

Fourth Report of the Netherlands Antilles

Introduction

- 1. The report of the Netherlands Antilles is submitted in compliance with article 44, paragraph 1 (b) of the Convention on the Rights of the Child, which entered into force on 16 January 1998 for the Kingdom of the Netherlands in respect of the Netherlands Antilles. The general guidelines regarding the form and content of periodic reports (CRC/C/5) have been observed as far as possible. The report covers the period from October 1998 to December 2006. It provides an update on issues addressed in the Initial Report (CRC/C/61/Add.4) and responds to the concluding observations of the Human Rights Committee (CRC/C/15/Add.186) of 7 June 2002.**
- 2. The subjects which were dealt with in the previous reports and which remain unchanged in the period covered by this report have not been commented upon.**

I General measures of implementation

Measures taken to harmonise Netherlands Antillean law and policy with the provisions of the Convention

Recommendations

In its Concluding Observations (CRC/C/15/Add 186) the Committee on the Rights of the Child expresses its concern that national legislation, including the new Civil Code of the Netherlands Antilles, *Nieuw Burgerlijk Wetboek van de Nederlandse Antillen*, hereinafter referred to as NBWNA, and Family Law are not sufficiently known in the country and does not fully comply with the Convention on the Rights of the Child.

Current situation

There are no new developments to report in terms of the NBWNA. The Committee is referred to the Netherlands Antilles' initial report (CRC/C/61/Add.4).

The Netherlands Antilles' law of persons and family law is set out in Book 1 of the new Civil Code (NBW Book 1). The NBW Book 1 came into force on 15 January 2001, implementing

changes to protect the rights of the child announced in the initial report. For example, the new Civil Code dispenses with the distinction between legitimate and illegitimate children,¹ and has made changes to laws on family names.² Both these changes benefit the child.

Although the government of the Netherlands Antilles announced that it wished to be a Party to the Optional Protocols of 25 May 2000 concerning the sale of children, child prostitution and child pornography, and the involvement of children in armed conflicts, neither has yet been implemented. The Criminal Code of the Netherlands Antilles is currently undergoing revision; the new version will include legislation implementing both Protocols.

A draft National Ordinance amending the National Ordinance on Compulsory Education has been submitted to Parliament for approval. It advocates reducing the lower limit of compulsory school age from 6 to 4 and increasing the higher limit from 15 to 18. A number of measures will also be introduced to help enforce attendance. These changes form part of the wide-reaching Delta Plan, which is currently in development. The Delta Plan covers compulsory school attendance, youth training, individual needs assessments and career guidance. The aim of this Plan is to prevent young people from dropping out of education, and to reduce youth unemployment. This will give more young people a better start in life.

The new Youth Care policy framework was approved by the Council of Ministers of the Netherlands Antilles in April 2005. It lays down guidelines for dealing with cases of child abuse, and adopts a number of measures to ensure that the problem is dealt with quickly, effectively and efficiently. The policy framework is set out in the draft National Ordinance on Youth Care which will also replace the Youth Services Act, giving young people who need it continuous care and supervision up to the age of 24.

The Youth Care policy framework also proposes that every school in the Netherlands Antilles should have access to a school social worker. The Youth Care policy framework and the draft National Ordinance on Youth Care both emphasise the importance of children being able to report problems, and social workers to intervene, at an early stage. In this spirit, in August 2004 an amendment to article 251 of the Criminal Code of the Netherlands Antilles was adopted, giving teachers the authority to report their suspicions if they believe, or are informed, that a child is being abused.

¹ See III, General principles.

² See IV, Civil Rights and Freedoms.

The work of the government of the Netherlands Antilles and the island territory authorities is aided by the Support to the Netherlands Antilles Youth Development Programme (SNAYDP). The SNAYDP, launched in 2003, aims to improve the sociocultural integration of young people (aged 16 to 24) and their participation in the developing economy and helps national and island territory authorities to:

1. formulate and implement an integrated strategy;
2. set up local training programmes for the target group and improve opportunities for employment, focusing on the underprivileged, the inactive and the unemployed.

The SNAYDP is financed by the European Commission's revolving fund for support to micro-enterprises. A total of € 4,500,000 is available over a four-year period for all the island territories.

Measures taken or foreseen to make the principles and provisions of the Convention widely known to adults and children alike

A Rights of the Child communication plan is currently being drafted to communicate the content, purpose and implications of the Convention on the Rights of the Child to a number of different target groups. These include children of all ages, parents, people involved with children through work or voluntary activities, and those who have no direct involvement with children or young people. A clear idea of the rights and responsibilities laid down in the Convention will encourage people to accept and observe them. The message will be communicated through a three-year media campaign.

The Netherlands Antilles does not have an Office for the Rights of the Child, nor does it have plans to set one up. There are however a number of individuals or bodies addressing violations of the rights of the child, as specified in the Convention, which children can easily approach.

The Curaçao Child Protection Agency (SKBC) is an accessible voluntary organisation that people can approach with any concerns they have regarding violations of the rights of the child. The Agency's main target group is children and young people aged 21 or under, their parents and carers, and professionals who work with children. It is not officially part of the youth care system of the island, but will refer cases when required and can arrange for social workers to follow up reports. Another important aspect of the Agency's work is educating adults and children alike about children's rights.

New developments in monitoring the Convention

The initial report stated that the implementation of the Convention would be monitored by the Netherlands Antilles Youth Consultation Forum (JONA), the Task Force for Antillean Youth Steering Committee, the Council for Integrated Youth Policy, the Bonaire Youth Policy Steering Committee, and the Saba Youth Working Group (in formation). In the period 2002 to 2006 the following changes took place.

The Task Force for Antillean Youth is now known as the Youth Development Department, and is responsible for monitoring and enforcing observance of the rights of the child. In January 2003 the Introductory Memorandum on monitoring and observing the rights of the child, which focused on the following four objectives, was approved.

1. encouraging the enforcement of and observance of the rights of the child and preventing violations;
2. monitoring to ensure that these rights are enforced correctly and in full;
3. detecting and addressing any violation of the rights of the child using the appropriate statutory measures;
4. involving young people in enforcing their own rights.

In 2003 the Bonaire Youth Policy Steering Committee organised a number of thematic workshops involving both governmental organisations and NGOs. The objective was to list existing problems, establish common policy principles and propose possible solutions. The results were presented to the island territory. Owing to lack of time on the part of both the official secretariat and the Steering Committee itself, the results were never implemented.

There has been a Youth Council on Sint Maarten since 1985. It is officially recognised by the government as the umbrella organisation for youth bodies. The Council's objective is to encourage the sound development of young people. Sint Eustatius also has a Youth Council, but it is not of comparable status. The Saba Youth Council is inactive due to lack of interest.

Funding for the Rights of the Child

Recommendations

The Committee on the Rights of the Child emphasises the importance of implementing article 4 effectively, which specifies that State Parties must undertake measures to the maximum extent of their available resources and, where needed, within the framework of

international cooperation, in order to safeguard the economic, social and cultural rights of the child.

Current situation

Part of the Netherlands Antilles' central budget is allocated to the Youth Development Department, responsible for safeguarding the rights of the child and monitoring their observance, and part to the Department for Education, Sport and Culture.

In 2006 the Youth Development Department received a total of ANG 1,069,200.00 from the budget, ANG 226,502.00 of which went to the compulsory youth training programme. The Dutch government provided a further ANG 40,000,000.00 in funding for the programme over a five-year period, to which the Netherlands Antilles contributed an extra 15%. The Department for Education, Sport and Culture income and expenditure between 2002 and 2006 was as follows:

Total education expenditure

Year	Amount in ANG
2002	14,376,123.83
2003	13,783,542.39
2004	11,434,175.33
2005	10,474,952.11
2006	4,300,819.03 (as of October 2006)

Grants for Sport and Culture

Year	Sport – amount in ANG	Culture – amount in ANG
2002	434,392.00	141,077.70
2003	473,236.00	30,058.00
2004	479,256.61	10,333.26
2005	801,931.60	5,000.00
2006	381,618.00	unknown

Curaçao

As the largest island of the Netherlands Antilles, Curaçao has the most agencies targeting children and young people as most national agencies are based there. The running costs of a number of facilities managed by the Antillean Ministry of Justice, such as Family Supervision Agencies, are covered by grants from the Antillean government. Almost all agencies are obliged to find outside funding for all other costs.

At national level, over the last few years a number of projects have been set up in connection with the Netherlands Antilles Emergency Programme for Youth. Although the Emergency Programme has now been wound up on Curaçao and most of the projects have ended, a few of them have been taken over by the island territory and will run long term.

Almost all regular facilities for children and young people are funded by the island territory itself, to the tune of some ANG 40,000,000 each year. Around 40% of this is spent on social activities, culture and sport through contracts with a number of agencies working in this area.³

Around ANG 11,500,000 is spent annually in connection with education. After-school care, literacy projects and day-care centres all receive grants and assistance with staff training.

The youth care and youth services sector receives around ANG 11,000,000 from the island authorities on an annual basis. This funds peripatetic and residential youth services, child health clinics and the youth healthcare unit of the Medical and Public Health Service. Both the Antillean Cofinancing Organisation (AMFO) and private agencies focus on sociocultural and educational training projects.

Bonaire

Two agencies operating on Bonaire are funded by the Antillean government; the Family Supervision Agency and the Probation Service. The sole residential home for young people on Bonaire receives ANG 36 per child per day from central government for children under a care order. It also receives a crisis shelter grant from the island authorities.

The government sectors responsible for social affairs and education on the island of Bonaire provide annual funding of around ANG 1.5 million and ANG 1 million respectively. The money subsidises two child day-care centres, community centre work and the participation

³ See VII, Education, Leisure and Cultural Activities.

of young people in a range of activities. Some of the money is earmarked for introducing quality criteria within pre-school education and adjusting the grant system.

Parenting support is available for children in a number of different age groups. The Bonaire Foundation for Educational Information for Infant Care or SEBIKI⁴ is responsible for children aged 5 and under; funding has been earmarked for children aged 6 to 11, but no decision has yet been taken on awarding the grant contract to a specific organisation. Where possible, parenting support for children aged 12 and over is provided by the Young Bonaire Youth Centre.

After-school care for 12 to 18 year-olds is provided by the Young Bonaire Youth Centre. The island education sector funds after-school care for 6 to 11 year-olds and the 'second-chance education' programme, sports activities and the Public Library.

The Bonaire authorities place a strong emphasis on cofinancing. This means that most institutions require additional project funding next to what they receive from the island government. However, if a pilot project is successful, the Bonaire authorities are sometimes willing to take it over and provide the necessary funding.

Sint Maarten

The Family Supervision Agency and the Probation Service on Sint Maarten are also centrally funded. The Emergency Programme funded three island projects: the after-school care School Plus project, the Wave second chance for education project and a bridging class for the children of migrants needing to improve their grasp of the language before joining mainstream education.

Once the Emergency Programme had been wound up and the School Plus project had been evaluated the island authorities decided to take it over, in an adapted form. The Wave project was terminated. The bridging class has only just been set up and, as part of the Emergency Programme for Youth, will run for two years (until the end of 2005).

The island authorities are currently funding after-school care for primary and secondary pupils, organised by four different institutions. They contribute a maximum of 30% of the total costs, on the understanding that the implementing organisation and the users contribute the rest of the funds.

⁴ See VI, Healthcare and Welfare

The Sint Maarten authorities also support an organisation offering parenting support and professional development for day-care centre and youth leaders, Youth Community Centres, the Motiance dance foundation, and a number of programmes designed to encourage cooperation between schools and help young people access the employment market. Over ANG 500,000 is earmarked annually for sociocultural development.

Education (including mainstream education) receives more than ANG 50 million annually. Almost ANG 1 million goes to the healthcare sector, funding mainstream youth health care, a baby clinic, a dental plan for children and HIV/AIDS-related projects for young people.

Sint Eustatius

There are no nationally funded youth-oriented institutions on Sint Eustatius. An after-school care programme for children aged 4 to 12 and 13 to 18 was set up under the Emergency Programme for Youth. Although the two-year pilot has now officially ended, an extension has been applied for as the budget has not yet been exhausted. No official decision has yet been taken, but private funds have provided additional investment.

Several key programmes (the second-chance education and parenting support programmes) have proved to be unsuitable for subsidy through the Emergency Programme. The relevant implementing bodies will see if funds can be raised via the SNAYDP and AMFO. Due to financial limitations, it is not possible to earmark funding for continuing after-school care once the Emergency Programme has ended.

Saba

The fact that Saba is so small means that it is unable to offer extensive facilities and activities. Nonetheless, several youth organisations active on the island attract large numbers of children and young people. Child Focus, a successful after-school care programme for children aged 6 to 12 and 12 to 18, has been set up as part of the Emergency Programme. Thanks to efficient financial management the project can run for an extra six months, taking it up to the end of 2004.

Child Focus has asked the island authorities for funding so that it can continue to offer care from January 2005 onwards. The authorities, which have been providing transport to and from the facility, have not yet made a final decision (for financial reasons), so the project is now under threat. However, the AMFO has now pledged to fund the purchase of necessary materials.

Each year the island authorities earmark funding for Public Library and Youth Centre maintenance, electricity and staff costs. The two institutions are dependent on project grants and independent funding for purchasing materials or setting up projects. As Saba is so small, it places particular value on sociocultural and sports exchanges. Saban NGO's have explicitly included these activities in their programme proposals submitted to the AMFO on account of the high travel and accommodation costs.

Data collection

Recommendations

The Committee recommends that the State party systematically collect disaggregated data incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with specific emphasis on those who are in need of special protection and including children within the juvenile justice system.

It also recommends that the State party develops indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. Technical assistance could be sought from, among others, UNICEF.

