



# The citizen cannot wait

Summary of Annual Report 2021





'The citizen cannot wait' (*'De burger kan niet wachten'*) is the title of the Annual Report for 2021 by the National Ombudsman, the Ombudsman for Children and the Ombudsman for Veterans. There was a year between the Dutch government standing down in early 2021 and the new government taking office at the start of 2022. During that time, the outgoing government and the House of Representatives were mainly focused on themselves and continued to neglect numerous key developments. Too little progress was made in putting things right on childcare allowances and not enough was done to tackle the issues caused by gas exploration in Groningen and Drenthe. In 2021, a lot of promises were made and plans drawn up. The time has now come for action. The citizen cannot wait.

In 2021, the coronavirus restrictions were still having a significant influence on citizens' lives. Because many of its offices were closed, it was difficult for people to access government services. Coronavirus called for rapid intervention. As a result, the government failed to properly assess whether the measures really were appropriate or what their effect would be on the lives of children and adults. The number of people no longer able to participate fully in society grew in 2021. This often concerned people we would never have expected to need care or any other help. These people now run the risk of long-term poverty in the wake of the coronavirus crisis. Once in poverty, people often find it very difficult to escape and become vulnerable to other problems, affecting education, employment or housing. Day-to-day life became more complex in 2021 and trust in the government saw a further decline.

### **Children and young adults facing difficulties**

Since policymakers were so preoccupied with responding to the crisis, the interests of children faded further into the background. In 2021, there were frequent occasions when children were asked to think of others, rather than themselves. Because of the coronavirus crisis, there is now a generation of young Dutch people who have fallen behind in their education and had little opportunity to make friends. Many also have high student debts. They must not be allowed to become a forgotten generation carrying the scars of the coronavirus crisis far more than others for years to come.

### **A bespoke approach is no solution to poor policy**

If it is to regain the confidence and trust of its citizens, the government must show that it can be relied upon. This is possible if it does its work properly, which has not always proved successful. In recent years, for example, central government has delegated numerous tasks to local municipalities. There has not always been adequate consideration of how the municipalities should achieve this and they have also received less funding to do so. This means that municipalities have not always been able to provide citizens with the help they need, leading to public complaints about local municipalities. As a result, people no longer have confidence that the government is on their side. Politicians and administrators often cite the need for a 'bespoke' approach in resolving citizens' problems. But a bespoke approach is no solution to poor policy. If the policy is ineffective, something needs to be done about it. Policy development and implementation needs to happen in a way that serves citizens' interests: what do they need and how do you create policy that can be implemented by means of normal, understandable systems?



When there are issues between citizens and the government, it is the role of the National Ombudsman to find a way forward. We represent the interests of citizens and help government authorities to improve their services. We listen to the signals and complaints about the government that we hear from citizens. Our aim is to be able to help them. At the same time, we also investigate when things go wrong and how things can be improved. The National Ombudsman is unaffiliated and impartial.

**Reinier van Zutphen is the National Ombudsman. He is supported by a professional organisation made up of a large group of specialists. Reinier van Zutphen has been the National Ombudsman since 2015. He was appointed for a six-year term by the House of Representatives. He was reappointed for a further six-year term in April 2021. He is also the Ombudsman for Veterans, serving veterans who have specific complaints about the government.**



As an institution, the Ombudsman for Children has existed for eleven years. 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. By means of public information, investigations and advice, the Ombudsman for Children aspires to bring about permanent improvements for children and young people in the Netherlands. The interests and perspectives of children and young people have an important role to play in this.

**Margrite Kalverboer was appointed to the position of Ombudsman for Children on 20 April 2016. She started her second term of office on 1 April 2022.**

### The effectiveness of our work

When things go wrong between citizens and the government, the National Ombudsman can intervene, mediate or initiate an investigation. The Ombudsman can also take the initiative in deciding to focus on long-standing issues.



**Complaints and communications from citizens in 2021**

**29,919**

This is 4,279 more than in 2020.

### Accessible for those who need us

In 2021, the National Ombudsman, the Ombudsman for Children and the Ombudsman for Veterans also had to deal with the consequences of the coronavirus crisis and the delay in forming a new government. Many of the complaints and communications we received concerned the consequences of the coronavirus restrictions. These restrictions placed limitations on our personal contact with citizens, but we continued to be accessible for those who needed us. We set up a special reporting point for self-employed entrepreneurs, continued to advocate face-to-face teaching for children and provided support to members of the military forces whose deployment was made difficult by quarantine rules.



