

CRC AND NATIONAL LEGISLATION

	SUBJECT	LAW	STATUS	RESPONSIBLE PARTY (CONTENT)
1.	Law of inheritance	1. Discontinuance of right of inheritance between legal and natural children.	- Became effective on 18 febr. 2000 (SB 18-02-2000)	
2.	Age	2. Lower adult age of 21 lower to 18 year in accordance with CRC	- Unchanged	
3.	Kindergarten	3. Mandatory kindergarten law to get pre-school education.	- Missing	Min of Education
4.	Compulsory Education	Change Compulsory law from of 7-12 to 4-14 years and equalization at minimum age to work (age 14) Ratification of the ILO Convention 138.	- Unchanged - Not yet ratified	Min of Education, ATM Min of Education, ATM, Min of Foreign Affairs
5.	Minimum age	Minimum age for: 4. To independantly consulting a doctor; 5. To choose a religion.	- Missing	Government
6.	Fosterchildren	6. Fostercare law.	- Concept law in preparation.	Justice & Police
7.	Parental power	7. Parental power is practiced exclusively by the father. Only in the case of release and deprivation of the father the practice becomes through the mother: agianst equalities principle	- Unchanged	Justice & Police
8.	Parental authority of child welfare	8. Standards in laws of young adults between the age of 18 and 21 years to hav ethe opportunity to have authority overtheir child(ren).	- Missing	Justice & Police
9.	Child protection	9. Law on the establishment of a Board of Child Protection.	- Concept law prepared	Justice & Police
10.	Adoption	11. Adjust adoption law to the Hague Adioption treaty; 12. Ratification the Hague Adoption treaty	- Unchanged - Not ratified	
11.	The right to be heard	13. Law the right to be heard for children in law procedures. 14. Law the right to be heard in administrative/governmental procedures.	- In 2008 approved by Parlement. In effect. - Missing	Foundation Ilse Henar Hewitt Juridische bijstand voor vrouwen.
12.	The right to have contact with a parent	15. Law to have contact with minors.	- Missing. Measures taken by Bufaz.	
13.	Marriage law	16. Recent marriage law: minimum age 17 for boys & 15 or girls with approval from the parents;	-In effect at SB 2003 no. 44	Home Affars

		17. Raise minimum age to get married to 18 for boys and for girls.	-Unchanged.	Home Affairs
14.	The right to have a name	18. A law choice for children according to the family name of the child (legal and by the father acknowledge natural children who carry the last name of the father and the natural children of the not-acknowledge children who carry the name of the mother).	- Missing.	Home Affairs
15.	Conflict of interests	19. Measures have to be taken for the representing of legal children who have a conflict of interest with their legal representatives in ref to “the person” of the child..	- Missing.	
16.	Law for care centers	20. Legislation for supervision and control on the child care centers through standards.	- Concept law submitted to Parlement in November 2009.	Social Affiars
17.	Costs of living	21.. Legal allowance-index regulation: In which once the court decides the allimony amounts annually by an index figure, it automatically increases.	- Missing	Justice & Police
18.	Foreigners-/ refugees children	22. Proclamation of the concept foreigners law (16/01/1992). Through this law that also counts for children, a foreigner can be granted a residence permit for indefinite time.	- Unchanged	Home Affairs, Justice & Police
19.	Violence	23. Legislation with sanctions for violence against children within the family, the school, in child care institutions and remaining places where children stay. Recommended that the Law Domestic violence needs to be added in the education law, the penitentiary law, the concept law for care centers and other measures to prevent violence against children. .	- Ministerial decision to forbid corporal punishment in schools. -Criminal sanctions added up in the concept-law care centers; -Since September 2009 in effect	Min of Education Social Affairs Justice & Police
20.	Children with a disability	24. Legislative framework regarding social integration and equal opportunity for children with a disabilities	-In preparation	Social Affairs
21.	Children with HIV/AIDS	25. No specific HIV/AIDS legislation. There is still discrimination between HIV-seropositive and HIV/AIDS patients. 26. Law on the protection of the privacy of the child that lives with or affected b y HIV/AIDS	- Penalization of wilful transmission of HIV on a certain level to be included in the legislation. Changed by SB 2009 no. 34, article 306b Sr	Justice & Police