Current situation

General

Every two years, as part of the Youth Monitor survey, the Youth Development Department interviews young people between 12 and 24 years of age. The results can be used as indicators, e.g. by other government bodies/NGOs etc., to gauge what young people are thinking and feeling.

The Central Registration System (CRS), which is currently only operative in Curaçao, was set up in 2001. It records information submitted by agencies working with children and young people and forms the basis for the CRS newsletter, which keeps stakeholders informed of developments in youth care. Agencies can submit information using the CRS digital form on the Youth Development Department's website. The plan is to extend the system to other islands as of 2007.

A special youth register is currently being developed as part of the compulsory youth training programme (SVP). It will initially record the details of all young people aged 16 to 24 who

lack basic educational qualifications. The information will be periodically updated, and checked against:

1. school admission registers: in order to establish whether the information regarding education participation is correct; and
2. the island in question's personal records database: in order to ensure that all young people in the database can be contacted if necessary.

Schools, institutions and parents are legally required to report pupils who leave school without qualifications to the relevant authorities.

Article 42

Recommendations

The Committee recommends that all professional groups working with children should be given training in rights laid down in the Convention. Such groups include: politicians, judges, lawyers, civil and public servants, teachers, healthcare professionals, remand centres and children's home staff, psychologists, social workers and parents.

The Committee also recommends that the rights be incorporated in the educational curriculum at all levels.

Current situation

In 2006 the Child Protection Agency in Curaçao launched a series of workshops examining issues like child abuse, the rights of the child, domestic abuse and children's legal status. Anyone can attend. There has been so much interest in the workshops, particularly from teachers and various island agencies. To mark Universal Children's Day various government agencies and NGOs organise workshops throughout the Netherlands Antilles for young people aged 12 to 19.

Introducing the Convention to the education curriculum

The focus of education in the Netherlands Antilles is on creating the right conditions. The primary national curriculum contains a number of basic principles relating to the rights of child, but it is the responsibility of each island territory and individual schools to put them into practice. The Rights of the Child are not referred to by name, but the education curriculum nonetheless aims to familiarise children with the basic principles.

Disseminating the initial report on the Netherlands Antilles

The Dutch summary of the initial report was translated into Papiamentu and English; these versions were then distributed to the following bodies and professionals, as part of the communication plan:

- all libraries on every island (including the university libraries)
- all primary schools on every island
- all secondary schools on every island
- all hospitals on every island
- all family doctors and dentists on every island
- all 75 island agencies involved in the project

All were asked to make the document available to the public. Schools were asked to make the document available to pupils, parents and other visitors.

II Reservations

Article 22

Recommendations

The Committee notes with concern the declaration made by the Kingdom of the Netherlands on the ratification of the Convention relating to the status of refugees of 28 July 1951 to the effect that the Convention does not apply to the Netherlands Antilles. The Committee recommends that the reservation be withdrawn.

The Committee also recommends that effective legal and other measures be taken to ensure adequate protection of refugee and unaccompanied children and implement programmes and policies to ensure their access to health, education and other social services.

Current situation

The situation is unchanged; please refer to the initial report.⁵ As the Convention has not been ratified for the Netherlands Antilles, no national legislation on refugees has been drafted. The term 'refugee' as such is not used in Netherlands Antilles law. There is no separate asylum legislation; asylum applications are very rarely submitted.

Article 26

As a result of reservations made by the State Party with respect to article 26 of the Convention, applicable to the Netherlands Antilles, minors are not, in principle, entitled to social security in their own right.

The guiding principle of current social security legislation is still that children's right to social security is derived from the right of their parents. According to current legislation, family members of an insured employee or former employee can claim an allowance for medical treatment and nursing. Should the employee in question lose their right to the allowance, their children will also lose theirs. There are no immediate plans to amend this legislation.

Articles 37 and 40

The Committee also expressed its concerns about the reservations made by the State Party with respect to juvenile criminal law, applicable in the Netherlands Antilles, which mean that children aged 16 and over can be tried according to adult criminal law. At the same time, minors are sometimes housed with adults in detention facilities.

With respect to article 40 of the Convention, the Committee expressed its concerns that minors committing lesser offences are rarely offered legal representation.

Current situation

Reference is made to VIII, Special Protection Measures.

III General principles

Article 2

Recommendations

The Committee expresses its concerns that the right to non-discrimination specified in article 2 is not guaranteed under current legislation, and recommends that discrimination on all the grounds covered by article 2 of the Convention be prohibited.

In addition, it recommends that measures be taken against all forms of discrimination against children with a disability and, in particular, to ensure that children of migrant families have equal access to education, health and other services.

⁵ CRC/C/61/Add. 4

Current situation

Legislation

The situation as described in the initial report is unchanged. Both the international treaties to which the Kingdom of the Netherlands is party on behalf of the Netherlands Antilles, and the Constitution of the Netherlands Antilles guarantee the right to equal treatment and to equal access to the fundamental rights established in statutory regulations and international treaties. Children's right to non-discrimination is derived from the latter.

With the introduction of the new Civil Code for the Netherlands Antilles the legal status of children born outside marriage has been revised.⁶ Nowadays no distinction is made between legitimate and illegitimate children.

No new legal measures have been taken to combat discrimination against children with a disability. There are still very few, if any, facilities for children with a disability, e.g. buildings adapted for wheelchair access, even in key locations such as schools. This means that children with a disability are unable to participate fully in society. The government of the Netherlands Antilles is currently assessing the feasibility of the UN treaty on the rights of persons with disabilities.

All children are treated equally in school, regardless of whether they have a disability, are from a poor background or belong to a minority group. Although the education system allows children's possible shortcomings to be taken into account, senior staff and teachers are often unaware of this. This means that children with a disability do not get the upbringing and education that they need.

Health care and welfare

Although healthcare rules in the Netherlands Antilles stipulate that preventive health care is available to all children, including the children of immigrants, the residence permit or legal status of the parents largely determines the type of care children receive. The Youth Care policy framework, an important new step towards equal care for all children, has already been approved.

As a general rule, no distinction is drawn between different groups in terms of the right to health care. There is, however, a difference between those who are insured and those who

⁶ CRC/C/61/Add. 4

are not. The Netherlands Antilles as a whole, and the individual island territories, are not responsible for the care costs of people who are not insured. The new General Health Insurance (AZV) system is expected to help reduce the number of people who are uninsured. The Sint Maarten healthcare sector is therefore proposing to set up a guarantee fund when the AZV system is introduced, to help cover the costs of their medical care. At the present, the insurance system is inadequate and there are no rules governing the uninsured.

Curacao

Preventive health care is free for all children up to 18 years, regardless of nationality, religion and their physical or mental health. However, there are often long waiting lists for specialist disabled care, partly due to insufficient funding. Although children from immigrant families have a right to medical attention, experience has shown that they often have difficulties registering with local authorities. This means they will not be eligible for a Pro- Pauperie-card, which entitles the holder to 100% reimbursement of medical costs or any other form of medical insurance.

Bonaire

Bonaire has a small population; people with a disability are generally well integrated. Efforts are being made to ensure that immigrants and their children are insured and that they have access to healthcare. However, psychological treatment is not covered for children insured via the Bonaire Social Insurance Bank; and children who do not have Dutch nationality are not eligible for a Pro-Pauperie card.

Sint Maarten

No new anti-discrimination measures have been taken since 2002 in the healthcare sector. All children on Sint Maarten receive free preventive healthcare through Youth Care programmes, whether or not they are entered in the population register. The main problem facing the healthcare system in safeguarding every child's right to be free of discrimination is the lack of legislation and the inadequate insurance system. There is also a shortage of school and Guardianship Council social workers, meaning that necessary action cannot always be taken.

Saba

So far no complaints have been made by or about care institutions on the island about violations of children's right to care, with particular reference to medical care. However, there

is no agency on the island charged with preventing discrimination, nor have care institutions been asked to set up a prevention system.

Sint Eustatius

It is rare for a child on Sint Eustatius not to have a residence permit, but should the situation arise, it would not disadvantage the child, as Sint Eustatius is a small island.

There is, however, a lack of school and Guardianship Council social workers, which can result in an inadequate response in certain discrimination cases.

Education

In 1991 the National Ordinance on Compulsory Education⁷ came into force for the Netherlands Antilles and was implemented through island ordinances. Under this National Ordinance, all children living in the island territories have the right to education. It is also illegal to distinguish between 'legal' and 'illegal' children, in other words, between the children of immigrants and non-immigrants.

Immigration has caused serious problems for Sint Maarten's education system. This has resulted on occasion in children from immigrant families not being registered with a school at the beginning of the school year.

Article 3

Recommendations

The Committee is of the opinion that the principle of the best interest of the child, and allowing the best interest of the child to prevail in all that has an impact on children, is not given sufficient priority.

One measure introduced since 2002 that emphasises this principle is the draft National Ordinance on Youth Care referred to above, which proposes that the child protection measures in the new Civil Code for the Netherlands Antilles be strengthened.

Article 6

Recommendations

⁷ National Ordinance Official Bulletin 1991, no. 85

Homicide is one of the main causes of mortality among older children. The Committee therefore suggests that the problem be examined and the primary causes tackled.

Current situation

Measures, research projects or programmes relating to examining and tackling the primary causes of mortality among young people aged 15 to 24 are currently limited to improving coordination between agencies working with children.

Child mortality in the Netherlands Antilles is recorded centrally. It is a legal requirement to have a doctor draw up a death certificate in the event that a person dies. The deceased person must then be reported to the population registry. Once this has happened the death certificate must be forwarded to the Public Health Department on Curaçao to be registered and analysed. A report detailing the cause of death is then sent to the health care sectors of the island in question.

Doctors and other medical personnel are obliged to alert the Public Prosecution Service if they believe that the death of a child was suspicious. The Public Prosecution Service will then investigate the circumstances of the death. If the doubts are purely medical, a postmortem can be carried out with the permission of the child's parents or guardians.

Every island runs active information campaigns designed to prevent suicide among children. Children with suicidal tendencies can be referred to their family doctor, outpatient clinics, or psychosocial care institutions. Children are free to contact these agencies themselves, without the need for referral. The general problem is that most of the islands lack professionals like social workers and psychiatrists, which means that troubled children can slip under the radar and intervention usually comes too late.

The Netherlands Antilles has taken the significant step of conducting information campaigns in schools and in the community at large on minimalising potential danger, e.g. street violence and sexually transmitted diseases. This will benefit children of all ages, and adolescents in particular. Preventive health care on the islands is also available, in the form of vaccination and youth dental care programmes.

Curacao

The child and youth care unit organises information campaigns on sexually transmitted diseases for schools and community centres, while the Curaçao AIDS Foundation coordinates awareness-raising campaigns.

The Medical and Public Health Care Service (GGD) is currently developing a new registration form to be completed by doctors throughout the Netherlands Antilles so to as obtain better statistics on a number of conditions, e.g. HIV infection. The plan is to make it a legal requirement to report HIV cases in this way. For more information on HIV/AIDS see VI, Health care and Welfare.

Childcare centres

In the Netherlands Antilles childcare centres need to meet certain statutory minimum requirements designed to improve care, stimulate development and thus prevent child deaths. In practice the minimum requirements are only enforced and monitored on Sint Maarten (see VI, Health care and Welfare).

Sint Maarten

For some time now the Sint Maarten healthcare sector has received no information from the Public Health Department regarding causes of death among young people. Since 2002 there have been no dedicated programmes to investigate the main cause of death among young people aged 15 to 24, namely homicide. As a result, no special measures have been taken.

In addition to informing adolescents about sexually transmitted diseases as well as street violence, and related risks, Sint Maarten has a strategic plan on HIV/AIDS targeting young people. Implementation of this plan is largely in the hands of government agencies and NGO's. The hospital on the island employs guidelines on fighting infectious diseases and has a policy on prevention of mother-to-child transmission (PMTCT-policy) of HIV.

As far the Sint Maarten AIDS Foundation and the healthcare sector are aware of, no children have died as a result of AIDS on the island, nor on Sint Eustatius and Saba, between 2002 and 2006.

The island also has regular preventive health programmes, including a vaccination programme and a youth dental care programme. There are general information and awareness-raising campaigns covering a wide range of health issues, benefiting schools and the wider community alike. One problem is that health programmes are usually run by schools. As there are few outreach programmes, children who do not attend school miss out.

Funding for the following preventive healthcare measures benefiting children is earmarked in the annual island budget:

Item	Funding
Grants for child health clinics	ANG 50,000
Vaccinations	ANG 190,000
Youth dental care	ANG 200,000
Childcare	ANG 25,000
Health care in schools	ANG 7,000

Funding has also been earmarked for an HIV/AIDS working plan and for a healthcare survey, as well as for promoting health care. A 2006 shift in the budget reduced the amount of funding available for youth dental care, but increased grants for child health clinics.

There is a monitoring mechanism in place to ensure that all childcare centres on Sint Maarten meet the requirements laid down by law. Findings are discussed by the quality commission, which then draws up recommendations for improvement. Next to the inspections, there are monthly workshops regarding childcare which are open to both centre personnel and parents. For more information see VI (Health care and Welfare).

Saba

Although there have not yet been any incidences of homicide in the 15 to 24 age category, the medical sector on the island fears that there is a strong likelihood that this will happen sooner or later. Without more detailed investigation, tentatively can be concluded that this growing tendency to violence has a strong link to alcohol and drug abuse. Saba's hospital has applied to the island council for extra security during weekends, with the possibility of extending it for the entire week.

Increased police presence in problem neighbourhoods has resulted in a dramatic reduction in fights. Equally, the presence of extra hospital security has eliminated violent incidents.