In 2021, the five key themes of Poverty, Access to public services, Fundamental rights, Participation and influence and Quality of life have provided an important framework for the issues raised by the National Ombudsman.



## Theme 1: Poverty

In 2021, the aftermath of the childcare allowances affair and the monitoring of the efforts to put things right by the Allowance Restoration Organisation (*Uitvoeringsorganisatie Herstel Toeslagen, UHT*) were at the top of the National Ombudsman's agenda. In early 2021, the third government led by Mark Rutte stood down as a result of this issue and a package of improvement measures was announced. Alongside the childcare allowances affair, coronavirus also led to a further increase in financial problems and rising poverty among different groups of citizens.

Many of the communications and complaints we received in 2021 were ultimately related to poverty. There are numerous reasons why people end up in poverty, such as reduced income caused by losing one's job or a drop in turnover from one's business. In the Netherlands, there are almost half a million households in poverty. This also includes families with young children



Self-employed households and households with a non-western background are particularly at risk. Anyone who faces poverty will find it increasingly difficult to participate fully in society. It is these people in particular who need a government with their interests at heart. A government that can of course prevent problems, but also offer solutions that people really need. During the coronavirus crisis, there was an increase in the number of people falling into poverty and this group cannot be expected to diminish any time soon.

For example, some healthcare staff who have developed Long COVID now risk losing their jobs. This is a critical time. In the case of Q fever in the past, we also had people lose their jobs, ultimately ending up on benefits and sometimes even losing their homes. We need to ask ourselves whether the systems in place, including the Sickness Benefits Act (*Ziekwet*) are truly adequate for these new groups. It is up to the government to ensure that everyone is able to participate.

### Investigations in 2021

In 2021, the National Ombudsman conducted two investigations into the approach adopted by the UHT in handling complaints. In the second report

### 'Complaint upheld, but no solution found'

(*'Klacht gegrond, maar geen oplossing'*) (October 2021), the Ombudsman noted that efforts to put right the childcare allowances affair were facing severe difficulties. During the period of the investigation, the UHT's complaint handling was inadequate. There were severe backlogs and the statutory processing periods were exceeded in more than a quarter of all cases. The National Ombudsman continues to monitor the UHT's handling of complaints.



## Theme 2: Access to public services

The National Ombudsman has highlighted the fact that access to all kinds of facilities and services relating to housing, healthcare and support often fall short because of a failure to reflect citizens' real needs and life experiences. Those citizens in need of multiple kinds of provisions and assistance are particularly likely to face obstacles and receive little or no support as a result. In many cases, the consequences of the coronavirus crisis worsened access to facilities and services still further in 2021. Citizens are often unaware of their entitlements.



The government is calling on people to become informal carers, enabling others to remain independent for longer and reducing or completely eradicating their need for care. But the govern-

ment schemes designed to help informal carers to do this are often so complex that they serve as a deterrent, forcing informal carers to give up trying. This will ultimately lead to the conclusion that there was insufficient demand for the scheme. But the real question is this: why is it not possible to arrange access to these provisions in such a way that ensures a high take-up? Are we afraid that it will become too expensive? Do we fear that it will be abused? Or have we simply forgotten that the aim was actually to help people?

### Investigations in 2021

In 2021, the National Ombudsman highlighted the issue of informal carers. As a follow-up to the report

#### 'Continuing to care'

(*'Blijvende zorg'*, 2020), he held talks with informal carers, stakeholder organisations, client liaison organisations, academia and the government. The conclusion: the way in which informal care is organised fails to effectively reflect what is actually needed. The National Ombudsman is calling on local municipalities to encourage their officials to experiment with working from the perspective of the informal carers themselves.

## Theme 3: Fundamental rights

According to the Dutch constitution, the government itself must also abide by laws and regulations. This means that citizens have certain rights and freedoms that bodies and government authorities, such as the police or local municipalities, cannot simply restrict or remove. But this can sometimes go wrong, for example in cases that infringe on people's freedom, safety and security, or where the government fails to properly exercise its monopoly on the legal use of force. In 2021, the National Ombudsman investigated citizens' complaints concerning the protection of fundamental rights.

### Investigations in 2021

In 2021, the Ombudsman published the report entitled

#### 'Discoloured images'

(*'Verkleurde beelden'*), pointing out that very few people who feel they have been ethnically profiled are submitting complaints about it. The report provides a framework offering guidance to authorities on how to handle complaints about ethnic profiling. In 2022, the Minister of the Interior and Kingdom Relations will join the Minister of Justice and Security in further implementing the recommendations from this investigation in consultation with the National Ombudsman.



