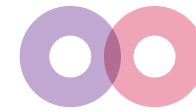




Time for the citizen

Summary
Annual report 2022



**nationale
ombudsman**



**veteranen
ombudsman**



**kinder
ombudsman**

Introduction

Central to the work of the National Ombudsman is the question of whether citizens are treated properly by the government. Is the government honest, does it show understanding in its communication with citizens and does it give sufficient priority to the citizen's perspective?

The National Ombudsman steps in to help citizens when things go wrong between them and the government. We provide support in the form of advice and recommendations and give practical guidance. We also point citizens in the right direction in their search for help. Where necessary, we conduct further investigations. Wherever we see potential for improvement in the way citizens are treated, we challenge government authorities to rethink their services and processes.

The Ombudsman can also take the initiative in investigating long-standing issues. The investigations conducted at the Ombudsman's own initiative are based on specific themes. The themes in 2022 were Poverty, Access to public services, Fundamental rights, Participation and influence and Quality of life.



Complaints, reports and questions:

24.020 5.899 fewer than in 2021.

In response to these requests:

- Interventions: 1027
- Letters: 236
- Reports: 42



Reinier van Zutphen has been the National Ombudsman since 2015. He was appointed for a six-year term by the House of Representatives. His current term runs until 2027. He is also the Local Ombudsman for 75% of Dutch municipalities (at the start of 2023, this was 78.6%) and the Ombudsman for Veterans, for veterans who have complaints about the government or another body from which they receive assistance.



Margrite Kalverboer was appointed to the position of Ombudsman for Children on 20 April 2016. Her second term, for a further six years, started on 1 April 2022.



The Ombudsman for Children Institute was established in 2011. The Ombudsman for Children aims to ensure that children's rights are respected in the Netherlands. Not only by the government, but also by organisations in education, childcare and healthcare.

The Ombudsman for Children encourages parties to prioritise children's development in all legislation, policy and decisions. Children have a right to a voice in these decisions. The Ombudsman for Children aims to permanently improve the position of young people and children in the Netherlands by providing advice and education and conducting research. The interests and perspectives of children and young people have an important role to play in this.

The United Nations Convention on the Rights of the Child (UNCRC) and the best interests of the child always serve as the point of departure in Ombudsman for Children's work. In practice, we continue to note the need for improved compliance with the United Nations Convention on the Rights of the Child.









Complaints with the Ombudsman for Children:

1.691 478 fewer than in 2021.

About these subjects:

Education, youth support, custody & access, law on foreign nationals, poverty, healthcare



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Time for the citizen



In the Netherlands, some major problems and challenges lie ahead. Tackling them will require a government with the nerve to take on the capital interests of society. From civil society and business and industry through to citizens and young people. A government that listens and is realistic about the efforts it is willing and able to make, without making promises it cannot meet. More than ever before, in our efforts to help citizens, we also need to help the government adopt a different approach.

It starts with listening

The government needs to start actively listening to citizens sooner, more often and to better effect. Not in order to confirm the status quo, but in a concerted effort to make progress together. After that, it is important to take action in response to listening. We receive regular reports from citizens who feel they are not getting a proper hearing or being taken seriously. In any good conversation with individual citizens, the government needs to ask the right questions. The most important first question is: **what do you need?** Then the focus should be on what citizens can do for themselves and how the government can support them in the things they cannot do themselves. The answer to these questions can prevent misplaced or exaggerated expectations on both sides. It also

enables citizens themselves to take control of the solution in their attempt to tackle their problems.

Participation with an influence

In other words, it is time to stop talking about citizens and start talking *with* them instead. We continue to critically monitor how participation is applied, especially in cases where it appears to be serving as a sticking plaster for inadequate government services. Participation can only be successful if it genuinely involves influence and control. If we really want citizens to be able to participate, certain conditions need to be met, including having sufficient money to survive. This is what makes participation possible. Participation can be successful and build people's trust if citizens feel that the government authorities are also responsive, well-meaning and honest at other times. For the whole of 2022, we called on the government not only to be responsive, but also proactive and above all focused on preventing problems. We did this by actively highlighting the opportunities and services available for citizens and to which they are entitled.