Various care agencies on the island, and a number of organisations such as the AIDS Support Group Saba and Saba women's organisation, organise lectures for schools and community centres to raise young people's awareness of potential dangers. However, these lectures are held on an ad hoc basis and concentrate primarily on sexually transmitted diseases rather than physical violence.

Mortality rates/ Statistics

Curaçao⁸

The most recent mortality rates for the age groups under 1 year, 1 to 4 years, 5 to 14 years and 15 to 24 years are given below. The only age group displaying a clear disparity between the male and female mortality rate is 15 to 24 years.

Age group under 1 year

Between 1991 and 1993 there were 13.5 stillborn children per 1000 births. This had risen to an average of 17 per 1000 by 1998-2000. The figures for infants who die in their first week have remained fairly constant (six per 1000 births).

The following table shows the five leading causes of death of children under one year of age in the period 1998-2000 (excluding stillbirths). There was no notable difference in infant mortality between males and females.

	Cause	Percentage	CMR^{9*}
1	Hypoxia, asphyxia and other respiratory conditions	23	2.7
2	Congenital defects	23	2.6
3	Slow foetal growth, undernourishment, immaturity	16	1.9
4	Other disorders originating in the perinatal period	8	0.9
5	Obstetric complications	7	0.7
Total		77	8.8

Age group 1 to 4 years

On average, four children aged 1 to 4 years die on Curaçao annually. The following table shows the five leading causes of death of children aged 1 to 4 in the period 1998-2000. There is no notable difference in child mortality between males and females.

	Cause	Percentage	CMR¹⁰
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⁸ Statistical Return, Public Health Department, Curaçao 1996-2000 (pp. 45-49)

⁹ CMR = Crude Mortality Rate, the number of deaths per 1000

¹⁰ CMR = Crude Mortality Rate, the number of deaths per 1000

1	ill-defined conditions	20	0.10
2	Traffic accidents	20	0.10
3	Other accidents	13	0,07
4	Sepsis	11	0.04
5	Malign neoplasm in lymphatic / blood-forming tissues	11	0.04
Total		75	0.35

Age group 5 to 14 years

There are also very few deaths among children aged 5 to 14 years; about four each year. The following table shows the five leading causes of death of children aged 5 to 14 in the period 1998-2000. There is no notable difference in child mortality between males and females.

	Cause	Percentage	CMR
1	Traffic accidents	28	0.04
2	Cerebrovascular disorders	17	0.03
3	Congenital defects	17	0.03
4	Other disorders (excl. 5)	17	0.01
5	Pulmonary circulatory disease and other heart disease	11	0.01
Total		90	0.12

Age group 15 to 24 years

Until the age of 16, child mortality is more or less the same between males and females. However, from 16 onwards there is a sudden jump in mortality among boys, while mortality among girls remains at the low level recorded in other age groups. As a result, in this age group almost three times as many young men die as young women.

The first table shows the leading causes of death for the age group 15 to 24 as a whole, and therefore includes some causes of death that rarely apply to young women. For example, homicide is the leading cause of death for the age group as a whole, but in the period 1998-2000 not one woman aged 15 to 24 was murdered on Curaçao; all 12 victims were young males.

The second and third tables show, respectively, the leading causes of death in young men, and the leading cause of death in young women. The leading cause of death in women in this age group is traffic accidents; but, even so, in the period 1998-2000 more men were killed in traffic accidents than women (three women to eight men in the age group 15 to 24).

Five leading causes of death in young people aged 15 to 24, 1998 - 2000

	Cause	Percentage	CMR¹¹ *
1	Homicide and injury deliberately inflicted by another	29	0.2
2	Traffic accidents	21	0.2
3	Disease (excl. 4)	8	0.1
4	Pulmonary circulatory disease and other heart diseases	6	0.1
5	Other external causes	5	0.1
Total		69	0.7

Five leading causes of death in young men aged 15 to 24, 1998 - 2000

	Cause	Percentage	CMR
1	Homicide and injury deliberately inflicted by another	40	0.5
2	Traffic accidents	17	0.3
3	Suicide and self harm	8	0.1
4	Other external causes	7	0.1
5	Accidental drowning	5	0.1
Total		77	1.1

Five leading causes of death in young women aged 15 to 24, 1998 - 2000

	Cause	Percentage	CMR¹²
1	Traffic accidents	28	0.12
2	Pulmonary circulatory disease and other heart disease	20	0.10

¹¹ CMR = Crude Mortality Rate, the number of deaths per 1000

¹² CMR = Crude Mortality Rate, the number of deaths per 1000

3	Other disorders (excl. 4)	19	0.08
4	Diseases of the nervous system (excluding meningitis)	11	0.04
5	Malnutrition and anaemia	8	0.04
Total		86	0.38

AIDS/ HIV

The following statistics represent the age group birth to 24 years and are based on information collected by:

- the Analytical Diagnostics Centre, Netherlands Antilles;
- the Red Cross blood bank, Curaçao.

The data reflects the situation in 2004, except the final table which covers the period 1985-2004.¹³

New HIV infections in the Netherlands Antilles, 2004

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	1	6	7
Total	1	6	7

New HIV infections on Curaçao, 2004

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	4	4
Total	0	4	4

New HIV infections on Bonaire, 2004

¹³ Source: Statistical Return, Public Health Department, Curaçao 1996--2000 (pp. 68-70)

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
Total	0	0	0

New HIV infections on Sint Maarten, 2004

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	1	2	3
Total	1	2	3

New HIV infections on Sint Eustatius, 2004

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
Total	0	0	0

New HIV infections on Saba, 2004

Age group	Male	Female	Total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
Total	0	0	0

Total known HIV infections in the Netherlands Antilles, 1985-2004

Age group	Male	Female	Total
<1	27	20	47
1-4	4	2	6
5-14	3	3	6
15-24	62	81	143
Total	96	106	202

Article 12

Recommendations

The Committee made several recommendations¹⁴ regarding the right of the child to have his or her own views.

Current situation

The educational reforms introduced in primary and early secondary education by the draft National Ordinance on Foundation Based Education in the Netherlands Antilles reflect a new approach designed to encourage children to formulate and express their own opinions.

Children's opinions are taken into account. This is evident from changes to the education system and the existence of a number of agencies organising activities intended to benefit children. In particular, children and young people are encouraged to help advance their own rights. Examples of this are the Youth Parliament, conferences for young people, debates between young people and island councils and Youth Committees which organise public information activities for young people and adults.

Youth Parliament

The Youth Parliament, which does not operate a party system, always attracts more female than male participants. When the first Youth Parliament was assembled in 2001, 26 young people aged 21 and under participated, including at least one representative from each island; the composition was 11 young men and 15 young women.

In 2003 the first official election was organised by the local authorities. Most information about the election was distributed through schools. The age limit for participants was raised

¹⁴ CRC/C/15/Add.186

from 21 to 30. There were 31 eligible candidates of which 9 were male and 22 female. Voting was held in 21 polling stations. Young people aged 12 to 30 could vote, and more than 5000 did (most of whom were under 21).

In the 2005 elections 28 young people were chosen to sit in the Youth Parliament, of which 12 were men and 16 were female. Of these 19 persons were under the age of 18 years.

Members of the Youth Parliament follow a number of politics courses. They learn about the constitutional structure and political history, but also look into personal development, teambuilding and public speaking.

Financial limitations make it difficult to do this on a larger scale. The project organizer 'Hoben Goberná' has been submitting grant applications to the government since 2001, with the hope of receiving ANG 50,000 on an annual basis. However, the only grant to date has been a one-off payment of ANG 25,000 in 2005.

Other activities

Initiatives like the 4-Youth newspaper projects also get young people actively involved. Training courses in journalism are held by young people, for young people, on every island. Reporters are supervised by an adult, but young people themselves ultimately dictate the content of the newspaper. Each island has a designated journalism coach, who uses specially developed teaching materials.

The 4-Youth newspaper is published every two months throughout the Netherlands Antilles. Total circulation is 18,400 of which 4,400 copies in English and 14,000 in Papiamentu.

IV Civil Rights and Freedoms

Articles 7 and 8

Recommendations

The Committee is concerned that a high proportion of children are still not being registered at birth and therefore cannot exercise their rights. It recommends introducing various systems and procedures to encourage the immediate registration of births and to raise awareness in the community of the importance of registration of children. Special emphasis should be given to children from vulnerable groups, including those of immigrant families.

Registration of births

Although no campaigns are being conducted in the Netherlands Antilles to inform people of the importance of entering their children in the population register, all children must be notified to the Registrar of Births, Deaths and Marriages within five days of their birth. This requirement is explained to pregnant women by doctors, gynaecologists and midwives. All newborns are referred to a child clinic.

Previously, hospitals would not issue registration documents for children born to minority groups or poor families who could not afford to pay the hospital fees. As a result, these children were not entered in the population register within the prescribed period. In order to have such children registered, parents would have to pay a fine to the Public Prosecution Service. This measure was originally introduced to impress on parents the importance of registering their children, but it had the unintentional effect of placing an extra financial burden on less affluent groups.

The scheme was therefore abolished in 2005. Parents who now wish to register their child after the prescribed five-day period are simply required to notify the Public Prosecution Service without paying a fine. Generally speaking, the children of married couples tend to be registered on the day of their birth, those of single parents after one or two days (though usually within the five-day term), and those of poor parents often after five days.

Law on names

A draft national ordinance amending Book 1 of the Civil Code of the Netherlands Antilles concerning the law on names was recently presented to the Minister of Justice. Article 5, paragraph 1 of Book 1 of the Civil Code currently states: *'The family name of a child shall be that of the father, otherwise it shall be that of the mother'*. Children born within marriage, children who are acknowledged by the father and adopted children therefore automatically take the family name of the father, without exception.

Some time ago, this system was judged by the Supreme Court of the Kingdom of the Netherlands to constitute gender discrimination in that it gave fathers preferential treatment over mothers without adequate justification.¹⁵

¹⁵ Supreme Court, 23 September 1988, NJ 1989, 740, *Beukema and Van Veen*.

The amendment of Book 1 of the Civil Code creates the possibility for children in the future to be given either the family name of the father, the family name of the mother, the family name of the father followed by that of the mother, or the family name of the mother followed by that of the father (up to a maximum of two elements per family name). The ability to combine the names of the father and the mother is associated with the Spanish and Portuguese naming systems used in South America.

Another draft national ordinance to amend Book 1 of the Civil Code concerning judicial declarations of paternity is currently being debated. Article 199b of Book 1 of the Civil Code currently states that everyone has the right to know the identity of his/her natural parents. The new law aims to ensure that a child whose father does not wish to acknowledge paternity can nevertheless apply to a court to have that paternity established in law, with all the legal consequences to which this gives rise.

Articles 13 to 16

These Articles concern the right of the child to freedom of expression, freedom of thought, conscience and religion, freedom of association and peaceful assembly, and the right to privacy.

Foundation Based Education¹⁶, the new approach to primary and early secondary education in the Netherlands Antilles is child-centred. Teaching was previously content-based, whereas now the focus is more on the child and its development. The new system has also brought in an extra area of study – general development – which introduces children to other religions and ethical beliefs. The right to freedom of expression and freedom of thought is also addressed.

Schools in the Netherlands Antilles are free to determine the religious principles on which they are based. As long as a religious or denominational body satisfies the legal requirements, it has the right to establish a school. There are both primary and secondary schools based on various religious denominations and ideologies in the Netherlands Antilles, which are subsidised by the island governments.

¹⁶Draft National Ordinance on Foundation Based Education

The National Ordinance on Foundation Based Education upholds Article 16 of the Convention, which states that schools are legally obliged to report violent or sexual offences committed by or against pupils, school personnel or others.

When upholding the rights defined in Articles 13 to 16, the education sector makes no distinction between different categories of children, such as poor or disabled children or the children of illegal immigrants. Schools often offer children from less affluent families breakfast and a hot midday meal. Transport to and from school is also available. Pupils whose parents have an income below a fixed level can also qualify for a study costs allowance.

Rights of the Child' calendar

This project, intended for schools, consists of a calendar with each month devoted to one of the rights of the child. The illustrations consist of photographs taken by children themselves during a 2004 project of the Federation of Antillean Youth Care on the rights of the child. Each month also features a teaching aid. The aim is to prompt a discussion of children's rights in social studies lessons. The project receives commercial sponsorship.

Article 17

Since culture policy is the responsibility of individual island governments, the issuing, exchange and dissemination of information and material from the various cultural sources is a matter for each island territory. Central government only plays an enabling role.

Access to information and education

Since innovations in teaching and international developments in technology have made computers vital for the education sector and schools, various efforts are therefore under way to equip schools with computers. While no distinction is made between children, disparities can nevertheless arise due to their socio-economic backgrounds. Children from less affluent homes and immigrant families tend to have less access to computers, books and newspapers since their parents often cannot afford them. Language is also a common stumbling block for access to information.

Innovations in education and the introduction of the Foundation Based Education, which allows Papiamentu to be used as the language of instruction on Curaçao and Bonaire, have made it vital for more teaching materials to be published in this language. This will enable children whose mother tongue is Papiamentu to keep up with their peers. All the islands

have a public library with a children's section. Curaçao and Sint Maarten also have a mobile library which tours various neighbourhoods. Some schools have their own libraries.

Curaçao

A few primary schools on the island have a computer room but these are by no means all operational. While the majority of schools have access to at least one computer, it is often only used for administrative purposes. So these schools have no computers which both teachers and pupils can use as a teaching aid. Schools that do have access to more than one computer often cannot afford to pay for an Internet link. There are also connection problems. Functioning computers are available in schools offering pre-university education (VWO) and senior general secondary education (HAVO) but there is insufficient access to computers in pre-vocational secondary education (VSBO) schools.

