

**Recommendation of the Council for the Administration of Criminal Justice  
and Protection of Juveniles**

- Summary -

### **Home for Abandoned Infants and Baby House**

*Recommendation to the Dutch State Secretary for Security and Justice, dated 30 June 2014*

At the request of the Dutch State Secretary for Security and Justice, the Council prepared a recommendation concerning the Vondelingenkamer (Home for Abandoned Infants) and the Babyhuis (Baby House). The 'Home for Abandoned Infants' and the 'Baby House' are discussed separately in the recommendation.

#### **Home for Abandoned Infants**

The Council first considered the problem which the Home for Abandoned Infants is supposed to solve, namely the problem of women with unwanted pregnancies who seek (anonymously) to abandon their infant. The Council believes it is important to prevent women with an unwanted pregnancy from randomly disposing of their child, abandoning their child at an unsafe location, or getting into a situation where they resort to taking the life of their child.

The Council gives weight in its recommendation both to the right to life and to the right to knowledge of parentage, believing that the government should seek a solution which protects both of those rights. To that end the Council advises the government to focus primarily on expanding the options for the provision of early, low-threshold assistance to women with an unwanted pregnancy. This should be accompanied by more public information about these options at the national and local level. The government should furthermore offer women the possibility – under special circumstances – of giving birth confidentially. In that case the identity of the mother would only be made known to a specific body which retains that information, so that the child can find out about its parentage later on.

The Council is of the opinion that the Home for Abandoned Infants is not an adequate solution for either the child or the mother. It does not believe that the government should encourage the setting up of homes for abandoned infants. The issue is by no means a simple one however. In other countries such homes serve as *an ultimum remedium*, fulfilling a need which cannot be fulfilled in some other (better) way. For that reason there is no explicit ban against such homes in those countries. The Council also advises against the introduction of a ban on these homes in the Netherlands. An additional factor in favour of this approach is that in spite of its complexity, the problem of mothers abandoning their infants is limited in scope. Only a few women abandon their children (anonymously) each year.

Even if we wanted to encourage, or forbid, homes for abandoned infants by regulatory means, the current legislation offers limited opportunity to do so. It would be necessary to draw up new legislation for that purpose. The Council is of the opinion that a criminal-law approach should not be adopted here. Such an approach does not, after all, offer a suitable solution to the problems of these women and their children. We must also avoid unnecessary criminalisation of the actions of parties with good intentions. If, on the other hand, it was later discovered that the creation of homes for abandoned infants led to greater numbers of mothers abandoning their infants, in spite of more early assistance and information, then the need for new legislation would have to be reconsidered.

#### **Baby House**

The Baby House is a private 24-hour care facility in which permanent Baby House 'parents' look after children for whom placement turns out not to be required by law, as for example when the parents, for whatever reason, are temporarily unable to perform the tasks of care and upbringing. The Baby House aims to restore the bond between the biological parent(s) and the infant.

The Council examined the question of whether the safety and interests of infants in the Baby House are adequately secured and guaranteed. The Council has the impression that the Baby House operates in a professional manner. It has drawn up its own Quality Manual and it has an open attitude to government supervision. The Council does not believe that the existence of a single, small-scale facility such as the Dordtse Babyhuis (Dordrecht Baby House) is sufficient reason in

itself for the development of separate laws and regulations, including quality regulations. The Council is however of the opinion that the government has a duty to supervise this Baby House, even though it is a private initiative such as in Dordrecht. Supervision should not depend on whether or not the institution in question receives a government grant. The Child Care and Protection Board has statutory powers to intervene to protect the safety and interests of the children in a Baby House. The government itself is also able to implement more far-reaching supervision, considering that the Baby House is willing to cooperate in this regard. If the possibilities of intervention are later found to be inadequate to guarantee the safety and interests of the infants in a Baby House, then new national regulations, accompanied by the appropriate supervision, can be developed at that time. This same thing applies in the event of a growth in the numbers of private, non-subsidised 24-hour care facilities.

*The full text of the recommendation is available from the secretariat of the Council:*

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