

Introduction

The working group on youth law of the Nederlands Juristen Comité voor de Mensenrechten (NJCM), the Dutch section of the International Commission of Jurists (ICJ), welcomes the opportunity to provide the UN High Commissioner for Human Rights with input on the rights of the child and violations of the human rights of children in armed conflicts.¹

In 2023, approximately 473 million of the world's children lived in war-affected areas.ⁱ They suffer directly as well as indirectly from the consequences of war.ⁱⁱ The impact on (surviving) children is harmful to their physical and psychological well-being, both in short and long term.ⁱⁱⁱ However, war-affected^{iv} children possess the strength and resilience to move on, if appropriately and as early as possible assisted and supported.^v Therefore, States are obliged to design and implement measures aimed at the recovery and reintegration of child victims of armed conflict. This obligation is laid down in article 39 of the Convention on the Rights of the Child (CRC)^{vi} and does not only apply to countries of origin, but also to States that receive children fleeing war and violence.

In light of current issues of great concern relating to reception facilities in the Netherlands, which compromise the well-being and rights of child victims of armed conflict abroad, NJCM deems it necessary to clarify States' obligations arising from article 39 CRC in part I of this submission. Subsequently, NJCM will set out the reception facilities for asylum-seeking and refugee children and the present serious deficiencies (part II). NJCM will conclude with some general recommendations aimed at establishing small-scale and child-centered shelters, ensuring that child victims of armed conflict receive the care and support they need for their recovery and integration (part III).

Part I: State obligations in light of article 39 CRC

As of the end of 2023, about 47.2 million children were displaced worldwide due to conflict and violence.^{vii} This includes some 19.1 million asylum-seeking and refugee children. Most of them sought shelter in neighbouring countries, others fled to countries further afield. Some of these children, whether accompanied by their parents or unaccompanied, applied for asylum in the Netherlands.^{viii} Although Dutch authorities register age, gender and country of origin, the total number of children entering the Netherlands in 2023 has not been published separately (yet).^{ix} Moreover, the Dutch State faces challenges in comprehensively identifying children who have fled to the Netherlands due to war in their country of origin.^x Data regarding children who may have been associated with armed conflicts abroad is also lacking. The foregoing compromises the right of child victims of armed conflict to the rehabilitative measures outlined in article 39 CRC.

Article 39 CRC reads:

'States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.'

- **Armed conflict**

The term 'armed conflict' in article 39 CRC (and in article 38 CRC) lacks a definition, meaning that the CRC is applicable to international and non-international armed conflicts. However, to qualify as an armed conflict, at least two elements must be present: 'a minimum level of intensity' (i.e. the fighting should not be isolated or sporadic) and, if applicable, there must also be 'such a degree of organization in the non-State forces as to enable a command structure to function.'^{xi}

¹ NJCM is part of the International Commission of Jurists (ICJ), please see www.njcm.nl and <https://www.icj.org/>.

- **Child victim**

The obligation to take the rehabilitative measures envisaged in article 39 CRC arises 'irrespective of whether the State is actually responsible for, involved with, or contributed' to the victimization of the child.^{xii} Therefore, accountability does not have to be established. It is presumed that experiencing direct or indirect consequences of armed conflict will by definition be harmful to children.^{xiii} Hence, each child affected by armed conflict is a victim and the obligation to provide them with rehabilitative measures envisaged in article 39 CRC, is also incumbent on receiving States.

- **Child victim under OPAC**

In general, children associated with armed forces or groups, as defined in the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups,^{xiv} are also entitled to the remedial measures of article 39 CRC. Additionally, article 6(3) OPAC holds that States shall provide them with appropriate assistance for their recovery and reintegration.^{xv}

- **Recovery and reintegration**

The original text proposal of article 39 CRC read 'physical, psychological and social rehabilitation'. It was only for linguistic reasons that the term 'rehabilitation'^{xvi} was divided into physical recovery, psychological recovery, and social reintegration.^{xvii} These terms have not been defined.