22.	Moral Offenses law	<p>Adjustments and changes:</p> <p>27. In pornography; penilization in pornographic image material where minors are concerned, is regulated in a separate new article;</p> <p>28. The definition of rape has been changed: a. violent penetration in the mouth or anus also may fall below and b. threat with other means then violence becomes an element of rape;</p> <p>29. The protection of physical impotent against unwanted sexual actions stretches now to the ones who lack such a development or pathological disorder have become insane or surffering;</p> <p>30. In moral offences committed against minors the existing ages are adapted and in particular articles the age limit is added.</p> <p>31. Cases of filing a complaint are broadend and the terms in which this can happen are extended,,while aside of the legal representatives others can be charged.</p> <p>32. In the health-, pastoral and social care persons get now criminal protection against those professionals who commit a sexual immorality committed by hose working in these sectors, to whose care they have entrusted..</p> <p>33. The penalty given the serious consequences and the regional morals legislation is raised;</p> <p>34. The fine was raised based on the inflation number of 350 of the ABS;</p> <p>35. The offense is no further referenced to gender in terms of both the offender and the victim.</p>	<p>-Adjustment in the law of July 29 2009 SB 2009 no.34. In effect.</p> <p>- Changed in Sb 2009 no. 34, artikel 295 Sr. In effect.</p> <p>- Changed in SB 2009 no. 34, artikel 296 Sr. In effect.</p> <p>-</p> <p>-</p> <p>- Changed by SB 2009 no. 34 artikel 304 lid 2 sub 2. In effect</p> <p>-</p> <p>- Changed by SB 2009 no. 34. In effect.</p> <p>- Changed by SB 2009 no. 34. In effect.</p>	<p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p>
23	Juvenile system	<p>Recommendations:</p> <p>36. Introducing a system of settlement outside the court, specifically focused to the position and the rights of juveniles (alternatives of prosecution of juveniles for criminal offenses);</p> <p>37. Expansion of the alternatives of imprisonment for juveniles;</p>	<p>-</p> <p>-In preparation.</p>	<p>Justice & Police</p> <p>Justice & Police</p>

		<p>38. Legal requirements to allow personnel of the Prosecutors office, police officers, judges and others involved in the investigation, prosecution and trial of juveniles;</p> <p>39. Set up a kinderrombudsbureau</p> <p>40. Establishment of a regulation different from the Penitentiair Decree for youth until 18 year in detention;</p> <p>41. aggravating the sanction for the instiger of inciting children;</p> <p>42. Appointing juvenile justice sytem;</p> <p>43. Raising the age of juveniles to be tried as adults (the age is now 16 year);</p> <p>44. Ashortening the periods of detention, extension of police custody and custody of children;</p> <p>45. Raising of the minimal age for criminal liability of 10 to 12 year</p> <p>46. Implementatie of the Rijadh Rules (prevention);</p> <p>47. Implementatie of the Beijing Rules (minimum standard);</p> <p>48. UN Rules for the Protection of Children Deprived or their Liberty;</p> <p>49. Laws concerning alternative punishments and alternative trial adopt and apply;</p> <p>50. Separation between children and adults in detentie;</p> <p>51. Raise of the age: girls 12 year (because sexual intercourse with a girl between 12 and 14 year only only complaint is actionable).</p> <p>52. Legalization of abortion.</p> <p>53. Prohibit sale alcohol to children younger than 18 years;</p> <p>54. In the possession of drugs is punishable for a child aged 10 year;</p> <p>55. Incitement is punishable, but the law is not clear on the piece.</p> <p>56. Aggravating the sanction for triggers and/or bring offenders to drugs related offenses.</p> <p>57. Prohibition and penalties for use of violence against children in detention.</p> <p>58. Trafficking in Persons Act.</p>	<p>-</p> <p>-Concept law in consideration at the board of Ministers Unchanged.</p> <p>-</p> <p>- One judge is appointed to do juvenile sessions. - Unchanged.</p> <p>.</p> <p>-</p> <p>- Unchanged.</p> <p>Policy of the public prosecutor is focused on the age of 12 .</p> <p>- Unchanged. -Unchanged.</p> <p>- Unchanged.</p> <p>-Since 2008 in effect</p> <p>Unchanged.</p>	<p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p> <p>Justice & Police</p>
24	Age of sexual consent		- Unchanged.	Justice & Police

25	Abortus		- Unchanged.	Health Justice & Police
26	Drugs and alcohol		Unchanged. There is a ban to sell to below the age of 16 years. -Unchanged -Unchanged - Missing	Trade and industry, Justice & Police Justice & Police Justice & Police Justice & Police
27	Penitentiary Decision		-Missing	Justice & Police
28	Trafficking in children		- In effect since 2006	Justice & Police