From equality to equal treatment

There is no lack of goodwill to resolve problems on the part of government authorities. But it needs to be done with purpose, care and creativity. Far too often, the automatic response is still increased regulation and far-reaching juridification, sometimes as a result of a disproportionate application of the equality principle. In the last year, we also saw the strengthening of citizens' legal status as another example of this increasing juridification. Across all kinds of areas, citizens were offered opportunities to defend themselves against the government. This was done with the best of

intentions. But, it shows that, in far too many cases, the government is opposing citizens rather than standing alongside them.

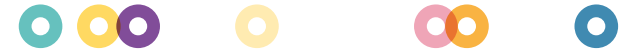
Time for the citizen

We called for increased speed across a range of key areas. We continue to do this, because too many citizens are still waiting far too long before action is taken to resolve their problems. But when we call for speed, we do not mean hastily making decisions and adopting a legalistic approach. We want to see a government that engages quickly in conversation, acknowledges that mistakes have been made and then takes the time to stand alongside citizens and take a well-considered approach to resolving the situation. A government that offers citizens prospects, time and attention. In order to prevent citizens becoming involved in the process at such a late stage that legal aid becomes inevitable. In practice, an effective dialogue with citizens can result in surprisingly simple solutions, that not only bring about financial redress, but also emotional redress.

We are not only challenging the government to improve the way it listens. We are also challenging ourselves. In the period ahead, we will not only be focusing on how we can be an effective ombudsman for citizens, children and veterans. We will also focus increasingly on the question of what type of ombudsman the government needs. How can we ensure that the government learns from the complaints, questions and reports we receive and the recommendations we make? We will do everything in our power to help citizens, children, veterans and government authorities to regain trust in each other. There is no time to lose.



Poverty



As purchasing power falls, increasing numbers of people are worried about their finances. Growing numbers of citizens are struggling to pay their bills. Life has become (too) expensive for a large group of citizens. The social minimum income is not sufficient. The aftermath of the coronavirus crisis also led to financial problems as jobs were lost, shops closed and small businesses faced bankruptcy. Households living on or around the social minimum saw their finances particularly badly hit.

“Poverty is one of the most important themes on my agenda. Inflation and rising energy costs are only making it more difficult to survive on social minimum income. The social minimum income is not sufficient. That was already the case, but it has only become worse. The government also needs to ensure that people do not fall below the lower limit of the social minimum income, which is happening at the moment.”

- Reinier van Zutphen

In 2022, the National Ombudsman conducted various investigations into the poverty and debt issue. First of all, there were three investigations concerning social minimum income. The report *Een status met weinig armslag* (A status with minimum room for manoeuvre) highlights the financial issues facing refugees granted residence permits. *Meedoen zonder beperkingen* (Full participation for all) is about young people with disabilities. In *Watertrappelen in de bijstand* (Treading water on welfare benefits), we looked at young people aged 18 to 21 on welfare benefits. These groups are particularly vulnerable when in (chronic) poverty.

The National Ombudsman also investigated access to debt relief for self-employed entrepreneurs. He describes his findings, conclusions and recommendations in the report *Zelfstandigen over de drempel* (Access for self-employed).

On World Poverty Day, the Ombudsman published his reflections on the issue of social minimum income *Sociale minima in de knel* (In a fix on social minimum income), containing eleven important conclusions based on the above investigations.