- Physical recovery includes providing children with food, water, medical supplies, medical treatment, clothing and appropriate housing, including sanitation (articles 6, 24 and 27 CRC).
- Psychological recovery entails mental health and psychosocial support (mhps). It also includes providing the child with a sense of normalcy and a safe and stable environment (family reunification: articles 10 and 22 CRC or alternative care: article 20 CRC), daily routines, services such as educational programs or vocational training (articles 28 and 29 CRC) and opportunities for play, recreation and cultural activity, preferably outside the reception facilities (article 31 CRC).^{xviii}
- Social (re)integration means that the situation into which a child is placed must be one that will facilitate, rather than undermine, the development of the child. It cannot be achieved unless action for the child's physical and psychological recovery is taken at the same time.^{xix} Moreover, it demands that States take measures to assist and support families (articles 18 and 27 CRC).^{xx}

Asylum-seeking and refugee children should, also during the reception period, be treated as children with similar rights as other children within the jurisdiction of the receiving State (article 2 (1) CRC, see below). Moreover, they are entitled to special protection and assistance (article 22 (1) CRC). In addition, extra vulnerable children (young children, girls, adolescents, children with disabilities and unaccompanied children) require special care.

- **Appropriate measures**

Article 39 CRC may be viewed as a social right,^{xxi} meaning that the obligation to take measures is subject to progressive realization. Its implementation will therefore depend on the available (human and financial) resources of the State. With this in mind, article 39 CRC obliges the State to promote -not guarantee- the recovery and (re)integration of the child. States are required to respect, protect and try to fulfil the right of the child to return to the child's former state of health and social integration.^{xxii} To that end, article 39 CRC demands States to take 'appropriate' measures, a non-clarified term. The initially used words 'legal, administrative and other measures' were considered superfluous during the drafting of the CRC and replaced by 'all measures.' A later amendment added the word 'appropriate' so as not to put an unduly strong obligation on the State.^{xxiii}

In their efforts to design, implement, monitor and evaluate appropriate measures, States are afforded a level of discretion. However, measures need to be consistent with other CRC rights and international human rights standards.^{xxiv} Special attention should be paid to the four guiding principles of the CRC: non-discrimination (article 2 CRC)^{xxv}, the best interests of the child as a primary consideration (article 3 CRC)^{xxvi}, the right to life, survival and a holistic development (6 CRC), and the right to be heard (article

12 CRC, see below). Moreover, States must bear in mind that all rights contained in the CRC are indivisible, interdependent and interrelated.

To be considered appropriate, measures must (also) be effective. At least five principles/requirements apply.^{xxvii}

- Principle of individualization: A child's gender, ethnicity, disability, cultural context and age have to be taken into account;
- Requirement for evidence-based measures, evaluation and monitoring;
- Principle of consultation: of all involved, including children (article 12 CRC, see below);
- Requirement for measures to be consistent with the concept of the 4-A's, as developed by the Committee on Economic, Social and Cultural Rights (CESCR). The first A means that measures must be available. The second A that measures must be financially and physically accessible to all. The third A holds that measures have to be acceptable to all (taking into account gender, cultural background, and/or religious beliefs), while the last A demands that measures must be of a quality ensuring their effectiveness, including well trained personnel and adequate facilities;
- Requirement to give, despite the discretion accorded to States, genuine consideration to the recommendations of the CRC Committee regarding article 39 CRC.^{xxviii}

- **Environment that fosters health, self-respect and dignity of the child**

Lastly, in order to be appropriate, measures need to be delivered in an environment that fosters the child's health, self-respect and dignity. Any threats must be mitigated as far as is reasonably practicable in light of the resources available to the State.^{xxix} 'Environment' refers to the physical and social setting in which a child is to recover and (re)integrate. Both a child's physical environment (home, school^{xxx} and any place where a child may reside, including reception facilities), and relationships with other persons (parents, teachers, medical practitioners, etc.) must protect and promote the child's rehabilitation. The inclusion of the phrases 'self-respect' and 'dignity' within article 39 CRC, refers to a rights-based approach, demanding that children should be conceptualized as subjects with entitlements, who possess expertise, resilience, and insight into their lives consistent with their evolving capacities (article 12 CRC, see below).

