



*Global Initiative to*  
**End All Corporal Punishment  
of Children**

## **NETHERLANDS – COUNTRY REPORT**

### **Summary of necessary legal reform to achieve full prohibition**

Corporal punishment is prohibited in all settings, including the home.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is prohibited in the home. In 2007, article 1:247 of the Civil Code, on parental authority, was amended to state (unofficial translation): “(1) Parental authority includes the duty and the right of the parent to care for and raise his or her minor child. (2) Caring for and raising one’s child includes the care and the responsibility for the emotional and physical wellbeing of the child and for his or her safety as well as for the promotion of the development of his or her personality. In the care and upbringing of the child the parents will not use emotional or physical violence or any other humiliating treatment.” Article 1:248 applies article 1:247 to other persons acting *in loco parentis*.

### Schools

Corporal punishment is unlawful in schools. The right to punish was abolished for school teachers in 1920 by verdict of the Court in The Hague (Nederlands Juristenblad 496, March 20 1920).

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not available as a sanction under the Criminal Code.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions, but we have no details of prohibiting legislation other than the Civil Code provision (see above).

### Alternative care

Corporal punishment is prohibited in alternative care settings under the 2007 amendments to the Civil Code (see above).

## Prevalence research

None identified in the last ten years.

For research published more than ten years ago, see the research pages at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

## Recommendations by human rights treaty bodies

### *Committee on the Rights of the Child*

(27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37)

“The Committee is concerned that corporal punishment in the home is not prohibited in Aruba, and that it is still being used at schools, day-care centres and in the home in the Netherlands Antilles.

“The Committee recommends that the State party prohibit corporal punishment by law and enforce the prohibition in all settings, including in the family, the schools and out of home placements. It also recommends that the State party conduct awareness-raising campaigns and parenting education programmes to ensure that alternative forms of discipline are used, in a manner consistent with the

child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.”

*Committee on the Rights of the Child*

(26 February 2004, CRC/C/15/Add.227, Concluding observations on second report, paras. 43 and 44)

“... The Committee is also concerned that there is no legal prohibition on corporal punishment in the family.

“The Committee recommends that the State party:

d) explicitly prohibit corporal punishment in law throughout the State party and carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment.”

*Committee on the Rights of the Child*

(26 October 1999, CRC/C/15/Add.114, Concluding observations on initial report, para. 17)

“The Committee welcomes the recent efforts to establish a network of child abuse reporting and counselling centres and the plans to strengthen child abuse monitoring and reporting systems. However, the Committee remains concerned about the growth in reported cases of child abuse and about the level of protection available to children. The Committee urges the State party to give increased priority to the prompt implementation and support of monitoring and reporting systems based on the position paper of the Ministries of Justice, and Health, Welfare and Sport concerning the prevention of child abuse and the protection and rehabilitation offered to victims of child abuse. Furthermore, the Committee recommends that the State party, in line with developments in other European countries, take legislative measures to prohibit the use of all forms of mental and physical violence against children, including corporal punishment, within the family.”

*Committee on Economic, Social and Cultural Rights*

(19 November 2010, E/C.12/NDL/CO/4-5 Advance Unedited Version, Concluding observations on fourth/fifth report, para. 22)

“The Committee regrets that corporal punishment is not prohibited in Aruba. (art. 10, 13)

The Committee urges the State party to introduce a statutory prohibition of corporal punishment in the home and in all educational settings in Aruba, in line with article 10 of the Covenant and the Committee's General Comment No. 13 on the right to education (1999) which refers to the fact that corporal punishment is inconsistent with the fundamental principle of dignity of the individual.”

*Committee Against Torture*

(3 August 2007, CAT/C/NET/CO/4, Concluding observations on fourth report, para. 3)

“The Committee notes with satisfaction the ongoing efforts undertaken by the State party to combat torture and to guarantee the rights of persons not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment in the Kingdom of the Netherlands, in particular: ...

b) the entry into force of an amendment of the Dutch Civil Code in April 2007 which prohibits physical and mental violence ‘for educational purposes,’ including in the family environment ....”

*European Committee of Social Rights*

(July 2005, Conclusions XVII-2)

“The report states that an amendment to the Civil Code is in preparation banning all forms of violence of children. Meanwhile it notes that not all forms of violence of children are prohibited. The Committee recalls that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law. Therefore, it considers that since there is no prohibition in legislation of all forms of corporal punishment of children, the situation cannot be considered to be in conformity with Article 17 of the Charter.”

*European Committee of Social Rights*

(1 January 2001, Conclusions XV-2 vol. 2, pages 367-369)

“The Committee wishes to know whether legislation prohibits all forms of corporal punishment of children, in schools, in institutions, in the home and elsewhere....”

## **Universal Periodic Review**

The Netherlands was examined under the Universal Periodic Review process in 2008. Full prohibition of corporal punishment was achieved in 2007.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*

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