On several occasions in 2022, the Ombudsman expressed his concerns about the implementation of the process of redress in the wake of the Childcare Allowances Affair. He was particularly keen to highlight the backlogs and inadequate provision of information with regard to the integrated assessment and the objection process. The Ombudsman wants to accelerate matters by beginning mediation on the issue of redress at the start of the process. He is an advocate of informal dispute resolution. He is convinced that a significant number of requests can be resolved much more effectively by engaging in conversation with the parents affected at an early stage. It must be done in a way that is easy to access and focused on results, while also ensuring that requests are handled completely and decisively. This can also help to prevent the ongoing juridification of the redress process.



Proper access to public services, such as healthcare and assistance, is essential in any society. The National Ombudsman keeps a close eye on situations where access to government services is under threat. Where things go wrong, the Ombudsman calls attention to it. In this, we particularly focus on groups in vulnerable situations, such as the elderly and young people, whom the government can often struggle to reach.

In 2022, the National Ombudsman conducted various investigations into citizens' access to public services. The report *Met te weinig genoeg nemen (Accepting second best)* focuses on the low take-up of income-related benefits by elderly people in vulnerable financial situations. In it, we make three recommendations to local municipalities and national executive organisations: be proactive in approaching elderly people and engage in personal contact, collaborate with professional care providers and volunteers and finally; use the available data and share data between you.

In the report *Alleen volwassen worden (A lonely road to adulthood)*, compiled in collaboration with the Ombudsman for Children, the focus is on single child refugees, who are at increased risk of accumulated problems when they reach the age of 18. In *Samen verder (Onwards together)* the National Ombudsman joins the Ombudsman for Children and others in suggesting potential solutions for tackling complex problems in juvenile care. These two investigations are discussed in Chapter 2 on the work of the Ombudsman for Children.

In June 2022, the Ombudsman also published his reflections on the large number of coronavirus-related questions, reports and complaints received. Often these related to access to information.

The Ombudsman also received reports that citizens are facing waiting times relating to the Municipal Personal Records Database (BRP). This was caused by the large influx of Ukrainian refugees within a short time.

The government must respect fundamental rights, including those of children. This includes proper compliance with the law and international and regional human rights treaties and conventions. It cannot simply restrict or remove citizens' freedoms and rights. The government must also make efforts to prevent the infringement of rights. The shelter provided to refugees, housing shortages, restrictions on the right to demonstrate and police violence encroach on citizens' fundamental rights. These are areas of particular focus for the team of ombudsmen.

In 2022, the team's focus on the fundamental rights of citizens of all ages was as relevant as ever. As in previous years, the National Ombudsman, the Ombudsman for Veterans and the Ombudsman for Children continued to highlight the importance of fundamental rights. For this purpose, they chose three specific long-term priority areas: housing, migration and deprivation of liberty. In 2022, there was also a particular focus on the right to demonstrate and police conduct.

Together with the Ombudsman for Children, the National Ombudsman initiated his own investigation into problems with housing. The investigation charts the obstacles that families encounter when faced with eviction or the threat of it. It also explores the question of what families can expect from the government in terms of human rights and children's rights.

Since 2021, the Ombudsman has been monitoring several families he met in the temporary shelter for Afghan refugees in Nijmegen. He held talks with them and the organisations involved. In letters to the Central Agency for the Reception of Asylum Seekers (COA) and the State Secretary for Justice and Security, he called for a renewed focus on the devastating situation faced by this group of refugees granted residence permits. Some of these families are still in need of permanent housing.

A refugee family arriving at an asylum seekers reception center.





Participation and influence



The government must give citizens an opportunity to exercise an influence at all levels on decisions and developments that directly affect them. The National Ombudsman still sees far too many examples of citizens who are unable to have their voice heard or properly present their side of the story. They are often given insufficient information, are unsure how they can participate or find their contributions are ignored. They often have so many worries that they feel unable to turn to the Ombudsman or other agencies.

Although many of our previous investigations on this theme focused on the physical domain, 2022 saw us launch an investigation into participation in the social domain. Our starting point was the influence that citizens have within the Social Support Act (WMO). The spring of 2023 saw the publication of our report on this subject entitled *Burger in zicht! (Citizen in sight!)*, which included the key finding that citizens experience a lack of control and influence during the application process. This is unnecessarily increasing the distance between government and citizen. It will be followed by similar investigations exploring the Participation Act and the Youth Act.