- **Child participation**

Articles 12 and 13 CRC establish the right of every child capable of forming their views, to freely express these views in all matters affecting the child. Their needs, concerns and experiences should be heard when designing, implementing, monitoring and evaluating measures for their recovery and reintegration, and the promotion of their self-respect and dignity. In addition, children's views should be given due weight, according to the child's age and maturity, taking account of their evolving capacities (article 5 CRC) and right to information (article 17 CRC). The CRC Committee noted, in the context of armed conflict: 'Children's participation helps them to regain control over their lives, contributes to rehabilitation, develops organizational skills and strengthens a sense of identity'.^{xxxi}

Part II: Reception facilities in the Netherlands for asylum-seeking and refugee children affected by armed conflict abroad

A. Current situation in reception centers and emergency shelters

Asylum-seeking and refugee children in the Netherlands are accommodated in reception centers offered by the Central Agency for the Reception of Asylum Seekers (COA). Lately, several reports highlighted concerns about the quality of care and safety of unaccompanied minors entering the Netherlands.^{xxxii} Various institutions observed, among other things, that living conditions at the (initial) central reception center in Ter Apel were substandard, and that the rights and safety of the unaccompanied minors could no longer be guaranteed. Moreover, the physical and emotional safety of young people at the center in Ter Apel was, at the time of the reports, at risk. Risks had increased due to a rise in the number of minors. Although their investigations focused on unaccompanied children, the findings are equally relevant for accompanied asylum-seeking and refugee children, as they share the same shelter accommodations.^{xxxiii}

In the next phase of the asylum process, asylum-seeking children might be housed in emergency crisis shelters or temporary accommodations, due to a shortage of regular reception places. However, the Hague Court of Appeal ruled in 2022 that children should not be placed in emergency shelters, unless their specific needs are met.^{xxxiv} The ruling highlighted the dangers children face in the overcrowded and unsafe shelters, risks that are likely to worsen if the care and safety in these facilities are not improved.^{xxxv} The same year, the Committee on the Rights of the Child also called on the Netherlands to prioritize removing asylum-seeking and refugee children, including their families, from the emergency shelters. The Committee recommended to invest in child-centered reception facilities to avoid overcrowding, and to ensure a stable environment for children.^{xxxvi}

UNICEF Netherlands and the Working Group Kind in AZC (Child in Reception Center) raised concerns about deteriorating conditions in the large-scale emergency shelters as well. Since September 2021, it has become clear that these shelters fall short of the minimum standards for children. This is particularly harmful to asylum-seeking and refugee children affected by armed conflict abroad, who need stability, safety and privacy for their recovery and integration. Overcrowding, frequent relocations and insufficient care and psychosocial support increase their risk of trauma.^{xxxvii}

Aforementioned issues underscore the urgent need for the Dutch government to prioritize sustainable, child-centered solutions for the reception of asylum-seeking and refugee children in general, and of victims of armed conflict abroad in particular.

B. Distribution Act

The previous Dutch government introduced the Distribution Act (Spreidingswet), effective February 1, 2024. It aims to create more reception places and ensure a fairer distribution of asylum-seekers across municipalities.^{xxxviii} With the Act, the government sought to end COA's reliance on voluntary cooperation from resisting municipalities, while some requested more small-scale reception options.^{xxxix} The meaning of the Distribution Act for asylum-seeking and refugee children is that municipalities, in the long term, will ensure that children are accommodated in centers that are available for a longer period of time, which will enhance their reception. The current government, however, plans to repeal the law as part of a new strategy, aimed to be 'the strictest asylum regime the Netherlands has ever known'.^{xl} COA on the other hand, maintains to support the Distribution Act,^{xli} highlighting that repealing it, would lead to higher costs.^{xlii} This is partly due to the costly emergency accommodations currently in use, such as hotels, holiday parks, and sports halls. It underscores the necessity for long-term asylum reception policies, which can be implemented through the Distribution Act.^{xliii}