Saba

On Saba, UNESCO has approved a grant for a school radio project which will teach schoolchildren how to make a radio programme. Pupils on Saba are also producing a bi-monthly television report on classroom activities as part of the Foundation Based Education curriculum. The report, 'Schoolvideo Magazine', is broadcast by the local cable company.

Access to information and the media

Preceding the National Ordinance on Media Policy, which is currently awaiting adoption, a code of conduct was drawn up in 2005 for radio and television stations in the Netherlands Antilles as part of a strategy to encourage the mass media to broadcast information and material promoting the social and cultural development of minors. It was felt that these guidelines would provide some level of supervision. The government of the Netherlands Antilles sets aside an annual budget for media policy (ANG 45,000 in 2005 and ANG 20,000 in 2006).

Despite the introduction of code of conduct, the mass media makes little provision for the language needs of children from minority groups. Most newspapers, radio and television programmes are in Papiamentu and Dutch on Curaçao and Bonaire and in English on the Windward Islands. Children are given little protection from harmful material broadcast on cable television.

Article 37a

Recommendations

In response to the initial report, the Committee recommended that the Netherlands Antilles make all necessary effort to ban all forms of child abuse.

Advice and Reporting Centre for Child Abuse and Neglect (ARC)

In 1999 a Working Group on Child Abuse was established on the initiative of the Child Protection Agency. It consists of 18 government and non-government organisations which together address the growing problems confronting children. One of its key aims is to set up an Advice and Reporting Centre for Child Abuse and Neglect on all the islands, where suspected cases of child abuse can be reported anonymously.

Although the working group has been trying to obtain a grant for the ARC from the Netherlands Antilles government since 2003, the project is not yet a reality. The creation of an ARC, needed on all the islands, has therefore not yet been included in the budgets of the island territories. In order to make a start on the initiative, the Child Protection Agency established the 'Sentro Jo Hermans' (Jo Hermans Centre) on Curaçao in June 2006. This centre operates in the same way as an ARC and is located in the offices of the Child Protection Agency, where help is provided by trained volunteers.

The policy of the Netherlands Antilles is that the island governments are primarily responsible for protecting at-risk minors. However, there is no single service at either state or island level with the specific task of informing local communities of the dangers of child abuse. The public is given no information about where to go for help or advice. As a result, little can be done to promote prevention, and interventions are often too late. This lack of initiative by the central and local authorities has prompted NGOs fill the gap, but this makes it more difficult for the public to know where to go.

As well as opening a number of telephone helplines for children, as discussed more fully below, another possibility is to ask the Guardianship Councils to act as reporting centres for child abuse. All the islands have Guardianship Councils, although the one on Sint Eustatius is currently unstaffed. Their statutory tasks and responsibilities include ensuring the psychological, physical and material well-being of minors.

The Family Supervision Agencies on each island will report child abuse by non-family members to the Public Prosecution Service and the Juvenile and Vice Police Squad, which will take the case further. The Public Prosecution Service may decide to place a minor under the supervision of the Guardianship Council to protect him or her from sexual or physical abuse.

Child abuse committed by non-family members can also be reported directly to the Juvenile and Vice Police Squad by private individuals. Child abuse by family members is dealt with by the Guardianship Council. The Guardianship Council and the Public Prosecution Service can, following an investigation, refer the case to the courts. If the court believes there is a serious threat to the child's moral or mental well-being and attempts to avert this threat have failed or are thought likely to fail, it can place the child under a supervision order. The family is then monitored via the Family Supervision Agency. If necessary, the child can be removed from the family environment and placed with a foster family or in residential care.

While no distinction is made in terms of disability, poverty, legitimacy, ethnic background or legal residence status when protecting children from abuse, these factors nevertheless raise difficulties. Children with severe behavioural problems are hard to place with foster families or in residential institutes. Children with a disability are rarely placed under a supervision order because the Guardianship Council cannot find anywhere to cater for their special needs. The Netherlands Antilles has no residential facilities for disabled children.

Child Helpline

Although the Child Protection Agency has had a care contract with the island territory of Curaçao to operate a telephone helpline for children since 2004, financial difficulties and changes to the telecommunications technology have meant that it did not become active until November 2006. The idea of establishing a child helpline arose out of international developments to combat child trafficking, child prostitution and child pornography, which identified child helplines as the most effective instrument. The child helpline number for the Netherlands Antilles is 918. The switchboard is manned 24 hours a day.

In 2005 the Child Protection Agency gave intensive basic training to 21 helpline operators. Follow-up training was provided in 2006. These courses were based on the guidelines prescribed by Child Helpline International, to which the Child Protection Agency has been affiliated since December 2005.

As well as a shortage of funds to finance a systematic approach to the problem, public ignorance about where to report child abuse is a serious stumbling block for the islands. As a result, incidences of child abuse or mistreatment often go unreported. Even when a case of suspected child abuse is notified and referred to the investigative authorities, there is a danger of priority cases ending up on the waiting lists of existing youth care services, with detrimental effects for the child.

The Family Supervision Agency

In terms of family supervision, the Family Supervision Agencies on the islands monitor children who have been placed under a supervision order and their parents, with the ultimate aim of repairing the parent-child relationship. Parents are given counselling by family supervisors and are obliged to follow all the recommendations they make. Where necessary, the family supervisor liaises with other authorities and agencies to promote the welfare of both the child and its parents.

Curacao

The Family Supervision Agency on Curaçao implements the supervision orders issued by the children's judge. It supervises approximately 350 children and their parents. The actual work of supervision is carried out by eight staffmembers with a small budget from the Ministry of Justice.

Bonaire

The Family Supervision Agency on Bonaire runs a chat group for the parents of children up to 18 who have been placed under a supervision order. The project, which has been subsidised by the Netherlands Antilles Youth Fund (JENA) since 2003, is intended as a forum where parents can discuss their problems. The discussion groups also widens their social network, encouraging mutual support. This is important, given that most of these individuals are raising their children alone. The discussion groups are held four times a year, and each session is attended by an average of eight people. The initiative could therefore reach 32 families a year.

In conjunction with the Bonaire Youth Care Foundation, the Agency is conducting a public awareness campaign to improve the way incest is identified and reported. The aim is to give social workers, caretakers, primary school teachers, pupils and the general public a better understanding of the problem. A telephone helpline was opened in December 2006 to enable people to report suspected cases of incest.

The Bonaire Youth Care Office is organising a large number of get-togethers for parents and children, to encourage parents to make a better educational, social and psychological contribution to their children's lives. The initiative is aimed at children aged between four and 13. The programmes are held in community centres every three months. Attendance is non-compulsory, so participant numbers are low.

Sint Maarten

On Sint Maarten, children who have been abused or mistreated may be temporarily placed in a residential care home through the mediation of the Guardianship Council. However, this is only done as a last resort if the minor cannot be housed with family members, which is the preferred option.

Combating the abuse of children on the island was one of the spearheads of the Guardianship Council's annual plan for 2003. Initiatives centred on raising public awareness of the physical, psychological and sexual abuse of children aged mainly between 0 and 18.

The Guardianship Council organised various activities to achieve this goal, including talks and workshops on parenting support with the Sentro di Informashon i Formashon na bienestar di Mucha, (SIFMA). Regular discussions were also held with the Public Prosecution Service, the Court of First Instance and justice agencies. The police force, in particular the Juvenile and Vice Police Squad, give talks for children at schools regarding child abuse.

Saba

On Saba, children who have been abused are either placed with a suitable foster family or sent to Curaçao or Sint Maarten to be placed in a residential home. Those who remain on Saba are given psychological counselling by the psychologist on the island or by a staff member at Saba University School of Medicine.

On Saba, public information about child abuse is disseminated through leaflets, talks and workshops, as well as in schools.

Saba has a shortage both of relevant professionals and of facilities where children can be given short or long-term support and after-care. The possibility of being removed from a familiar environment, including from the island itself, is one reason why many victims fail to report abuse.

Care and treatment, recovery and social reintegration

Where necessary, the Guardianship Council will arrange for victims of child abuse to be placed under a supervision order or removed from the family home. Some children are referred to institutions providing psychosocial treatment, such as the Child and Youth Department of the Perspektiva i Sosten Integral (PSI) Foundation on Curaçao. The PSI provides care and treatment, recovery and social reintegration through therapy and

counselling and, where necessary, voluntary placement in a foster home or residential institution.

Curaçao

The Juvenile and Vice Police Squad on Curaçao investigates cases involving the physical abuse of children. Physical abuse is generally committed by individuals aged over 18. Such investigations should in fact be carried out by the Criminal Investigation Department, but the Criminal Code of the Netherlands Antilles (WvSrNA) does not provide for this. It was therefore decided internally that the physical abuse of infants, young children and adolescents below the age of 16 would be investigated by the Juvenile and Vice Police Squad. All cases of sexual abuse are investigated by the Juvenile and Vice Police Squad.

Children who have been subjected to psychological abuse or neglect are referred to the Child and Youth Department of the PSI for professional treatment, and to the Guardianship Council in respect of matters relating to fostering. Minors are also referred to the Child and Youth Department of the PSI for professional treatment following criminal investigations.

In the event of a supervision order, the Court of First Instance appoints someone to supervise the child under the authority of the Court. The role of the family supervisor is to promote the well-being of the child. This includes advising the parents on how best to raise and care for their child.

Training of professionals

The professionals who work with children are not systematically trained to identify, report and respond to cases of child abuse or to do so in line with a generally accepted policy. Instead, professional training is provided mainly through courses and workshops held by organisations like the Child Protection Agency Curaçao, SIFMA on Curaçao and the Windward Islands and the Sentro Boneriano di Informashon Edukativo pa Kuido Infantil (Bonaire Foundation for Educational Information for Infant Care or SEBIKI) on Bonaire. Staff working for organisations offering psychosocial care or agencies like the Juvenile and Vice Police Squad are trained in juvenile and vice-related crime or have attended the relevant specialist courses.

Support for victims and witnesses

The Juvenile and Vice Police Squad on Curaçao ensures that victims who are minors are generally not required to be present in court. Although the defendant's lawyer can ask the judge for permission to put certain question to victims or witnesses, the victims and witness

statements in the official report are generally deemed sufficient. Victims of sexual abuse who are under 12 are questioned privately during an interview which is filmed. An official transcription of the interview is then drawn up and the film is placed at the judge's disposal.

If a victim cannot cope with the pressure of a court case, the PSI on Curaçao will consider whether the relevant social worker(s) can appear on his or her behalf or provide support and advice during proceedings. Where necessary, it will also try to place victims in a 'Kas di Sokoro' (shelter house), where they are given care and counselling by PSI social workers.

Funding

The Guardianship Councils in the Netherlands Antilles and the Family Supervision Agencies on Curaçao, Bonaire and Sint Maarten receive grants from central government. Four per cent of the annual budget of the Ministry of Justice is set aside for the direct implementation of child protection measures. Each island needs to formulate a decentralised policy on tackling and preventing child abuse, plus a related financial plan.

The Family Supervision Foundation on Bonaire reports that levels of external financing fluctuate year by year. In 2005, for example, the agency received € 30,000 from the Oranje Fonds to fund a public awareness campaign to encourage better identification and reporting of incest. In 2004 family supervision projects were allocated approximately ANG 10,000 in external financing.

Research into child abuse

The only investigation of child abuse the one carried out by the police in the course of a criminal investigation. Such investigations rarely seek to establish the scope and effects of child abuse. As a result, efforts to combat child abuse and its associated problems are inadequate and are often tackled on an ad hoc basis.

Child Helpline

Although the Child Protection Agency has had a care contract with the island territory of Curaçao to operate a telephone helpline for children since 2004, financial difficulties and changes to the telecommunications technology have meant that it did not become active until November 2006. The idea of establishing a child helpline arose out of international developments to combat child trafficking, child prostitution and child pornography, which identified child helplines as the most effective instrument. The child helpline number for the Netherlands Antilles is 918. The switchboard is manned 24 hours a day.

In 2005 the Child Protection Agency gave intensive basic training to 21 helpline operators. Follow-up training was provided in 2006. These courses were based on the guidelines prescribed by Child Helpline International, to which the Child Protection Agency has been affiliated since December 2005.

According to the financial accounts of the Child Protection Agency on Curaçao for 2004 and 2005, the island territory allocated its child helpline an annual budget of ANG 144,438 and ANG 150,000 respectively.

Statistics

Curaçao

An overview of the number of new cases reported each year is shown below, together with the total number of minors placed under supervision by the Family Supervision Agency due to abuse. The Agency continues to supervise the child and its parents for an average of three-and-a-half years. The tables reflect the extent of the problem, which often involves the same children year-on-year. This applies to all the tables below.