In 2022, the investigation into nuisance caused by air traffic was also completed.

The National Ombudsman in practice:

Joop is 69 and lives in Zuid-Holland in a municipality with 20,000 inhabitants. He is not in the best of health. "I find it difficult to walk and I've seen a podiatrist about it. My feet are badly aligned. I can walk for 50 m and then have to stop because of the pain. I also have heart problems."

Because Joop finds walking difficult and has already had two falls on his two-wheeler bike, he applied to the municipality for a trike. The WMO consultant suggests that Joop would be better off with a mobility scooter.

Joop is not so sure. He'd actually prefer a trike, but it will have to last for seven years, whether it's a trike or a mobility scooter. Joop is no longer sure what to do. It's now been five months since he last left the house. "I feel my health has deteriorated. My cardiologist also said that things are getting worse and that I need to do more exercise. But those seven years just don't feel right to me."

Joop feels that he has been properly involved in the process and has freedom of choice. But that freedom of choice is being limited by the rules. "I don't understand why I have to make a choice for seven years. Why can't I just try out the trike? I could have been cycling on it all summer."



For citizens, changes in the environment where they live and work can have a major impact. For many years, the National Ombudsman has been pointing out how important it is to consider the perspective of citizens and to provide a reliable service. But when it comes to the major issues, there are real problems. In the case of the floods in Zuid-Limburg, the same mistakes are being made as happened in attempts to deal with the consequences of gas exploration in Groningen. The government's apparent inability to learn lessons is undermining people's trust.

In July 2021, there were major floods in the catchment area of the Maas in Limburg. Central government immediately began working on a scheme for the people affected. However, this scheme failed to provide the expected assistance. Some of the conditions in it were illogical. There were also problems in coordination between municipalities and central government. For example, repairing the roads was meant to be prioritised, but this was soon facing delays.

There was also poor communication about the scheme. In the words of a local mayor, all of this exacerbated the 'post-disaster disaster'. The damage caused during the disaster itself has already had a significant impact. But this damage is made worse when citizens and businesses receive inadequate help in repairing their living environment and businesses.

In situations of this kind, the role of the National Ombudsman involves understanding what is happening on the ground and closely monitoring municipalities and residents. It also involves ensuring that their concerns and wishes are brought to the attention of central government and that it listens. In doing so, we emphasise the importance of the citizen's perspective. We are also calling on government not to make big promises it is unable to keep.

It is worth noting that there are still frequent problems with schemes for addressing the consequences of gas exploration in Groningen. This is still having a significant social impact. In the report on the subject *Beloftes maken schuld* (*Promises create a debt*) the Ombudsman analyses the complaints about this and looks at related developments.

When it comes to gas exploration in Groningen, the National Ombudsman believes that the government must take responsibility and treat citizens properly. In his recommendations, he highlighted the need for government to act with caution when it comes to expectations, promises and undertakings. Policy and implementation also need to be better coordinated. Mistakes must be put right quickly.

Another issue that has significant impact on citizens' living environment is the energy transition. The impact has been made worse by the increased fuel poverty that results from the rising gas and electricity prices. On 2 December 2022, the National Ombudsman published a report entitled *Ongelijke toegang tot de energietransitie* (*Unequal access to the energy transition*). This was partly in response to the increasing number of reports from citizens struggling to afford increased energy costs. One of the key findings of the investigation was that the very people who really need to make their home more energy-efficient are unable to do so. The Ombudsman made six important recommendations to local municipalities. These propose easy access to public services, a focus on prevention and long-term solutions rather than sticking plasters, linking up knowledge from the social and physical domain, providing accessible information and monitoring the approach to the transition.



