> 16-27 Op weg naar zelfstandigheid. Feiten en Cijfers. Jongeren van 16-27 op weg naar zelfstandigheid. Last visited on 6 February 2018 <http://www.16-27.nl/assets/Uploads/073-2017101fctsheet-1627def.pdf>

in and on the streets were between the ages of 18 and 30 years (12,400 youth).<sup>3</sup> The transition from adolescence to adulthood and the legal and policy consequences this entails seems to be a major contributing factor. The decentralisation of the social domain in the Netherlands has contributed to increased awareness of the problem amongst local authorities. The issue is now also on the national political agenda. Among the youth living in and on the streets are (institutional, penitentiary or foster) care leavers who at the age of 18 are faced with the situation of being legally responsible for seeking continued care, housing, a job, etc. They are not only in need of continued support but most importantly benefit from a holistic approach to the transition which starts well before they turn 18 to prepare them for their adult future.

### Invisible youth and 'ghost' youth

An increasingly worrisome phenomenon are the so-called invisible youth, including so-called 'ghost' youth (in Dutch *spookjongeren*). Invisible youth are young persons who are registered at the civic registration office of the local authority, but are not going to school, are not working, not registered as unemployed or receiving any form of social assistance. An estimated 5,4% of youth aged 15-27 fall in this category.<sup>4</sup> Possibly of even more concern are the 'ghost' youth who are invisible youth who are not even registered at the civic registration office. It is unclear how these youth provide for themselves, and being out of school and out of work, are at an increased risk of vulnerability without the possibility of receiving (social) assistance and protection.

### Youth with disabilities<sup>5</sup>

Youth with disabilities risk a number of specific challenges in the Netherlands. These may pertain to the areas of education, work and independent living. Primary and secondary education in the Netherlands is provided through a system of regular schools and special schools for children with disabilities. In secondary education, special schools do not always offer the level of education appropriate for the child. When it comes to tertiary education, no such distinction exists, but there too inclusive education is not yet the norm. Thus young people with disabilities are sometimes denied the possibility and the quality of the education of their choice. On the one hand, the limitations in the level and quality of education young people impact their opportunities on the labour market. On the other hand, the transition from school to work in general remains a challenge for many young people with disabilities, due to lack of attention and preparation from the education sector as well as discriminatory practices and the persistence of stereotypes among employers. Furthermore, many young people with disabilities experience difficulties when it comes to living independently. The transition from their parental home or other forms of assisted living to independence is hard due to a lack of adequate housing or lack of (financial) means to run their own household.

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<sup>3</sup> 16-27 Op weg naar zelfstandigheid. Feiten en Cijfers. Jongeren van 16-27 op weg naar zelfstandigheid. Last visited on 6 February 2018 <http://www.16-27.nl/assets/Uploads/073-2017101fctsheet-1627def.pdf>

<sup>4</sup> Nederlands Jeugd Instituut. Van jeugd naar volwassenheid. Last visited on 6 February 2018. <http://nji.nl/nl/Kennis/Dossier/van-jeugd-naar-volwassenheid/Jongeren/Jongeren-in-kwetsbare-posities-typeringen>

<sup>5</sup> College voor de Rechten van de Mens. VN-Verdrag Handicap in Nederland 2017. December 2017. <https://mensenrechten.nl/publicaties/detail/38166>

## Youth with a (non-western) migrant background, Roma and Sinti

Youth with a non-western migration background are still more likely to leave school without a diploma than youth without a migration background. Youth of Turkish or Moroccan descent are also less likely to continue into higher education.<sup>6</sup> The same holds true for children of Roma and Sinti parents.<sup>7</sup> Furthermore, the College voor de Rechten van de Mens is concerned about the difficulties youth of ethnically diverse descent seem to have finding suitable (vocational) placements in companies and organisations.<sup>8</sup> The kind of placement is important for the future career opportunities. Discrimination of this group of youth is also visible when entering the labour market. The Netherlands Inspectorate of Education reports that youth with a migrant background are more likely to remain unemployed after finishing their studies than youth with a non-migrant background with the same diploma or degree.<sup>9</sup>

## Young refugees and asylum seekers

As unaccompanied minors, young refugees and asylum seekers receive special protection besides the regular care and support services that are available to youth in general. Reaching the legal age of majority makes this group particularly vulnerable, as on top of the general transition problems vulnerable youth may encounter at this point, these young people face language constraints, lack (family) support network, (potential) uncertainty of their refugee status and complexity of rules and regulations relating to their status.<sup>10</sup>

## Recent initiatives

Recently a number of initiatives in the Netherlands demonstrate an increased awareness of the importance of a life-cycle approach vs. general cut-off ages such as 18-/18+. This awareness comes in light of increased responsibility of local authorities in a country with a high degree of decentralisation, in particular in the social domain.