C. Urgency for child-centered reception facilities

Reports by Dutch stakeholders continue to stress the strain on the asylum reception system and the detrimental consequences thereof for children. In September 2024, the NJCM working groups on Youth Law and Asylum and Migration Law urged the government to provide high-quality, child-centered accommodations for unaccompanied minors, a call that also applies to children accommodated with their families. The working groups emphasized the need for small-scale, stable and sustainable reception facilities.^{xliv}

According to UNICEF's February 2024 study on the needs of children in Dutch reception centers, it is critical to focus on safety, stability and a sense of normalcy, and to reduce current psychosocial distress.^{xlv} For the recovery and integration of war-affected children it is deemed essential that they engage in structured activities in a safe environment with trained staff. Providing access to play areas and qualified guidance, ensures their psychosocial well-being and supports their development. In this context, it is also important that children experience stability in receiving psychosocial care. For this, it is crucial that they experience continuity, also with regard to staff and volunteers. Real connections between children, volunteers and staff are essential. Furthermore, staff and volunteers who are familiar to the children, can monitor their development and detect any unusual behavior.^{xlvi}

Part III: Recommendations

In conclusion, the rehabilitative measures envisaged in article 39 CRC need to ensure that child victims of armed conflict abroad, whether accompanied or unaccompanied, receive the care, stability and opportunities necessary for their recovery and integration into the receiving State's society.^{xlvii} Based on a children's rights approach that strengthens protective factors and reduces risk factors, NJCM makes the following recommendations:

1. NJCM suggests recommending receiving States to establish a mechanism for the early identification of asylum-seeking and refugee children who may have been affected by armed conflict abroad, upon entering the receiving State party's territory;
2. NJCM suggests encouraging receiving States to enhance their collection and analysis of comprehensive, disaggregated data on asylum-seeking and refugee children affected by armed conflict abroad. This data should include both qualitative and quantitative indicators to provide a more nuanced understanding of these children's experiences and needs. The absence of data and guidelines for identifying children with mental health issues due to armed conflict contributes to a lack of appropriate care and assistance;
3. NJCM proposes providing receiving States with guidance on how to (further) design, implement, monitor and evaluate appropriate measures aimed at the physical and psychological recovery and social reintegration of both accompanied and unaccompanied asylum-seeking and refugee children affected by armed conflict abroad;
4. Specifically, NJCM suggests emphasizing the need for all reception facilities to be child-centered and to prioritize stability, safety, access to education, healthcare and psychosocial support, and opportunities for play, recreation and cultural activity, both in- and outside the reception facilities;
5. NJCM recommends urging receiving States to prevent asylum-seeking and refugee children affected by armed conflict abroad from being placed in emergency shelters, unless their specific needs are met, as overcrowded and unstable conditions pose further risks to their safety, well-being, and development;
6. NJCM also recommends urging receiving States to make sure that asylum-seeking and refugee children affected by armed conflict abroad have access to education in line with the provisions of articles 28 and 29 CRC, as soon as possible after their arrival. Many face long delays in accessing education, often waiting for months, due to a lack of nearby schools or insufficient capacity. This, combined with frequent relocations, exacerbates children's vulnerability, denying them the structure and opportunities they need;
7. NJCM proposes recommending receiving States to prioritize privacy and safety in reception facilities for asylum-seeking and refugee children affected by armed conflict abroad. They are often housed in crowded spaces: the lack of privacy and quiet spaces impacts their mental health and cognitive functioning, resulting in difficulty concentrating at school and feelings of unsafety and distress;
8. NJCM suggests urging receiving States to ensure that asylum-seeking and refugee children affected by armed conflict abroad have timely, preferably within two months of arrival,^{xlviii} access to high quality mental health and psychosocial social support (mhps);
9. Finally, NJCM proposes recommending receiving States to appoint trusted adults or counselors in reception facilities, as many asylum-seeking and refugee children affected by armed conflict abroad currently lack a reliable point of contact or a trusted person to talk to.