Annual overview of new cases reported and ongoing supervision orders

Year	New cases reported to the Family Supervision Agency	Total number of children under supervision
2002	78	301
2003	111	378
2004	71	339
2005	52	334

Number of cases of neglect/abuse and sexual abuse (Guardianship Council)

Cases	2003	2004	2005	2006 (to Oct)
Neglect/abuse	50	38	25	55
Sexual abuse				3

Notifications of abuse to the Child Protection Agency, by number and type

Notifier	Oct to Dec 2003	2004	2005

Client	1	24	6
Mother	12	52	34
Father	1	25	19
Grandmother	5	19	9
Grandfather	1	1	-
Foster mother	1	5	2
Other (aunt, neighbour, acquaintance)	4	36	22
Institutions (DSH*, SGE**, Police, Isla***)	6	28	7
School	5	20	13
Anonymous	14	44	12
Total	50	254	124
* DSH: Departamentu Salú Hubenil/Youth Health Care Service ** SGE: Sentro Guia Edukashonal/Centre for Educational Guidance *** Outpatients' clinic for the Isla refinery on Curaçao			

Requests for assistance to the Child Protection Agency Curaçao, by number and type

	Oct to Dec 2003	2004	2005
Requests for assistance due to:			
Physical abuse	4	34	21
Physical neglect	2	12	18
Psychological abuse	14	69	36
Emotional neglect	5	59	37
Cognitive neglect	5	19	1
Pedagogic neglect	9	36	2
Material neglect	2	10	2
Sexual abuse	9	21	13
Total	50	260	130

Assistance given by the Child Protection Agency Curaçao, by number and type

	Oct to Dec 2003	2004	2005 ¹⁷
Information	37	118	6
Advice	6	92	55
Mediation	17	67	11
Counselling	1	2	2
Referral	26	87	46
Boys	38	160	95
Girls	34	151	80
Total	72	311	175

Total number of PSI¹⁸ clients on Curaçao and Bonaire per year, by age category and gender

Total number of clients	2003		2004		2005		2006 (Jan/June)	
	male	female	male	female	male	female	male	female
0-4 years	19	14	34	19	34	18	35	19
5-9 years	185	81	189	86	193	90	160	103
10-14 years	251	113	255	137	254	130	195	117
15-19 years	95	79	98	100	94	106	62	67
Total	550	287	576	342	575	344	452	306

Type and number of offences reported to the Juvenile and Vice Police Squad of Curaçao*

	2002	2003	2004	2005	2006 Jan to June)

¹⁷ The service came to an almost complete standstill in February, March and July 2005 due to the need for renovations and repairs to the office following vandalism by intruders.

¹⁸ Fundashon Perspektiva i Sosten Integral.

Type of sexual abuse					
Rape	33	22	30	-	12
Attempted rape	5	9	4	-	
Sexual contact with a girl aged below 12				-	7
Sexual contact with a girl aged between 12 and 15				-	11
Indecent acts				-	54
Other sex-related offences	30	40	35	-	15
				-	
Total	68	71	69	-	69
*Source: Juvenile and Vice Police Squad, Curaçao police force					

Type and number of offences on the Windward Islands, 2002-2004*

Offences	2002	2003	2004
Indecent acts with minors	6	3	
Indecent acts with underage boys	1		
Indecent acts with underage girls	5	3	
Indecent acts with stepchild/foster child	2		
Rape	5	2	3
Unlawful deprivation of liberty	1		
Public indecency		1	
Assault	3	3	5
Sexual assault		2	2
Assault with a weapon		6	1
Failure to pay maintenance		7	2
Duress (verbal)		1	1
Theft		2	
Public acts of violence		6	
Robbery/Armed robbery		3	
Possession of firearms		1	
Mediation in cases of assault on a minor		11	2
Runaway minors		13	

Mediation in cases of threatening behaviour towards a minor		3	1
Mediation in cases of delinquent behaviour by minors		12	
Total	23	79	17
*Source: Juvenile and Vice Police Squad, Sint Maarten, Saba and Sint Eustatius police forces			

V Family and alternative care

The committee's recommendations relate mainly to Article 18 paragraphs 1 and 2, Article 20 and Article 27 paragraph 4.

Article 18

Recommendations

In response to the initial report, the Committee recommended that the Netherlands Antilles: take steps to ensure that parents and families understand and fulfil their obligations towards their children, and give consideration to means of providing families with extra support; establish an effective mechanism for the provision of adequate social welfare and introduce a national policy on daycare services with a view to ensuring uniformity across all islands.

Responsibility towards children

Parents are encouraged to exercise their responsibilities by SIFMA¹⁹ on Curaçao and the Windward Islands and the Bonaire Foundation for Educational Information for Infant Care or SEBIKI, as well as by central government and the individual island governments.

Curaçao and the Windward Islands

Each year, SIFMA offers various forms of parenting support on all the islands, for example through the 'Opstap Opnieuw' programme, in an effort to help parents and families understand and exercise their responsibilities towards their children more effectively. Parenting support is provided through courses and workshops covering different child-rearing themes. The workshops are intended both for parents and crèche leaders. Use is

¹⁹ Sentro di Informashon i Formashon na bienestar di Mucha, (SIFMA)

also made of the media through regular articles in newspapers and discussions of relevant themes on the radio and television. Leaflets on parenting issues are also distributed.

The 'Opstap Opnieuw' incentive programme is a development-based programme for children of four to six and their parents. Its aim is twofold: to foster interaction between parents and children, and to improve educational opportunities for children. 'Opstap Opnieuw' is a two-year programme for parents whose own education did not progress beyond junior general secondary school (MAVO) level, and their children

Bonaire

SEBIKI holds courses for parents and crèche leaders and provides support for teenage mothers in the form of discussion groups. It also loans out information packs to parents and child welfare centres and offers practical support to parents in various neighbourhoods. Between 2002 and 2006 the number of courses and parenting support initiatives was increased and the family support programme 'Opstap Opnieuw' was extended for at-risk families in all neighbourhoods.

Extra support for families

Curaçao

One form of extra support for families is the appointment of school attendance officers. If a child of compulsory school age fails to attend school for a prolonged period, the Educational Affairs Service on Curaçao will contact its parents. Once it has established the reason for non-attendance, the school attendance officer will act as a facilitator or intermediary to get the pupil back to school.

Bonaire

Parents on Bonaire are given the opportunity to attend chat groups, as mentioned under IV Civil Rights and Freedoms.

Sint Maarten

The Victorious Living Foundation runs mentorship programmes and offers supervision and advice to young people and their parents. Both the Foundation and various community centres provide after-school childcare and workshops for youngsters.

Sint Eustatius

A family therapist has been based on the island since February 2005 to help prevent family break-ups and promote reconciliation. The churches also hold conferences and intensive

courses on the family. Each year, the Department of Culture organises a programme for families which ends with two or more exemplary families being selected as role models. These families are given extensive media coverage and their example encourages other families to make similar efforts.

Measures to formulate a national childcare policy

In 2001 a national childcare policy was formulated in the Netherlands Antilles. This policy is used as the basis for the policies of the individual island governments.

To ensure that policy and policy practice tie in as closely as possible with day-to-day reality, inventories were compiled of the existing situation in childcare centres on all the islands. Although they differed widely, all the reports addressed the minimum quality requirements set down in each island ordinance.

The resulting report, 'Een beschrijving van de thuissituatie van en het opvangaanbod aan 3-jarige kinderen op de Nederlandse Antillen'²⁰ (An account of the home environment of and childcare facilities for three-year-old children in the Netherlands Antilles) yielded the following data for each island.

Curaçao

Curaçao introduced an Island Ordinance on Childcare Centres many years before the national childcare regulations were drawn up.²¹ Government policy focuses mainly on crèches and nursery schools. The quality standards laid down in the island ordinance relate mainly to these forms of childcare. However, due to the absence of both a quality commission and a supervisory body, many childcare centres fail to meet these standards.

Each year, the government of Curaçao sets aside a fixed amount of approximately ANG 3 million to finance childcare provision on the island. Until a few years ago, this allocation covered nine crèches that were fully subsidised. Changes to the system transferred grants from the crèches to economically disadvantaged parents. Curaçao is currently in a transition phase in which the nine crèches that were previously fully subsidised now offer a number of subsidised places for the children of parents on low incomes.

Bonaire

²⁰ Office for Process Management of Educational Reform on Curaçao, September 2006.

²¹ National Policy Framework on Early Childhood Care and Development.

A Working Group on Integrated Preschool Policy for the Island Territory of Bonaire was set up on the island in 1997. It includes all relevant government and non-government organisations. The working group has drawn up a draft island ordinance containing regulations governing the quality and introduction of a licensing system for childcare centres. The draft ordinance has been submitted to the island executive and is now awaiting ratification by the island council.

The government of Bonaire is currently meeting the running costs of two childcare centres for which it sets aside ANG 108,000 a year. All other childcare centres are unsubsidised and rely on parental contributions, donations and fund-raising activities.

The government intends to make childcare for three to four-year-olds a universal basic provision, due to the need to ensure their smooth progression to Foundation Based Education. This implies a change in the grant system similar to that on Curaçao, with grants no longer being awarded to the childcare centres themselves but to economically disadvantaged parents.

Sint Maarten

In 2001 an Island Ordinance on Quality Standards for Childcare Centres was adopted on Sint Maarten. In the same year, a commission was appointed to formulate a policy plan linked to this ordinance. The plan was based on the National Policy Framework on Early Childhood Care and Development, as it had been on Curaçao. The policy plan has two central objectives: to enable all children to obtain a good grounding for Foundation Based Education and to develop high quality childcare programmes.

In 2004 a quality commission was appointed to help childcare centres reach the necessary standards. Its specific task was to ensure that early childhood care and development was included on the political agenda and that all childcare centres would gradually improve to meet the requisite standards by 2010. However, one difficulty is that the island authorities have no budget allocation for subsidising childcare. Childcare on Sint Maarten is financed entirely through parental contributions and project aid.

Sint Eustatius

A draft island ordinance was drawn up in 2003 setting out rules and conditions to promote a caring, stimulating childcare environment. The ordinance will soon be implemented and its minimum quality standards universally applied.

The island government of Sint Eustatius sets aside approximately ANG 550,000 each year to fund preschool childcare and education. Although there are other childcare centres on the island, the authorities only subsidise one. However, this centre caters for the vast majority of children who are receiving preschool provision.

Saba

Saba has also set minimum quality standards governing childcare centres. These were approved by the Island Council in 2004. New childcare centres must now be licensed and must meet a number of general quality requirements.

The childcare centre on Saba is subsidised by the government.

Parenting support and education

The education sector is also devoting attention to early childhood learning. The new approach to primary and early secondary education throughout the Netherlands Antilles makes special provision for three-year-olds from disadvantaged backgrounds, to ensure that they derive maximum benefit from preschool provision and their progression to the first year of education runs smoothly. This prevents children from entering regular education with a learning disability or other disadvantage. A framework curriculum has therefore been developed to help professionals working with three-year-olds.

Both the Netherlands Antilles and the individual island governments have drawn up plans and been given funding to make a number of key improvements in preschool provision. The following priority areas were identified:

1. Organisation and implementation of a joint curriculum
2. Quality control
3. Increasing professionalism
4. Play and early learning aids
5. Communication

Over ANG 4 million has been allocated to these improvements. An initial draft of the joint curriculum has already been discussed with the relevant stakeholders, and all the islands have begun implementing the activities set out in their plans.

Parenting support and the media

Another effective resource which is used to support parenting on all the islands is the media. Radio and television programmes can disseminate information to a large number of parents, teachers and legal guardians to help extend their knowledge.

NGOs also organise a wide range of courses and workshops on parenting support for parents and guardians. The tables below list the organisations that organised courses or workshops each year, the neighbourhoods they covered and the bodies that provided them with funding.

Childcare facilities and accessibility

The question of how many childcare facilities there are on each island is not always easy to answer. Not all childcare centres are centrally registered. Moreover, turnover on the bigger islands is high in the sense that many centres only operate for a short period of time.

The table below shows the amount of childcare facilities on each island. Child minders are not registered on Curaçao or Sint Maarten, so there are no statistics available for these islands. Child minders are individuals who offer childcare in a home environment for up to four children simultaneously from the age of four weeks to the age at which they start school.

	Crèches	Nursery schools	Child minders	Total
Curaçao	107	28	-	135
Bonaire	15	0	4	19
Sint Maarten	35	0	-	35
Sint Eustatius	2	0	2	4
Saba	1	0	0	1
Total²²	160	28	6	194

The table below shows the average number of 0-4 year-olds attending a childcare centre on each island, including those on waiting lists. Child minders are not registered on Curaçao or Sint Maarten, so there are no statistics available for these islands. Child minders are

²² Inventory Report. An account of the home environment of, and childcare facilities for, three-year-old children in the Netherlands Antilles, Office for Process Management of Educational Reform, Curaçao, September 2006.

individuals who offer childcare in a home environment for up to four children simultaneously from the age of four weeks to the age at which they start school.

	Curaçao	Bonaire	Sint Maarten	Sint Eustatius	Saba
Total number of 0-4 year-olds	3,144	431	1,137	118	48
Total 0-4 year-olds on waiting lists	-	40	27	0	3

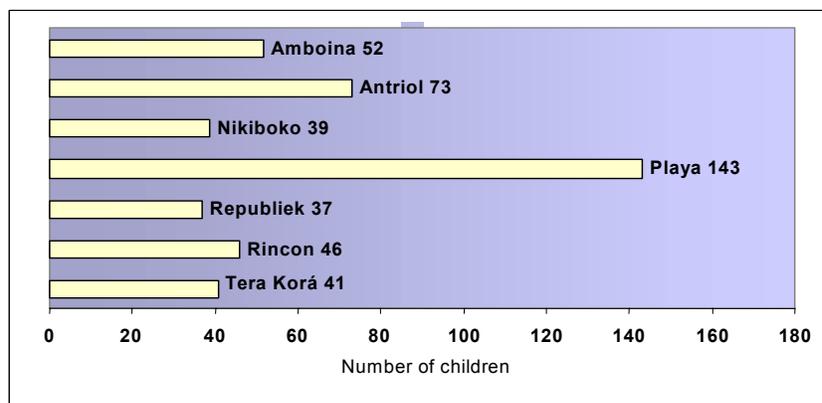
Curaçao

The composition of the population of Curaçao in 2002-2005 was as follows, classified according to numbers of inhabitants, households and 0-4 year-olds:

Population breakdown²³:	2002	2003	2004	2005
Total inhabitants	126,816	129,944	133,644	135,822
Total households	42,603	44,386	unknown	unknown
Total 0-4 year-olds	8,638	9,032	9,385	9,442

Bonaire

The report gives the following figures for Bonaire, based on baseline measurements carried out between April and July 2005. It found that a total of 431 children attended 15 centres in various neighbourhoods. The number of children attending childcare centres in the biggest of these neighbourhoods is shown below.