There are at least three recent initiatives that stand out for their clear reference to the problems relating to the transition from childhood to adulthood.

One is an initiative called 'Aanpak 16-27' (the 16-27 approach) in which various knowledge institutions, national associations and local authorities work together to put youth at the centre to support them on their way to (independent) adulthood. Together they cover expertise in education, child welfare, disability, chronic illness, work and social assistance. They provide practical guidance and support to local authorities and professionals to develop an holistic approach to supporting youth in vulnerable situations towards self-reliance and ensure their participation.

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<sup>6</sup> CBS (2016), Jaarrapport integratie 2016. <https://www.cbs.nl/nl-nl/publicatie/2016/47/jaarrapport-integratie-2016>

<sup>7</sup> Trimbos-instituut (2012), Roma en schoolverzuim; Hopman, M.J. (2016), (W)elk kind heeft recht op onderwijs? <https://www.kis.nl/sites/default/files/bestanden/Publicaties/Trimbos-roma-en-schoolverzuim.pdf>. Netherlands Institute for Human Rights:

<https://www.mensenrechten.nl/berichten/mbo-ers-laait-je-horen-over-stagediscriminatie>

<sup>8</sup> Kennisplatform Integratie & Samenleving (2016). Mbo en stagemarkt, wat is de rol van discriminatie? <https://www.kis.nl/sites/default/files/bestanden/Publicaties/mbo-stagemarkt-rol-van-discriminatie.pdf>

<sup>9</sup> Inspectorate of Education (2017). De Staat van het Onderwijs 2015/2016.

<https://www.onderwijsinspectie.nl/documenten/rapporten/2017/04/12/staat-van-het-onderwijs-2015-2016>

<sup>10</sup> Pharos. 18-Plussers (Ex-AMVs). Last visited on 6 February 2018.

<http://www.pharos.nl/nl/kenniscentrum/asielzoekers-en-vluchtelingen/asielzoekers-en-vluchtelingen/18-plussers-ex-amv-s>

Another initiative is the ‘*Agenda voor de Jeugd, Kinderrechten waarmaken*’ (Youth Agenda, Realising Children’s Rights), a collaboration of over 20 organisations in the field of child welfare, education, disability, child abuse prevention, social work, and justice for children. The initiative describes seven areas which it deems crucial to implement the Convention on the Rights of the Child in the Netherlands for children and youth aged -9 months to 23 years of age. One of the seven areas focuses particularly on advancing an holistic and balanced approach to the transition from adolescence to adulthood, in which it also refers to the ‘Aanpak 16-27’. The Agenda calls for a specific inter-ministerial policy on this transition period led by a national coordinator, and laws, policies and financial regulations that enable instead of obstruct a smooth transition.

A third initiative is an action research pilot project in two cities (Rotterdam and Leeuwarden) called ‘18-/18+’<sup>11</sup> commissioned by the Ministry of Health, Welfare and Sport aimed at improving the transition from youth care services to adult care services through an intersectoral approach between housing, finances, school, work and care services and youth participation.

The Netherlands Institute for Human Rights commends the above-mentioned initiatives and the increased awareness of the importance of a holistic, intersectoral approach. In this spirit, it looks forward to the compiled report from your Office and any recommendations that will support the initiatives to strengthen the life-cycle and human rights-based approach to youth in the Netherlands and elsewhere.

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<sup>11</sup> Stichting Zwerfjongeren Nederland. Jeugdhulp 18-/18+. Last visited on 6 February 2018. <https://zwerfjongeren.nl/van-de-straat/jeugdhulp-18-18/>