Annex Endnotes

- ⁱ PRIO, 31 October 2024, <https://blogs.prio.org/2024/10/473-million-children-live-in-conflict-zones/>.
- ⁱⁱ Ibid: "In addition to directly facing [grave violations](#) such as killing and maiming, recruitment by armed groups, sexual violence, abduction, attacks on schools and hospitals, and denial of humanitarian access, children also suffer more indirectly from the consequences of war. Children living in conflict-affected areas are more likely to drop out of school, lack access to clean water, and face heightened risks of death from illness, malnutrition, or lack of vaccines and medical care."
- ⁱⁱⁱ Ang, F. (2005). A commentary on the United Nations Convention on the Rights of the Child, Article 38: children in armed conflicts (Vol. 38; A. Alen, J. Vande Lanotte, E. Verhellen, F. Ang, E. Berghmans, & M. Verheyde, Eds.). Nijhoff.
- ^{iv} War-affected children may have experienced bombings, the loss of a father, mother or other family members due to the war, may have witnessed killing, rape or mutilation, have been living in constant fear of armed attacks, may be former 'child soldiers', or are victims of abduction, rape or other forms of sexual violence, mutilation, torture and death threats. Sexual violence may occur during conflict (prior to the flight), during the flight and in the country of asylum (UNHCR, Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, 2003, see: <https://www.unhcr.org/sites/default/files/legacy-pdf/3f696bcc4.pdf>).
- ^v Machel G., The Impact of Armed Conflict on Children: A critical review of progress made and obstacles encountered in increasing protection of war-affected children, 26 August 1996, A/51/306.
- ^{vi} See also article 6 (3) OPAC and article 9 (3) OPSC, since sexual violence can be a weapon of war too.
- ^{vii} UNICEF Data, last update June 2024, next update June 2025 (https://data.unicef.org/topic/child-migration-and-displacement/displacement/?_gl=1*5h607s*_ga*MTlyNTc4NzA1MS4xNzI4ODk5NjM3*_ga_ZEPV2PX419*MTczNjI0NzE1NC4zLjEuMTczNjI0OTk0Ny42MC4wLjA.*_ga_9ZKvYH4DTE*MTczNjI0NzE1NC4zLjEuMTczNjI0OTk0Ny4wLjAuMA..*_gcl_au*NDM1NDEwMTg0LjE3Mjg4OTk2Mzc.*_ga_P0DMSZ8KY6*MTczNjI0NzE1NS4zLjEuMTczNjI0OTk2Mi40NS4wLjA).
- ^{viii} In 2022, the number of children seeking asylum for the first time in the Netherlands was 7.387. In the same year, 5.655 children came to the Netherlands in the context of family reunification (<https://www.nji.nl/cijfers/asielzoekers#:~:text=Aantal%20minderjarige%20asielzoekers&text=In%202021%20ging%20het%20om,herkomstland%20van%20de%20meeste%20asielzoekers>).
- ^{ix} According to figures provided by UNHCR, 5.804 unaccompanied minors asked for asylum in the Netherlands in 2023 (<https://www.unhcr.org/nl/wie-we-zijn/cijfers/>).
- ^x In the Concluding Observations 2010 concerning Norway, the Committee on the Rights of the Child stated that Norway had to carefully identify children affected by armed conflicts among asylum-seeking children and ensure rehabilitation and social reintegration of these children. See CRC/C/NOR/CO/4.
- ^{xi} Hampson F., Legal Protection Afforded to Children under International Humanitarian Law. Report for the Study on the Impact of Armed Conflict on Children, University of Essex (1996), para. 2.1.1.
- ^{xii} Tobin J. & Marshall C., Article 39. The Right to Reintegration and Recovery, in: Tobin J. (ed.), The UN Convention on the Rights of the Child: A Commentary, Oxford Scholarly Authorities on International Law [OSAIL], 28 March 2019, D.1.
- ^{xiii} Tobin & Marshall, 2019.
- ^{xiv} Formerly, these children were called 'child soldiers'. If accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups, they should be considered primarily as victims, not only as perpetrators. See: Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007 (<https://www.unicef.org/mali/media/1561/file/parisprinciples.pdf>).
- ^{xv} Paris Principles, para. 3.6.
- ^{xvi} The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984, article 14) entails the term 'rehabilitation'. In 2012 the Committee against Torture (CAT Committee, CAT Committee, General Comment No. 3, paras. 11-12) stated that 'rehabilitation for victims should aim to restore, as far as possible, their independence, physical, mental, social and vocational ability; and full inclusion and participation in society'. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) also refers to remedial measures as 'rehabilitation'. It includes medical and psychological care as well as legal and social services.
- ^{xvii} Detrick S., A Commentary on the United Nations Convention on the Rights of the Child (1999).