Bonaire, St. Eustatius and Saba are special municipalities of the Netherlands. Despite this, there are differences compared to the European Netherlands when it comes to public services and rights. For example, there is no set social minimum income on the islands or unemployment benefit as is the case in the European Netherlands. Child allowance was only introduced in 2016. There is hardly any public transport on the islands. Many people feel like second-class citizens and there is widespread mistrust of the government. On the other hand, there sometimes seems to be very little understanding in the European Netherlands that these three special municipalities are actually part of the Kingdom. However, progress is being made to improve the situation on the islands. The minimum wage and child allowance have been increased and measures have been taken to reduce the cost of living. But at the same time, the Ombudsman notes that this progress is too slow and is still having too little effect.

Together with the Ombudsman for Children, we have been investigating poverty and the problems that it causes in the Caribbean Netherlands since 2019. We have specifically focused on people entitled to statutory pension (AOV) who have no additional pension. This led to the third report on the subject in 2022: *Caribische kinderen van de rekening* (Caribbean children pay the price), on single young adults and single parents with children. We previously published *Oog voor ouderen in Caribisch Nederland* (Focus on the elderly in Caribbean Netherlands) (2019) en *Het maakt uit waar je wieg heeft gestaan* (A poor beginning) on the subject of young adults (2020).

At the end of 2022, the Ombudsman attended a conference on poverty on Curaçao. In 2022, he also monitored the response to the recommendations made in the report *Kopzorgen van Caribische studenten* (Concerns of Caribbean students, 2020) and issued an interim report to provide an update on the situation. As a result, when applying for a student loan via DUO, Caribbean students are issued immediately with a Citizen Service Number (BSN), which was one of the report's recommendations.

Finally, an investigation was conducted into foreign nationals without residence permits on Bonaire. Participation in consultations and the number of complaints received would generally suggest that citizens in the Caribbean Netherlands are becoming increasingly familiar with the services of the ombudsmen. The Ombudsman paid four visits to the islands.



Ombudsman for Children staff on a working visit to Saba and St. Eustatius. In 2022, the National Ombudsman and the Ombudsman for Children organised a range of joint working visits in the Caribbean Netherlands.

Ombuds work in numbers

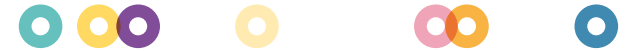


Complaints
in Caribbean NL:

198 8 less than
in 2021.



International



The National Ombudsman regularly shares knowledge and experiences with international counterparts. This ensures that citizens receive even better assistance, including in the Netherlands. The Ombudsman's trips to other countries and incoming visits from abroad aim to boost the sharing of knowledge, maintain links and find out more about local situations. As part of this process, 2022 saw the Ombudsman visit Serbia, Indonesia, the Caribbean Netherlands, Belgium and Greece. Part of this was in his role as the Ombudsman for Veterans.

In 2022, it was decided that the National Ombudsman will have the honour of organising the thirteenth World Conference of the International Ombudsman Institute (IOI) in The Hague in 2024. This conference aims to enable ombudsmen from across the world to share knowledge and experiences.



INTERNATIONAL
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INSTITUTE

The work of the Ombudsman for Children



It might concern the impact of the earthquakes on young people's and children's lives in Groningen, the transition faced by young people in juvenile care as they reach 18 or housing single minor refugees or children who live in the vicinity of Tata Steel. Across the wide range of topics covered, the Ombudsman for Children's focus is always on the child's best interests and their influence on the measures that affect them.

“Children who grow up with parents whose attention is distracted by other things. Who are worried if their house will still be there when they return from holiday or concerned what the atmosphere at home will be like on their return from school.”

The Ombudsman for Children giving evidence to the parliamentary inquiry committee on gas exploration in Groningen on 14 October 2022.