²³ Table: Age distribution on Curaçao, January 1st; www.cbs.an/population/population_b3b.asp

Article 20

Recommendations

In response to the initial report, the Committee recommended that the Netherlands Antilles:

- develop programmes to facilitate alternative care in the Netherlands Antilles, in particular foster care on the Windward Islands;
- strengthen efforts to improve the quality of care available;
- implement the island ordinances on alternative care more effectively;
- ensure that placements in institutions are periodically reviewed;
- establish an independent complaints mechanism for children in alternative care institutions.

Current situation

Various measures have been taken to improve the standard of alternative care in the Netherlands Antilles.

Unemployed 16 to 24 year-olds who are not studying or being trained are at risk of becoming socially and economically marginalised. On 25 February 2006, the government of the Netherlands Antilles therefore introduced the National Ordinance on Compulsory Youth Training (CST).²⁴ This obliges young people below the age of 24 who have no educational qualifications to train themselves to a level where they can reasonably expect to secure a job. The aim of the national ordinance is to reduce youth unemployment and youth crime and improve social cohesion.

The National Ordinance on Compulsory Youth Training took effect throughout the Netherlands Antilles in 2006 and primarily addresses the right of children and young adults aged between 16 and 24 to develop their potential and support themselves.

The programme provides training schemes through which young people can acquire occupational skills. By November 2006 these courses had attracted 565 participants, approximately 100 of whom were members of a test group. A high proportion of youngsters in the test group were found to have development problems. These problems were addressed through the introduction of a care strategy which helped them to develop a wide range of social skills. They had to complete the social development component before they

²⁴ National Ordinance, Official Bulletin 2005, no. 72

could move on to the occupational skills course. The programme includes a crèche facility to enable young adults with one or more children to take part.

These skills development courses are now well under way on Curaçao and Bonaire and have helped many young people to find employment. On Saba, the national ordinance is still awaiting implementation. On Sint Eustatius and Sint Maarten, participants are still engaged on the main course and will enter the labour market slightly later. Another initiative being developed in the context of the programme is the creation of employment strategies to help young people secure a job when they have completed the course.

As well as introducing skills development courses, the national ordinance also established a youth register on each island listing all 16 to 24 year-olds who are not in fulltime education. The registers record their enrolment on skills development courses and chart their progress. This allows the development of young people on each island to be monitored. There is also an obligation on schools to report non-attendance.

A proposal for a residential accommodation project has been submitted to the Netherlands Antilles Development Fund (USONA) in the context of the National Ordinance on Compulsory Youth Training. It is intended mainly for young people who refuse to enrol on the courses or whose circumstances prevent them from successfully completing the training. Residential accommodation for youngsters from the Windward Islands will be provided on Sint Eustatius and for youngsters from the Leeward Islands on Curaçao.

Various authorities on the islands have also taken their own measures to cater for youngsters who can no longer live at home. On Curaçao, children can be placed with the Child and Youth Department of the Fundashon Perspektiva i Sosten Integral (PSI) at their own request. On Bonaire there are plans to open a wing for girls at the Sister Maria Höppner residential care home. For financial reasons, this will not be ready before 2008. On Sint Maarten the 'I Can Foundation' and 'Crystal Home' have submitted an application under the Netherlands Antilles Public Safety Plan (Plan Veiligheid Nederlands Antillen, PVNA) for a grant to finance a youth detention centre. Finally, on Sint Eustatius a funding application has been submitted for the establishment of a large foster home.

Despite these initiatives, there is no foster care coordination centre on any of the islands to match children with potential foster parents.

Curaçao

Curaçao was forced to close its foster care coordination centre in 2000 due to lack of funds. Many minors from the other four islands are referred to the Family Supervision Agency on Curaçao for alternative care and supervision. These children frequently suffer from homesickness and alienation.

Bonaire

The Family Supervision Agency on Bonaire is setting up a foster care coordination centre. It currently has eight foster families on its books. Despite this, there is still a shortage of alternative residential care on Bonaire for children who have to be separated from their parents.

Sint Maarten

A new NGO, Network Organisations for Minors (NOM), has been established on Sint Maarten by a group of youth work organisations. NOM is a centralised discussion platform which facilitates referrals by sharing information about individual cases and how they are dealt with among all concerned.

On the Windward Islands a Custodial Institutions Foundation has been established by the Family Supervision Agency and the Dutch Probation Service.

Quality of alternative care

The quality of alternative care, including the necessary infrastructure and training of group social workers, must be improved. In the Netherlands Antilles, lack of funding is the main reason for the failure to achieve optimum quality. An advisory report published in 2004 by the government audit office, Stichting Overheidsaccountants Bureau (SOAB), concluded that the daily allowance paid to residential care homes for children placed under a supervision order must be increased. However, neither the national nor the island authorities adopted this recommendation.

Training of social workers

There is no systematic training of social workers. They receive most of their information and supplementary training about youth work and children's rights informally in the workplace or at conferences organised by the residential institutions themselves or by national authorities such as the Youth Development Department. Workshops and courses on the rights of the child are also given by organisations like SIFMA and the Child Protection Agency.

Periodic review of placements in an institution

Children who are removed from their parents and placed under a court supervision order are assigned a family supervisor. The length of alternative care varies between two and eight years in a residential care home and one and six years in a foster family. The family supervisor reviews the situation every three months with the child's biological parents and the residential care home or foster parents. The case is personally reassessed once a year by a children's judge. A supervision order can be lifted and the child returned to its parents at any time prior to the expiry of the supervision order, provided this is appropriate or feasible.

The draft National Ordinance on Youth Care will include a review of legal supervision throughout the care process, including a periodic evaluation of alternative care. The Act is not yet in force.

Establishment of a complaints bureau for children in alternative care

Although this question is covered in the draft National Ordinance on Youth Care, the absence of a complaints bureau within the alternative care system is regarded as a major shortcoming. At present, all children placed in alternative care must submit complaints to the Guardianship Council or to the children's judge when a hearing takes place.

Increasing government support for NGOs working in alternative care

The government sets the allowance paid to residential care homes, foster families and NGOs. However, this amount is not always enough. It generally takes the form of a daily allowance rather than material assistance. The government has tended to reduce its contributions in recent years.

Bonaire

On Bonaire, the authorities support the 'Porta Habri' youth care information and advice centre. They have also concluded a care contract to provide the Sister Maria Höppner residential care home with an annual ANG 175,000 grant.

The Guardianship Council on Bonaire sets aside ANG 720,000 each year to cover its operational expenses, including staff salaries. Approximately ANG 250,000 is used to finance the placement of children in foster families or residential care homes.

Sint Maarten

On Sint Maarten, the Guardianship Council earmarks ANG 720,000 each year to finance placement orders and alternative care for minors. A minor can be placed under the

protection of the Guardianship Council for a period of six weeks if it is in physical danger and urgent intervention is required.

Problem areas

Generally speaking, there is too little alternative care provision in the Netherlands Antilles, especially for children with a disability. The islands, notably Saba and Sint Eustatius, are also struggling with a shortage of trained social workers. Finally, the island governments are not setting aside enough funding for alternative care.

Under the new Civil Code of the Netherlands Antilles (NBWNA), board members of NGOs can be held personally liable if the organisation fails to adequately protect a child. This has led to a shortage of people who are willing to sit on the boards of NGOs that protect the rights and welfare of the child.

Finally, all the islands are facing problems relating to drug use. A growing number of children are experimenting with addictive substances and alcohol and there is a clear increase in the number of families with problems linked to drug dependency.

Statistics

The tables below show the number of children on Bonaire and Curaçao who have been separated from their parents and placed in residential care homes or with foster families:

Curaçao

Number of children placed in alternative care (Family Supervision Agency)

Year	Children removed from home environment	Total on Agency register
2003	232	378
2004	218	339
2005	210	334

Number of children placed in alternative care/under a supervision order by the Guardianship Council

				2006					
	2003	2004	2005	Jan-May	June	July	Aug	Sept	Oct

Placement/ Supervision	70	33	22	17	2	4	3	17	30
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Bonaire

In August 2006, approximately 150 children on Bonaire had been placed under a supervision order. Eighteen were living in foster homes. With regard to the number of children being returned to their parents, the only change to report is that the Family Supervision Agency on Bonaire has altered its policy to ensure that more children can return home. At present, this does not happen often enough.

Family Supervision Agency client categories and numbers, 2002-2005

Client category	2002	2003	2004	2005
Number of clients subject to a supervision order	74	72*	96	110
Clients under voluntary supervision	12	06	06	05
Clients receiving after-care	05	24**		11
Total	91	91	102	126

*: 72 children under active supervision (31 of whom are new cases, including seven transfers).

** : 24 clients receiving after-care (13 of whom were referred in 2002 and 11 in 2003).

Accommodation of children placed under supervision by Family Supervision Agency in 2003

At home with parents	34
In a residential care home on Bonaire	10
In foster families	17
Not on Bonaire	15
Total	76

The table below provides figures relating to alternative care in the Netherlands Antilles.

Number of registered applications for alternative care, classified according to organisation, 2004 - 2005

Organisation	Type of organisation	Number in July - December 2004	Number in January - June 2005
Guardianship Council	GO	-	-
Stichting Reclassering (probation work)	NGO	-	10
Perspektiva i Sosten Integral (PSI)	NGO	51	10
Servisio pa Asuntunan di Ensenansa (SAE)	NGO	-	1
Sentro pa Guia Edukashonal	NGO	85	129
Kinderoorden Brakkeput	NGO	-	2
Huize St Jozef	NGO	11	8
Huize Rose Pelletier	NGO	2	3
Gouvernements Opvoeding Gesticht (GOG)	GO	4	6
Family Supervision Agency	NGO	2	18
Fundashon pa Maneho di Adikshon (FMA)	NGO	36	15
Famia Plania	NGO	31	67
Casa Manita	NGO		4
Other organisations		29	28
Total		251	301

Classification of children in alternative care, by gender

The number of applications relating to girls in the Netherlands Antilles has continued to decline.

Applications for alternative care, December 2004-2005

Gender	Number in July - December 2004	Number in January - June 2005
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Boys	159	171
Girls	87	130
Not known	5	0
Total	251	301

Country of origin and nationality

The majority of children in alternative care (86%) are from Curaçao. A further 5% are from the Netherlands, 3% from the Dominican Republic and 2% from Jamaica. The remainder come from Bonaire, Sint Maarten and Venezuela. Almost all the clients – 97% – are Dutch nationals.

Age of children in alternative care

Most new applicants are in the 15 to 17 age category, followed in second place by 3 to 5 year-olds and in third place by 9 to 11 year-olds.

New clients according to age category and gender, July-Dec 2004 – Jan-June 2005

Age category	Total: July - December 2004	Boys: January - June 2005	Girls: January – June 2005	Total: January – June 2005
0 - 2	13	7	2	9
3 - 5	28	40	14	54
6 - 8	42	24	12	36
9 - 11	52	37	14	51
12 - 14	22	30	15	45
15 - 17	46	16	48	64
18 - 20	43	16	25	41
Not known	5			
Total	251	170	130	300

Residential care homes and foster families in the Netherlands Antilles

Curaçao

On Curaçao, children and young people can be placed in the following institutions:

- Kinderorden Brakkeput, for boys aged 4 to 14. Residents can if necessary remain there until the age of 18;
- Huize St Jozef, for girls aged 4 to 14 and boys aged 4 to 12;
- Huize Rose Pelletier, for girls aged 14 to 18;
- Casa Manita, for girls aged 4 to 12 and boys aged 4 to 10;
- Kinderdorp Hebron, for male and female residents aged below 30;
- Gouvernements Opvoedingsgesticht (GOG), for boys aged 12-21 who have been in contact with the criminal justice authorities and boys aged 12-18 who have been placed under a supervision order;
- Kara pa Solo (GOG), for girls aged 12-21 who have been in contact with the criminal justice authorities and girls aged 12-18 who have been placed under a supervision order;
- Kas Broeder Pius, for girls aged 14-18 who are pregnant or who have a baby.

Bonaire

There is only one residential care home on Bonaire, the Sister Maria Höppner Foundation, which provides residential care for up to 12 boys with problems or behavioural difficulties. A condition of admission is that their problems should not be too complex and that they should not have come into contact with the criminal justice authorities and/or have drug-related problems.

St Maarten

On St Maarten, children can be placed in the 'Crystal Home' or the 'I Can Foundation'. There are also one or two foster families on the island which can provide alternative residential care.

Article 21

There were no changes in the laws relating to adoption.

Curaçao

The number of adoption cases involving the Guardianship Council in 2003-2006 was as follows:

Year	2003	2004	2005	2006					
				Jan-May	June	July	Aug	Sept	Oct
Number of adoptions	23	20	16	10	-	3	-	5	2

Bonaire

On Bonaire, four applications for adoption were submitted in 2005.

Sint Maarten

The number of adoption cases involving the Guardianship Council in 2002-2004 was as follows:

Year	2002	2003	2004
Number of adoptions	9	11	-

Article 27

Recommendations

In response to the initial report, the Committee recommends a more active and effective policy to recover child maintenance from parents who refuse to pay.

Despite the statutory provisions that have been laid down, many fathers in the Netherlands Antilles do not fulfil their obligation to pay child maintenance. As a result, mothers often have to meet these costs alone. Although non-payment can lead to the confiscation of property or even imprisonment, such interventions fail to have the desired effect. The use of collection agencies also achieves little result.

VI Health care and welfare

Within this cluster, the Committee’s recommendations concerned disabled children, health care, the health of teenagers and HIV/AIDS.

General

Childcare services (art. 18 paragraph 3)

Please refer to V (The family and alternative care), where the right to childcare services has already been discussed.