- ^{xviii} Tonheim M., Derluyn I. et al, Rehabilitation and social reintegration of asylum-seeking children affected by war and armed conflict, SIK, 2015, p.73.
- ^{xix} Tobin & Marshall, 2019.
- ^{xx} The preamble of the CRC states that the family is the fundamental group of society. War-affected children may not only suffer due to personal traumatic experiences, but also due to psychological problems of their parents. Helping parents therefore means helping their children (Tonheim, Derluyn et al, p.76). The UNHCHR's 'Refugee Children: Guidelines on Protection and Care' (1994) say: 'In the aftermath of emergencies and in the search for solutions, the separation of families and familiar structures continue to affect adversely refugee children of all ages. Thus, helping refugee children to meet their physical and social needs often means providing support to their families and communities, see <https://www.unhcr.org/sites/default/files/legacy-pdf/3b84c6c67.pdf>.
- ^{xxi} When a State party falls short in its obligation to provide children affected by armed conflict with the rehabilitative measures enshrined in article 39 CRC (and 6(3) OPAC), the child in need is entitled to a remedy for the violation of article 39 CRC. In this respect, article 39 CRC may be regarded as a civil right.
- ^{xxii} The obligation to respect requires that a State take all measures within its available resources to ensure that a state actor does not unreasonably interfere with a child's right to recovery and reintegration; the obligation to protect requires that a State take all measures within its available resources to ensure that a non-State actor does not unreasonably interfere with a child's right to recovery and reintegration; the obligation to fulfill requires that a State take all measures within its available human and financial resources to promote and ensure that a child effectively enjoys the right to recovery and reintegration (4 CRC). A (perceived) lack of resources cannot be used as a valid excuse to take no action to implement this obligation.
- ^{xxiii} Detrick, 1999.
- ^{xxiv} Tobin & Marshall, 2019.
- ^{xxv} According to article 2 (1) CRC every child within a State's jurisdiction, regardless of (immigration) status, holds all the rights of the CRC (art.2 (1) CRC).
- ^{xxvi} Article 3 (1) CRC applies to decisions relating to individual children, to groups of children and to broader policy matters.
- ^{xxvii} Tobin & Marshall, 2019.
- ^{xxviii} Ibid.
- ^{xxix} In this regard, article 7(1) OPAC calls for international cooperation in the rehabilitation and reintegration of 'victims of acts contrary to the Protocol'. Subsequently, article 7(2) OPAC facilitates the establishment of a voluntary fund to financially assist States in providing these victims with remedial measures. Such a fund could provide additional resources to create conditions for the recovery and social reintegration of *all* children affected by armed conflict. Read more on the OPAC fund: Doek J., The international legal framework for the protection of children in armed conflict, Disarmament Forum, 2011, pp.7–21 and Breedijk M., In Search of UN CRC-Based Remedies for Child Civilians Affected by Armed Conflict, Leiden University, 2019.
- ^{xxx} Schools and kindergartens are arenas for integration and rehabilitation, see Tonheim, Derluyn et al., para. 6.4.
- ^{xxxi} CRC Committee, General Comment 12, para. 125.
- ^{xxxii} Such as the Health and Youth Inspectorate (IGJ) and the Inspectorate of Justice and Security (IJ&V).
- ^{xxxiii} Van der Putten, A.J.M. Brief aan staatssecretaris Justitie en Veiligheid over kinderen zonder ouders in de asielopvang in Ter Apel. (2022)., p. 1-3. Consulted on: <https://www.igj.nl/publicaties/brieven/2022/09/09/brief-aan-de-staatssecretaris-van-justitie-en-veiligheid-over-de-situatie-van-kinderen-zonder-ouders-in-de-asielopvang-in-ter-apel>
- ^{xxxiv} Gerechtshof Den Haag, 20 december 2022, legal consideration 11.7 and 11.8, ECLI:NL:GHDHA:2022:2429. Consulted on: <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2022:2429>.
- ^{xxxv} Ibid, legal consideration 4.6.
- ^{xxxvi} Committee on the Rights of the Child. (2022). Concluding observations on the combined fifth and sixth periodic reports of the Netherlands, part I, special protection measures, 16 February 2022, CRC/C/NLD/CO/5-6, points 36, 37 en 38. Consulted on: <https://www.unicef.nl/files/Aanbevelingen-KRComite-2022.pdf>.
- ^{xxxvii} UNICEF. De rechten van kinderen die in Nederland asiel aanvragen worden op dit moment onvoldoende beschermd door de Nederlandse overheid. Consulted on: <https://www.unicef.nl/ons-werk/nederland/vluchtelingenkinderen-in-de-noodopvang>
- ^{xxxviii} Rijksoverheid. (2024). Spreidingswet treedt per 1 februari in werking. Consulted on: <https://www.rijksoverheid.nl/actueel/nieuws/2024/01/31/spreidingswet-treedt-per-1-februari-in-werking>
- ^{xxxix} Tweede Kamer. (2023). Spreidingswet. Consulted on: <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?qry=wetsvoorstel%3A36333&cfg=wetsvoorstel details>
- ^{xl} Tweede Kamer. (2024). Coalition Agreement, Elaboration of the Outline Agreement by the Cabinet, September 13, 2024, chapter 2, point 2. Asylum Crisis Act, p. 20. Consulted on: [tweedekamer.nl](https://www.tweedekamer.nl)

