



Permanent Representation of the  
Kingdom of the Netherlands to the  
United Nations Office and other  
International Organizations in Geneva

REF: GEV-HRC 157/2024

The Permanent Mission of the Kingdom of the Netherlands to the United Nations and other international organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights. With reference to the Joint Communication of 23 July 2024 (AL NLD 1/2024) of the Special Rapporteurs on the issue of violence against women and girls, its causes and consequences and the Special Rapporteur on the issue of the promotion of truth, justice, reparation and guarantees of non-recurrence, the Permanent Mission has the honour to inform the Office as follows.

The Government of the Kingdom of the Netherlands first wishes to reiterate that it fully supports and values the mandates of the Special Rapporteurs. It gives serious consideration to their views. The Government will always seek to respond and actively engage with UN mandate holders, and it has extended a standing invitation to all UN mandate holders falling under special procedures. The Government is open to dialogue with its international partners on the protection of human rights in the Netherlands, in a spirit of self-reflection and with a view to further improving the observance of human rights. In this context, the Government appreciates the opportunity provided by the Special Rapporteurs to issue observations regarding the alleged role of the national executive organization Child Care and Protection Board (Raad voor de Kinderbescherming) currently under the Ministry of Justice and Security in the forced adoption of children of unmarried mothers during the period 1956 and 1984. The observations are provided as an attachment to this note verbale.

The Permanent Mission of the Kingdom of the Netherlands to the United Nations and other international organisations in Geneva avails itself of the opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 22 September 2024



To the Office of the High Commissioner for Human Rights  
Geneva

## **Response of the Kingdom of the Netherlands to the letter from OHCHR with reference AL NLD 1/2024.**

The government of the Kingdom of the Netherlands (hereinafter: the government) responds as follows to the joint communication of July 23<sup>rd</sup> 2024 sent by the Special Rapporteur on violence against women and girls, its causes, and consequences and the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence. The joint communication concerns the alleged role of the national Child Care and Protection Board (Raad voor de Kinderbescherming) in the adoption of children of unmarried mothers during the period 1956 - 1984.

### **1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

The government fully acknowledges the seriousness of the allegations regarding the domestic separations and adoptions between 1956 and 1984. The government regrets the experiences of mothers, children and relatives involved affected by these practices. Thorough research into the history of domestic relinquishment and adoption is crucial for the recognition of all stakeholders. To be able to do justice to all, the government finds it of great importance that the history of the entire system of domestic relinquishment and adoption is thoroughly researched and documented.

Therefore, in October 2022 an independent Commission of Inquiry into Domestic Relinquishment and Adoption in the period 1956-1984<sup>1</sup> (hereinafter: the Commission) was established in order to examine these practices that took place in a different historical and social context. The findings of the inquiry are expected to be published in May 2025.

During this inquiry, the events of the past are studied in an independent manner, and placed in the broadest possible perspective. The role of all parties involved, including government, will be examined. The government considers this is of great value, because in this way - based on the results of the multi-disciplinary and independent inquiry and taking into account our current mindset - government can account for the past. In this way justice can be done for all parties involved. Feelings and memories of those involved are important and should be given serious attention. The government will attach appropriate consequences and follow-up actions to the findings of the inquiry. This will be preceded by fundamental reflection.

Government is in contact with (interest groups of) those involved and will involve them, after the publication of the findings, in what follow-up is desirable and appropriate.

Meanwhile, the above-mentioned allegations are also part of a civil liability claim against the State of the Netherlands. The procedure is currently before an appellate court, after the demands were declined by the Court in First Instance. The government therefore refrains from a public analysis of the merits of the case of Mrs. Scheele-Gertsen, including the outlined facts and allegations contained therein. The government will, where appropriate, include the outcome of the procedure in its reaction to the findings of the inquiry.

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<sup>1</sup> The so-called: *Commissie Onderzoek naar binnenlandse afstand en adoptie in de periode 1956–1984*.

**2. Please provide information on the status of the inquiry into allegations of inadequate protection measures concerning forced adoptions, specifically with regards to State involvement.**

The Commission thoroughly examines the history of domestic relinquishment and adoption, including the role the government has played in this. The members of this independent commission are experienced academics with specializations in e.g. youth law, youth care, pedagogy, and psychotrauma.

The investigation focuses on three main areas:

- I. Experiences of those involved: This part of the research is conducted by Atria<sup>2</sup>, a research institute on emancipation and women's history. It focuses on the experiences of various groups involved in the process of relinquishment and adoption. This includes the experiences of:
  - People who relinquished their child;
  - People who were relinquished as children;
  - People who raised a relinquished child;
  - Relatives of all these groups.
- II. Contemporary perspectives: Maastricht University<sup>3</sup> is conducting research on current views and perspectives regarding domestic relinquishment and adoption. This research examines how these practices are perceived and experienced today.
- III. Historical research: The International Institute of Social History (IISG)<sup>4</sup> is carrying out historical research on domestic relinquishment and adoption. This research focuses on mapping the history and development of these practices over time.

The Commission will deliver its findings in May 2025. The government is determined to take all the Commission's recommendations seriously and to take further steps based on their findings.

**3. Please elaborate on the steps taken towards waiving the statute of limitations for forced adoption cases.**

Awaiting the findings of the Commission, the government will assess on a case-by-case basis whether invoking the statute of limitations is appropriate in individual civil liability claims against the State of the Netherlands. This is intended to ensure that each case is considered on its own merits, taking into account the specific circumstances. Besides conducting a possible admissibility defense, government will also put forth a substantive defense to the best of our ability. In these cases, government will strive to enable the judge to pass judgment as well as possible, given the difficulties presented by the length of time that has passed.

When a statute of limitations defense is put forward, the judge assesses its reasonableness on the basis of standards from case law.

All this does not, in any way, alter the fact that government must and wants to take responsibility for the possible part it has played in events that occurred in the past. The government feels a strong responsibility and also gives substance to that. Therefore a thorough and independent research is

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<sup>2</sup> [www.atria.nl](http://www.atria.nl)

<sup>3</sup> [www.maastrichtuniversity.nl](http://www.maastrichtuniversity.nl)

<sup>4</sup> [www.iisg.amsterdam/nl](http://www.iisg.amsterdam/nl)

being done to trace the events of that time. Something that is not possible in a legal procedure. Lessons can and will be learned from this research.

Government will attach appropriate consequences to the findings of the independent inquiry and will consult with (the interest groups of) those involved on follow-up actions. The feelings and memories of those involved should be acknowledged in full. These feelings and memories are there; they are real and therefore deserve serious attention. The government will draw appropriate conclusions to the results of the Commission's investigation.

**4. Please provide information on concrete measures to provide redress and reparations to mothers who were forced to give up their children for adoption.**

Apart from the establishment of the Commission, the government is also trying to localize, unlock, and centralize the files of individuals involved in domestic separations and adoptions.

The NGOs and interest groups that look after the interests of the mothers and children involved, are subsidized by the government in order to support and professionalize their advocacy. Discussions are held with these interest groups and support needs are identified, such as psychological and legal support.

Further actions will be taken based on the findings and recommendations of the Commission.

In the hope that the responses to your inquiries are satisfactory, the government wishes to reaffirm that the matter will be addressed with the highest level of diligence.