## Theme 4: Participation and influence

For government authorities, citizen participation can often still be regarded as little more than a box-ticking exercise. As long as some opportunity for participation is offered, the government deems the matter to be closed. But what matters is ensuring that people really have the opportunity to have their case heard and express their views as early in the process as possible. Government decisions are improved through citizen involvement and influence.



The National Ombudsman has this message for citizens, advisory councils and special interest groups: do not engage with this box-ticking exercise! Make sure that you are really being listened to. Citizens' experiences and insights are important in making clear what works and what is ineffective. Local municipalities should therefore ensure that they make

every effort also to include people who find it less easy to participate of their own accord. When participation is truly successful, it creates a win-win situation for both the citizen and government.

### Investigations in 2021

In recent years, central government has delegated increasing numbers of tasks to local municipalities, including the Youth Act (*Jeugdwet*), the Social Support Act (*Wet maatschappelijke ondersteuning, WMO*) and the Participation Act (*Participatiewet*). In November 2021, the National Ombudsman initiated investigations into this

### decentralisation process from the citizen's perspective:

how can citizens exercise an influence on policy and implementation? Perhaps most importantly: what possibilities are there for exercising an influence on one's own situation and does anyone actually listen? This investigation of the decentralisation process from the citizen's perspective also covers complaints about organisations to which municipalities have outsourced work. For each domain (WMO, Participation Act, Youth Care), the Ombudsman assesses the handling of complaints and discusses this with municipalities and local ombudsmen.

## Theme 5: Quality of life

Additional attention needs to be paid to the effects of human intervention on our living environment. This is clear from the problems caused by gas exploration in Groningen and Drenthe. Limburg, which is struggling with the aftermath of mining and problems with flooding, is another good illustration. At the moment, it often remains unclear what the long-term impact will be on quality of life in the area affected. Are citizens aware from the outset what is going to happen, what the consequences will be and whom they should turn to if problems arise? What is the government actually responsible for (or not)? No one benefits if the government fails to address this question until the problems have actually arisen. The seriousness and urgency of the settlement of damages claims has now become clear and it is time for concrete action and speed!

### Investigations in 2021

There was one key issue in 2021 that commanded the most attention and efforts from the National Ombudsman: the consequences of gas exploration in Groningen and Drenthe. In 2021, the Ombudsman published a detailed reconstruction in the report

### 'Fractured trust'

('Verscheurd vertrouwen'). The conclusion: in 2017, the National Ombudsman presented six recommendations that have not been properly applied. The National Ombudsman will continue to monitor the Groningen case throughout 2022.



## Caribbean Netherlands

Since 2010, people living on the islands of Bonaire, St Eustatius and Saba have been able to enlist the services of the National Ombudsman and the Ombudsman for Children if they have complaints about the government. Since 2012, it has also been possible to complain about local governance: the public bodies.

### Consultations on the islands

In 2021, coronavirus also affected the consultations that are normally held two to three times annually on the islands. The National Ombudsman and the Ombudsman for Children were eventually able to hold four consultations on Bonaire just after the summer of 2021.



The ombudsman's team handled more than 80 questions and complaints. Citizens were also able to attend consultations in Papiamentu. It remains essential to be physically present on the islands in order to be able to reach out to people in vulnerable situations. The number of complaints received digitally (145) is around the same as the number in 2020.



### Key areas of concern in 2021

- Long complaint-processing periods
- Complaint handling by the Caribbean Netherlands Police Force (KPCN)
- Combating poverty in the Caribbean Netherlands
- Refugee issues
- Concerns of Caribbean students

## International

The National Ombudsman is also very much in favour of sharing knowledge with international counterparts. Through the international sharing of knowledge between ombudsmen from different countries, improvements can also be made to the help provided to Dutch citizens. Most of this knowledge sharing happens during international visits. As well as sharing knowledge and strengthening mutual bonds, these visits also aim to gauge the situation locally on the ground. This is why the National Ombudsman also made several international visits in 2021. There were fewer visits than in other years because of coronavirus and some visits took the form of digital meetings or consultations.

\*Visit to **Brussels**: meeting with new Belgian Federal ombudsmen

\*Visit to **Manchester**: international ombudsman conference

\*Visit to **St Maarten**: discussion of report on issues facing Caribbean students

# Ombudsman for Children



With so much happening in the world, we must continue to focus on the rights of every child. Now more than ever! Poverty, the explosion in the housing market, war in one's home country, the childcare allowances affair, coronavirus, the earthquakes in Groningen... All of these things have major consequences for many children.