The islands of the Netherlands Antilles do not have a budget for training crèche staff. Any training for people working in this sector is privately funded. There is also short-term investment in training pre-school professionals under the Collaborative Education Programme as part of Foundation Based Education.

The lack of a comprehensive national grant policy is adversely affecting the quality of childcare services, which means that children from poor families are not eligible for high-quality care. With the exception of Sint Maarten, the minimum requirements for childcare centres are not enforced in the islands. As a result, good-quality childcare is not guaranteed.

Bonaire

A number of draft national ordinances have been submitted to the island executive but because of lack of funding to implement them, no decision has been taken. Grants are awarded from the island budgets to crèches and other parent and childcare institutions. In 1999, such institutions were 100% funded from external sources but nowadays, most of their funding is provided by the government.

Size of childcare centres

The 15 centres on the island are either small or medium-sized. A single centre caters for more than 50 children, six centres cater for between 11 and 20, five centres cater for between 31 and 50 and a single centre caters for fewer than ten.

The table below shows the number of children attending day care, ranked by age and type of care.

	Morning	Afternoon	Whole day	Total
Number of children aged < 1½ years	12	1	34	47
Number of children aged 1½ - 3 years	35	2	98	135

Number of children aged 3 – 4 years	36	3	99	138
Number of children aged > 4 years	2	101	8	111
Total	85	107	239	431

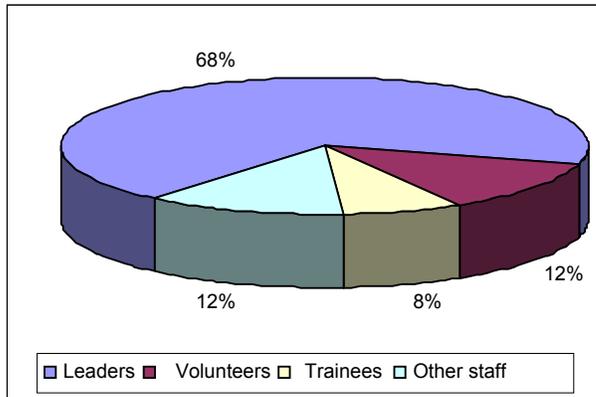
The average ratio of crèche leaders to children per group is 1:12 for all 15 centres. On average, each leader is in charge of 12 children. Four daycare centres have volunteer leaders besides the available employed staff. Most of the volunteers are related to the children.

All the island childcare centres provide hot meals. At six centres, there is a fixed menu while at nine centres the menu varies from day to day. At three centres, the menus are put together with the advice of a dietician. At all the centres, children always have access to safe drinking water.

Sanitary facilities vary. Eight centres have a separate washroom for the children, and at all the others, the children use the sanitary facilities of the house to which the centre is attached. Of the 15 centres, nine have separate toilets for children. In total, there are 28 toilets for 431 children, but the number per centre is variable

In total, 53 people are employed in childcare on the island: 31 paid crèche leaders, 14 managers and eight other staff. The other staff comprise three housekeepers, one administrator, one handyman and one messenger. One crèche has two members of staff from Stanislaus ATV (an organisation for disabled care) who help with basic housekeeping. In addition, there are eight volunteers and five trainees. Of all the childcare centres, 73.3% do not keep any staff records.

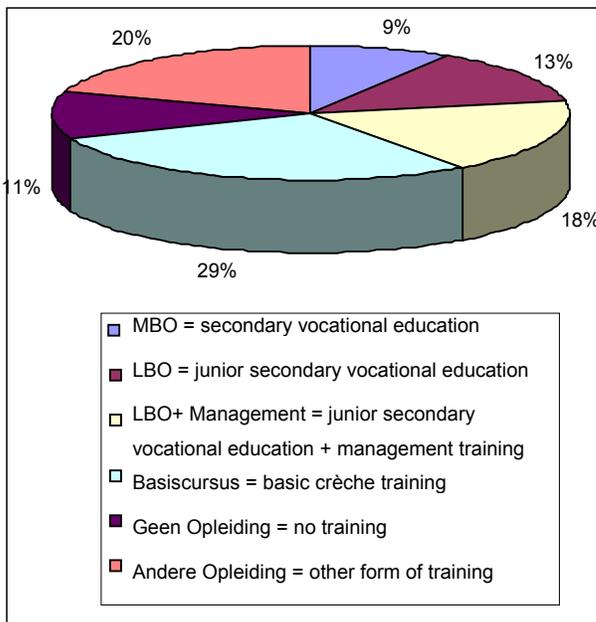
Day care staff composition and qualifications



The staff in the childcare centres on Bonaire come from a variety of educational backgrounds:

- 4 people (8.9%) have completed secondary vocational education;
- 6 people (13.3%) have completed junior secondary vocational education;
- 8 people (17.7%) have completed junior secondary vocational education and management training;
- 3 people (28.9%) have had basic training as a crèche leader;
- 5 people (11.1%) have had no training at all;
- 9 people (20%) have had some other form of training.

The training of childcare staff is part of organisational and educational policy in the Netherlands Antilles.



Qualified staff are distributed over the following age groups:

Under 18 years	: 5 people
19 – 25 years	: 7 people
26 – 35 years	: 8 people
36 – 45 years	: 20 people

Article 23

Recommendations

The Committee's recommendations can be summarised as follows:

Research should be undertaken into the causes of disability and into ways of preventing it in the future. The integration of disabled children should also be encouraged within mainstream education and the community at large. Teachers will require appropriate in-service training and refresher courses, and public facilities and areas must be adapted in order to offer better access to disabled children.

The Netherlands Antilles should also mount an awareness campaign highlighting the rights and special needs of physically and mentally disabled children. Children should also be actively involved in the campaign. Finally, the parents of disabled children and others involved in caring for them should receive better support.

Curaçao

Within the field of research into the causes of disability and into ways of preventing it in the future, the Epidemiology and Research Unit of the Medical and Public Health Service of Curaçao and FEDEMAKRO,²⁵ a federation for people living with disability and chronic illness, have conducted joint research into functional disability. Efforts are also made to identify potential disability as early as possible during routine appointments at the child health clinics.

Sint Maarten

No official research has been done on Sint Maarten into the causes or prevention of disability. However, in 2002 the Sister Basilia Centre launched an early detection programme in maternity clinics: clients identified as being in the early stages of disability are rapidly referred to a specialist.

²⁵ Federashon pa desabilidatnan i malesanan króniko

In April 2006, the Sister Basilia Centre on Sint Maarten set up an emergency committee to pinpoint disability-related problems within mainstream education. Information is gathered from questionnaires completed by schools.

Bonaire

On Bonaire, the FKPD (Fundashon Kuido di Personanan Desabilitá) incorporates international norms in the new homes built for its clients²⁶.

Awareness-raising campaigns and public relations activities

Throughout the Netherlands Antilles, governmental organisations and NGOs conduct publicity campaigns to raise awareness of the rights and special needs of disabled children and children with mental health difficulties. These public relations activities usually take place in response to a specific request. NGOs involved in promoting the interests of disabled children publicise their work through radio and television programmes and newspaper articles. On Curaçao the Totolika²⁷ parents' association and Help for the Hearing-impaired (HAG) publish a regular magazine showcasing their activities.

On Bonaire, the FKPD runs a monthly radio programme about disability issues and the Sister Basilia Centre on Sint Maarten attempts to raise awareness of the mentally disabled by publishing newspaper articles about the target group.

Support for parents and care professionals

Curaçao

Parents and others caring for disabled children receive support from Totolika. The organisation makes home visits, organises discussion groups, theme days and family days.

Bonaire

On Bonaire the FKPD recently appointed a social worker with special responsibility for support to parents and others caring for the disabled. The Health Care and Hygiene Service provides psychological advice to carers of disabled children. It also holds workshops and courses for professionals working with disabled children, sometimes jointly with the FKPD.

Sint Maarten

²⁶ A local care organisation for disabled people.

²⁷ federation for people living with disability and chronic illness

At the Sister Basilia Centre on Sint Maarten, support to parents and carers of the disabled is provided by a social worker and a psychologist.

Statistics²⁸

Disabled population of the Netherlands Antilles in 2001, by type of disability, age and gender

Type of disability	Age group								
	0 – 14			15 - 29			total		
	male	female	Total	male	female	total	male	female	total
Blindness	1	-	1	-	-	-	1	-	1
Visual impairment	134	155	289	172	282	454	306	437	743
Deafness	4	3	7	2	10	12	6	13	25
Hearing impairment	49	27	76	50	42	92	99	69	168
Physical	142	101	243	147	118	265	289	219	508
Mental	138	52	190	75	59	134	213	111	324
Other	111	61	172	117	73	190	228	134	362
Multiple	75	62	137	122	95	217	197	157	354
Total	654	461	1115	685	679	1364	1339	1140	2503

Disabled population of Curaçao in 2001, by type of disability, age and gender

Type of disability	Age group								
	0 – 14			15 - 29			Total		
	male	Female	total	male	female	total	male	female	total
Blindness	-	-	-	-	-	-	-	-	-
Visual impairment	83	101	184	129	192	321	212	293	505

²⁸ Data from the 2001 Census conducted by the Central Bureau of Statistics; www.cbs.an/census 2001

Deafness	2	3	5	2	6	8	4	9	13
Hearing impairment	37	21	58	39	35	74	76	56	132
Physical	112	70	182	121	91	212	233	161	194
Mental	129	46	175	72	52	124	201	98	299
Other	78	44	122	91	56	147	169	100	269
Multiple	67	55	122	101	87	188	168	142	300
Total	508	340	848	555	519	1047	1063	859	1922

Disabled population of Bonaire in 2001 by type of disability, age and gender

Type of disability	Age group								
	0 - 14			15 - 29			Total		
	male	female	total	male	female	total	male	female	total
Blindness	-	-	-	-	-	-	-	-	-
Visual impairment	13	10	23	8	26	34	21	36	57
Deafness	-	-	-	-	2	2	-	2	2
Hearing impairment	7	2	9	-	2	2	7	4	11
Physical	6	8	14	6	8	14	12	16	28
Mental	3	4	7	2	3	5	5	7	12
Other	9	4	13	8	8	16	17	12	29
Multiple	4	1	5	7	3	10	11	4	15
Total	42	29	71	31	52	83	73	81	154

Disabled population of Sint Maarten in 2001 by type of disability, age and gender

Type of disability	Age group		
	0 - 14	15 - 29	total

	male	female	total	male	female	total	male	female	total
Blindness	1	-	1	-	-	-	1	-	1
Visual impairment	32	40	72	33	54	87	55	94	149
Deafness	2	-	2	-	2	2	2	2	4
Hearing impairment	4	3	7	6	4	10	10	7	17
Physical	21	22	43	20	16	36	41	38	79
Mental	5	2	7	1	4	5	6	6	12
Other	22	12	34	15	8	23	37	20	57
Multiple	4	6	10	13	4	17	17	10	27
Total	91	85	176	88	92	180	169	177	346

Disabled population of Sint Eustatius in 2001 by type of disability, age and gender

Type of disability	Age group								
	0 - 14			15 - 29			total		
	male	female	total	male	female	total	male	female	total
Blindness	-	-	-	-	-	-	-	-	-
Visual impairment	6	2	8	-	6	6	6	8	14
Deafness	-	-	-	-	-	-	-	-	-
Hearing impairment	-	1	1	4	-	4	4	1	5
Physical	2	1	3	-	2	2	2	3	5
Mental	1	-	1	-	-	-	1	-	-
Other	1	1	2	3	1	4	4	2	6
Multiple	-	-	-	-	1	1	-	1	1
Total	10	5	15	7	10	17	17	15	32

Disabled population of Saba in 2001 by type of disability, age and gender

Age group

Type of disability	0 - 14			15 - 29			total		
	male	female	total	male	female	total	male	female	total
Blindness	-	-	-	-	-	-			
Visual impairment	-	2	2	2	4	6	2	6	8
Deafness	-	-	-	-	-	-	-	-	-
Hearing impairment	1	-	1	1	1	2	2	1	3
Physical	1	-	1	-	1	1	1	1	2
Mental	-	-	-	-	-	-	-	-	-
Other	1	-	1	-	-	-	1	-	1
Multiple	-	-	-	1	-	1	1	-	1
Total	3	2	5	4	6	10	7	8	15

Article 24

Recommendations

The Committee made the following recommendations with regard to health and health care.

- Greater efforts should be made to make the necessary professional financial resources available.
- Even effort should be made to improve public knowledge about basic health care measures, and provide for affordable and easily available contraception.
- Efforts to reach unregistered and makeshift schools should be continued and strengthened.
- The Netherlands Antilles should set up a national campaign to inform parents and care professionals of the advantages of breastfeeding, and continue and expand to all the islands its initiative to introduce 'baby-friendly' hospitals.
- Comprehensive and consistent programmes to treat the victims of hurricanes should be developed.
- National legislation on healthcare among should be introduced so as to ensure that disparities in the quality of health care the islands are rectified.
- Social security and health insurance should be broadened so as to include all children living in the Netherlands Antilles.

With regard to the health of adolescents the Committee recommended that the Netherlands Antilles:

- implement the reproductive health programme proposed in 1996 following a nationwide workshop on the subject;
- develop youth-sensitive and confidential counselling care and rehabilitation facilities that are accessible without parental consent and to those not enrolled in the regular education system;
- ensure that adolescents (both girls and boys) have access to education (including at school) about a variety of health issues, and to child-sensitive and confidential counselling.

National policy on health care

Although the draft National Ordinance on Youth Care still has to be approved, the Health Service on Sint Maarten has already incorporated its objectives in the island policy. The Individual Healthcare Professions Regulations are also in preparation on Sint Maarten as is already implemented in the Netherlands.