Children, adults and professionals can contact the Ombudsman for Children if they believe that the government or organisations with a statutory duty involving children and young people are infringing children's rights. Reports may focus on obtaining help or information but could also be complaints about individual situations. The Ombudsman for Children assesses how reports can be handled in a way that is in the child's best interests. Depending on the situation, the Ombudsman for Children's staff provide information or advice or contact the organisation named in the complaint. The Ombudsman for Children can also initiate investigations in response to certain complaints and write reports about them.

The report entitled *Als je het ons vraagt* (If you ask us) gives a clear impression that children have less trust in adults' ability to resolve these problems. In response, they are more critical of themselves and are determined to participate more and exercise an influence. This is why the Ombudsman for Children sees giving children a voice and influence as her most important mission. It is also why she is calling on the government to give children priority and involve them when drawing up policy.

Together with the National Ombudsman, the Ombudsman for Children also published the report entitled *Alleen volwassen worden* (A lonely road to adulthood), investigating the support provided to single child refugees in the Netherlands and the report entitled *In eenzaamheid gepest* (Bullied and alone), revealing that children who are bullied on the grounds of discrimination suffer most from it. In these cases, it involves sexual orientation, poverty and physical features.



Young people increasingly feel the need to stand up for their own rights and ideals, as is the case here at a climate demonstration in Amsterdam.



The work of the Ombudsman for Veterans



In 2022, there were more than 103,000 Dutch veterans, including former and active soldiers. As a result of their efforts, they may need care and support. Since 2014, the Veterans Act (*Veteranenwet*) has formed a statutory basis for the recognition and appreciation of the service provided by these veterans and the Dutch government's special duty of care. The Ombudsman for Veterans ensures that veterans receive the recognition, care and information to which they are entitled in accordance with the Veterans Act. The Ombudsman for Veterans steps in when there are issues between a veteran and the government or other organisations responsible for providing care.

In 2022, the Ombudsman for Veterans achieved a range of results. For many years, the Ombudsman for Veterans has been highlighting the financial issues faced by walk-in centres for veterans. He called on the Cabinet to ensure that a permanent solution is found. In response, an amendment was passed in late 2022 enabling support to be provided to walk-in centres in financial difficulty. This was a great result for the veterans.

In March 2022, the Ombudsman for Veterans issued an urgent call to the Minister of Defence to fulfil undertakings previously made to tackle the indexation of the so-called Military Invalidation Pension (MIP). After his most recent letter, the House of Representatives' Permanent Committee for Defence tabled a motion calling on the Minister "to proceed to index the MIP as soon as possible, if necessary decoupling this subject from the wider collective labour agreement negotiations". Since then, it has been decided to index the Military Invalidation Pension annually starting in January 2023.

However, because MIP is not part of the Dutch statutory pension or benefits system, the entitlement to it lapses if a veteran emigrates. After years of pressure from the Ombudsman for Veterans, the Minister has opted for a bespoke solution to this problem, pending a permanent solution, to enable veterans to retain their MIP if they emigrate.

In recent years, hundreds of veterans have asked questions, presented their problems and asked for advice and support. In many of these questions and issues, there was every reason to apply the special duty of care stipulated in the Veterans Act. This duty of care is not a legal concept that can be interpreted narrowly or should be subject to restraints. A veteran is a special citizen who is entitled to support, clear and straightforward information and access to the law and legal resources. That is what statutory recognition and appreciation should look like in practice.



Complaints in 2022

268 64 less than in 2021

- Files handled: 250
- Interventions: 98
- Referrals to other government agencies: 75



**veteranen
ombudsman**

If things go wrong between you and the government, the National Ombudsman will help you on your way. We stand up for the interests of citizens and help governments improve their services.

The National ombudsman is local ombudsman for **three quarters** of all Dutch municipalities.

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The cover picture shows a member of Ombudsman staff in conversation with a citizen during one of the province tours in 2022. The government needs to start actively listening to citizens sooner, more often and to better effect.

Cover image: Hoge Noorden

You can find the entire Annual report 2022 via
nationaleombudsman.nl/de-nationale-ombudsman/jaarverslagen