Every child has a right to be involved in decisions about his or her life and to a safe upbringing. This is why the Ombudsman for Children continues to stand up for the rights of vulnerable children, both publicly and behind the scenes. Our message is and remains: give children an influence over their future!

We are working hard to improve Dutch compliance with the Convention on the Rights of the Child. It is not only children's rights that are under pressure: far too often, we see situations in which the interests of children play no role whatsoever in the decisions that affect them. The Ombudsman for Children believes it is essential to highlight the opinions, interests and experiences of young people and allow them to have an active influence.

Much of the work done by the Ombudsman for Children involves assessing and investigating reports from adults and children concerning threats to children's rights. Most of these concern requests for help or information about an extremely wide range of issues. But there are also complaints about individual situations in which children's rights may have been breached. These are then investigated to identify whether this is actually the case.



In 2021, much of the Ombudsman for Children's focus was on the effects that coronavirus restrictions had on children and young people. The various lockdowns had a serious impact on them, as a result of the closure of schools, online teaching, being unable to go out and the associated lack of social contact and structure. The Ombudsman for Children has serious concerns about young people's physical and mental health in the wake of this protracted crisis. Various studies have shown how significant the damage caused to their development by previous school closures really was.

This is particularly the case for children and young people who are vulnerable and there are serious concerns about both the short- and long-term effects. Children and young people have been held back in their educational development, reducing their opportunities and increasing the likelihood of leaving school early. The Ombudsman for Children has spent much of last year calling attention to this and attempting to ensure that schools remain open.

## Ombudsman activities: facts and figures



**Number of cases**  
in 2021

**2,169** This is 177 more than in 2020.

Subjects:	Custody and access
Youth support	Coronavirus
Education	Miscellaneous

## Who contacted the Ombudsman for Children?

In 2021, there were contacts from some 1,896 people. These were parents (1,312), professionals (214), children (113) and 267 other people (including immediate family, such as grandparents and siblings, as well as acquaintances from young people's networks, such as friends or neighbours).





Since the introduction of the Veterans Act (*Veteranenwet*) in 2014, the National Ombudsman has also taken on the tasks and responsibilities of the Ombudsman for Veterans. In this capacity, he handles complaints from veterans.

It is also possible for other people to submit complaints on behalf of a veteran, such as a partner, parent or child. The Ombudsman for Veterans is also tasked with informing the government and the House of Representatives about his findings. The Ombudsman for Veterans is independent and is not connected to the Ministry of Defence. Part of the role involves assessing whether government authorities are treating veterans appropriately, something we also apply to private organisations involved in caring for veterans.

The Ombudsman for Veterans' team conducts investigations. Based on these, we write letters and reports to government officials outlining judgments and/or findings of the Ombudsman for Veterans. These letters and reports are also featured on the National Ombudsman website.



## Investigations in 2021

In January 2021, the Ombudsman for Veterans published an investigation concerning

### the processing time for injury damage claims

by the Ministry of Defence. After completing the process for determining Military Invalidation Pension and undergoing a medical review, veterans who have incurred mental or physical injuries during a mission can submit applications for full compensation for any remaining harm or injury. The procedure at the Ministry of Defence often takes years, causing significant stress and uncertainty for veterans. The Ombudsman for Veterans regularly receives complaints about this long processing time. Some veterans even liken their contacts with the ministry to a battle.

## What are people complaining about?

The number of requests and complaints from veterans that the Ombudsman for Veterans receives is increasing on a permanent basis. In 2021, 332 requests and complaints were processed. Some complaints concerned several issues and may relate to various bodies.

## Number of complaints and communications from veterans and/or their associates in 2021



# 332

This is 32 more than in 2020.



The complaints concerned:

- Income provisions
- Medical provisions
- Recognition
- Aftercare
- Debt issues
- Processing times
- Miscellaneous
- Coronavirus

## Ombudsman for municipalities, provinces and water authorities

The National Ombudsman also serves as the ombudsman for three-quarters of Dutch municipalities and all provinces and water authorities. In 2021, the National Ombudsman fulfilled this role for 263 of the 352 municipalities and their municipal schemes and regulations. In 2021, we received almost 6,000 complaints and questions about local government authorities, more than 5,000 of which were about municipalities. The local municipalities constitute the largest group about which the National Ombudsman receives complaints.



## Number of complaints in 2021

- About municipalities: **5,003**
- About municipal schemes and regulations: **742**
- About various local government authorities: **189**

The National Ombudsman is the municipal ombudsman for **three-quarters** of Dutch municipalities.

### Ombudsman for Children

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