^{xli} COA. (2023). COA roept Tweede Kamer op Spreidingswet snel te behandelen. Consulted on: <https://www.coa.nl/nl/nieuws/coa-roept-tweede-kamer-op-spreidingswet-snel-te-behandelen>.

^{xlii} A regular reception place costs €30,400 per year, while emergency shelters cost €69,400 due to the use of expensive temporary locations, see: Jonker, J. (2024). Opvang asielzoekers lastiger en duurder door kabinetsbeleid, zegt het COA. Consulted on: <https://nos.nl/artikel/2546141-opvang-asielzoekers-lastiger-en-duurder-door-kabinetsbeleid-zegt-het-coa>.

^{xliii} Binnenlands Bestuur. (2024). Kosten asielopvang een miljard gestegen. Consulted on: <https://www.binnenlandsbestuur.nl/financien/forse-toename-kosten-asielopvang-van-16-naar-27-miljard-euro>

^{xliv} Yayla, A. & Geldermans, B. (2024). Call for structurally high-quality and child-friendly reception. Consulted on: <https://ntm-mensenrechten.nl/article/view/19348/21277>.

^{xlv} UNICEF. (2024). UNICEF: Stories from child-friendly reception. Consulted on: <https://www.unicef.nl/ons-werk/nederland/kindvriendelijke-opvang/verhalen-uit-de-kindvriendelijke-opvang>.

^{xlvi} Radboud Universiteit & Pharos, (2024). Handreiking maart 2017. Psychische problematiek bij vluchtelingenkinderen en -jongeren. Consulted on: https://www.pharos.nl/wp-content/uploads/2018/10/psychische_problematiek_bij_vluchtelingenkinderen_en-jongeren-handreiking.pdf.

^{xlvii} Tonheim, Derluyn et al., p.131.

^{xlviii} Tonheim, Derluyn et al., p. 119.