In the Netherlands, the Individual Healthcare Professions Act (BIG²⁹) stipulates who is authorised to practise as a professional within individual health care. Only people who have the required educational qualifications may be enrolled in the BIG register and only practitioners enrolled in the register may use the corresponding professional titles, which are protected by law. Under-qualified practitioners may be listed as such or may be struck off the register. Thus, anyone who wishes to do so can check whether a health practitioner is properly qualified or not.

No special measures have been taken in the health care sector on Sint Eustatius. However, the island's health care system is currently being reorganised, with an emphasis on recruiting professional staff and acquiring appropriate funding to achieve the envisaged aims.

On Curaçao, preventive youth health care for everyone up to 19 years of age is provided and coordinated by the youth healthcare unit of the Medical and Public Health Service (GGD) and is fully funded by the island authorities. The term 'preventive health care' covers the safeguarding and promotion of health and the prevention of illness. The youth healthcare

²⁹ Wet op de Beroepen in de Individuele Gezondheidszorg

unit provides medical and developmental testing and screening for all of the age groups referred to in the vaccination schedules below. Advice, information and practical guidance are also given, especially for children, parents and professional carers.

Vaccination

In accordance with the standards of the Pan American Health Organisation (PAHO) and the World Health Organisation (WHO), the government aims to immunise at least 95% of the target group in the Netherlands Antilles.

Curaçao

The immunisation programme on Curaçao unit for children and adolescents is the responsibility of the youth Healthcare and of the Medical and Public Health Service (GGD) of Curaçao. The program is fully funded by the island government. The budget available for 2003 and 2004 was ANG 152,018 (excluding staffing costs). The immunisation programme reaches the population primarily through the 20 child health clinics on the island, through schools and the afternoon clinic sessions at the youth healthcare unit. Vaccinations are also given by paediatricians and general practitioners, two company clinics and the infirmary of the Royal Netherlands Navy. The vaccination schedule is drawn up and periodically reviewed by the unit. The vaccination manual was last revised in 2004.

On Curaçao the basic vaccination programme for children of up to 10 years of age comprises the vaccination of babies at child health clinics and of four to ten-year-olds at the school they attend. The basic programme through clinics and schools is free of charge for all children. Other organisations charge a fee. All vaccinating agencies must keep a record of all babies and children vaccinated and forward this information on a monthly or quarterly basis to the Central Vaccination Records Office run by the Medical and Public Health Service.

Vaccination schedule for children by age*

Vaccine**	Age by the end of 1999	Age by the end of 2000
DPT1 + HIB1 + TONV1	3 months	2 months
DPT2 + HIB2 + TONV2	4½ months	3½ months
DPT3 + HIB3 + TONV3	6 months	5 months
DPT4 + HIB4 + TONV4	From 12 months	from 11 months
MMR1	14 months	14 months
DP5 + TONV5	4 years	4 years

DP6 + TONV6 + MMR2 10 years 10 years

* *Statistical Overview of Health Care on Curaçao 1996 - 2000*, page 125

**DPT = Diphtheria, Pertussis (whooping cough), Tetanus. Hib = Haemophilus Influenzae type b. MMR = Measles, Mumps, Rubella.

Vaccination coverage infants (percentage) 1996 - 2000*

Year of birth/ Vaccine**	1996	1997	1998	1999	2000	2001	2002
DPT-3	95.2	93.5	95.9	94.5	96.9	98.1	97.9
Polio-3	95.0	93.5	95.37	94.3	96.9	98.1	97.9
Hib-3	94.6	93.5	94.9	94.3	96.2	97.8	97.6
DPT-4	84.2	86.9	92.8	93.0	93.8	94.7	94.7
Polio-4	83.9	86.9	92.7	92.9	93.7	94.8	94.6
Hib-4	83.9	86.9	91.9	92.9	92.6	94.0	94.0
MMR-1	81.9	84.9	94.3	93.9	94.2	94.4	95.2

* *Statistical Overview of Health Care on Curaçao 1996 - 2000*, page 125

**DPT = Diphtheria, Pertussis (whooping cough), Tetanus. Hib = Haemophilus Influenzae type b. MMR = Measles, Mumps, Rubella.

Vaccinated coverage schoolchildren (percentage) 1998 - 2004*

	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Kindergarten (age 4-5)	76.8	81.0	87.9	88.9	89.9	93.5
10-year-olds	79.1	80.1	84.4	85.7	88.0	90.1

* *Statistical Overview of Health Care on Curaçao 1996 - 2000*, page 125

Bonaire

On Bonaire, 95% of one-year-olds are vaccinated against tuberculosis, diphtheria, whooping cough, tetanus, polio and measles.

Sint Maarten

The most recent data from Sint Maarten are not yet available. However, children at risk from tuberculosis can obtain the BCG³⁰ immunisation free of charge. The Youth Care Service contacted the management of non-registered schools on Sint Maarten and the parents of children who attend them. Both registered and non-registered schools are now involved in

³⁰ Bacille Calmette-Guérin

the school programmes organised by the Youth Health Service, including the programme for vaccination.

Sint Eustatius

Since 1996, 98% of one-year-olds on Sint Eustatius have been vaccinated against diphtheria, whooping cough, meningitis, hepatitis B, polio and measles.

Breastfeeding and 'baby-friendly' hospitals

Most information about the advantages of breastfeeding is provided by the child health clinics on all the islands, and on Curaçao also by the Mother's Milk Foundation (*Stichting Lechi di Mama*), an organisation that promotes breastfeeding.

Children's rooms in Antillean hospitals have been made safer and more child-friendly, but apart from this, there have been no new moves to develop the initiative towards 'baby-friendly' facilities in hospitals.

Relief and care for hurricane victims

An island ordinance on disaster response was introduced on Sint Maarten in 2000. The disaster management plan comprises several Emergency Support Functions (ESF-groups), run by ESF groups. Each ESF group is responsible for developing its own disaster management plan. ESF 6 is responsible for medical relief and public health and also has a 'hurricane plan'.

Social security and health insurance

For information on social security and health insurance, please see the remarks made under I (General measures of implementation) regarding the reservations to Article 26 made by the State Party.

In the Netherlands Antilles, the basic principle underlying social security legislation is that children have a derived right through their parents. Under the National Ordinance on Health Insurance, the family of an insured employee or former employee are entitled to certain allowances for medical treatment and nursing. If the employee in question loses the right to the allowance, so do their children.

Widows and orphans are entitled to benefit following the death of their spouse or parents. However, if the deceased did not qualify for this type of insurance, their surviving child(ren) will not be entitled to an orphan's pension.

Sint Maarten

The insurance system currently operating in the Netherlands Antilles is ill-suited to the population situation on Sint Maarten. As a result, many people – particularly illegal immigrants – are uninsured and many are not eligible to be insured, either. The situation is expected to improve with the introduction of a general health insurance system. However, there is no immediate prospect of this happening. Currently, anyone who is legally registered as an island resident is entitled to all social and medical care, whereas non-registered people, depending on their situation, may be able to apply for help individually.

Adolescent health

Implementation of the Reproductive Health programme

In 1996, a national workshop was held on reproductive health. Its results have been implemented to the extent that sex education and courses on reproductive health are now taught on the islands. The youth healthcare unit on Curaçao runs annual courses on reproductive health and sexuality for adolescents and professionals who work in adolescent health care.

A start has been made on sex education in Sint Eustatius schools. This is done by a team consisting of a doctor, a nurse, a social worker and representatives of the various churches on the island. Talks and information about reproductive health are also given on the radio. However, the Medical and Public Health Service has ascertained that there has been no activity in this field over the past six months.

Contraception: information and availability

Various healthcare information campaigns have been run or are currently running in the Netherlands Antilles. In 2005, the 'Parenting 2000' project was launched. It is designed to give parents support in bringing up their children and in 2007, it was integrated in the preventive healthcare programme for young people.

Contraceptives are not only available in drugstores and pharmacies in the Netherlands Antilles but can also be obtained from various organisations. On Curaçao, the Planned Parenthood Foundation (Stichting Famia Plania) provides contraceptives at low cost. Contraception is available on Bonaire at affordable prices from the information and prevention unit of the Health Care and Hygiene Service. On Sint Maarten, condoms can be obtained free from the Health Service, which also provides contraceptive information. The

Family Life Foundation (previously known as the Family Planning Foundation) has also been reactivated. On Sint Eustatius the Medical and Public Health Service works in close cooperation with the Planned Parenthood Foundation on Curaçao, and both provide contraceptives at a lower price than local pharmacies. Because the island communities are small, a small consultation room has been set up to safeguard young people's privacy and thus make the facilities more accessible.

Health information and education

Information about issues that concern adolescents is disseminated via schools, the media, flyers and informative meetings for the general public.

Curaçao

Within the official school system on Curaçao, the Medical and Public Health Service provides resource packs on a range of health issues for general distribution and teaching purposes. The topics include 'Hygiene', 'Growing up', 'Sexuality', 'What is a teenager?' and 'What's wrong with this child?'

Sint Maarten

On Sint Maarten, various modules have been developed in order to maintain uniformity of information about sexual behaviour and nutrition. In addition, two projects have been launched – 'Cry for summer' and 'Girl Power'. 'Cry for summer' is an introductory teaching pack for primary schools about HIV/AIDS. 'Girl Power' is designed to help girls at secondary school to improve their self-esteem.

Sint Eustatius

On Sint Eustatius, schools and the public health service work together. In 2004, a school nurse was appointed to provide information about health care at primary schools. An HIV/STD coordinator also works with schools. Information is also disseminated through radio programmes produced by the public health service and the University of Sint Eustatius School of Medicine.

HIV/AIDS³¹

With regard to HIV/AIDS, the Committee recommended that the Netherlands Antilles integrate respect for the rights of the child into the development and implementation of its policies and strategies for children infected with and affected by HIV/AIDS.

³¹ See also III General principles

Sint Maarten

At island level, Sint Maarten has incorporated non-discrimination in its HIV/AIDS strategic policy plan. The HIV/AIDS work plan for 2006 explicitly adopted 'reviewing existing legal framework and preparing recommendations for possible revision to prevent all aspects of discrimination relative to HIV/AIDS' as a specific strategic activity. This activity will primarily be implemented by the Legal Affairs Department of the Sint Maarten island executive.

Mention should also be made of the 2002 survey of 14 to 18-year-olds at all the secondary schools on the island carried out in line with Sint Maarten's strategic HIV/AIDS policy plan. This study was part of the 'Communities that Care' programme³² and was a collaborative venture with universities in the United States. Its aim was to identify risks reported by young people themselves, particularly those inherent in certain attitudes, types of behaviour and responses to cultural norms. The study focused on sexuality and the use of tobacco, drugs and alcohol. The results of this study will greatly influence the formulation of strategies for preventing HIV/AIDS among young people on Sint Maarten.

Youth Consultation is another activity in which young people played a significant role. This activity for secondary school children took place on Sint Maarten in 2006. Besides a video conference with peers from South Africa and Kenya, a group of 80 students considered ways in which young people could help to prevent the spread of HIV/AIDS and how schools could facilitate this. A resolution based on the results of Youth Consultation was submitted to the island authorities. However, large numbers of young people are currently leaving Sint Maarten to train or study abroad, making it difficult for the island authorities to set up a consistent HIV/AIDS prevention programme.

Between 2002 and 2005, a Junior AIDS Committee was actively involved in peer education on Sint Maarten, organising various youth activities based around HIV/AIDS. However, the committee is no longer active.

In 2005 and 2006 the Sint Maarten AIDS Foundation received a grant for its activities from the Sint Maarten authorities. The foundation also carried out fund-raising activities of its own. However, the proceeds were entirely spent on paying the salary of the HIV/AIDS programme coordinator, who was seconded on a fulltime basis to the island's Health Service. The scheme came into existence after the grant from the AIDS Foundation in the Netherlands (to

³² See also I (General measures of implementation) and V (The family and alternative care)

cover the coordinator's salary) was stopped at the end of 2004. Currently, the AIDS Foundation has no funds at its disposal for carrying out its activities.

Further afield, the AIDS Foundation is currently applying for a grant of about \$19,000 from the Caribbean Epidemiology Centre (CAREC). This would fund the purchase of hardware and software for a patient monitoring programme in collaboration with the French side of the island, and the cost of training counsellors and printing information flyers.

For statistics on HIV infection among children, please see III (General principles).

Care and rehabilitation facilities

There are no special facilities in the Netherlands Antilles where young people can be counselled, cared for and rehabilitated without parental consent being required.

Sint Maarten

Within the healthcare sector, no structured measures have been taken to provide counselling, care and rehabilitation for young people. However, various associations such as the Ark Foundation and Sint Maarten AIDS Foundation do provide care of this type. Young people outside mainstream education can make use of their facilities.

Curaçao

The youth healthcare unit may refer teenagers to the appropriate organisations and also provides counselling. Mediation is also offered, but if it is not successful after 2 or 3 sessions, the problem is referred to a more specialised organisation. These services are available and accessible to all children and young people residing on the island.

Article 27 Standard of living

Reference is made to initial report.

Pregnancy-related deaths

The percentage of pregnant women in the Netherlands Antilles who have access to, and make use of, prenatal and postnatal health care varies per island and depends on a range of factors.

Curaçao

No hard figures are available from Curaçao. The number and quality of health checks vary considerably, and depend on the insurance status of the pregnant woman. Uninsured

women (including women without a residence permit) receive occasional health checks. Most births are attended by a family doctor, midwife/obstetrician or gynaecologist. The quality and extent of postnatal care also depends on the mother's insurance status.

On Curaçao, almost 95% of all births take place in a hospital or maternity clinic. The remainder includes a very small group of women (between 50 and 100 per year) who deliberately opt for a home delivery, and a group of uninsured women.

Maternal Death Rate (MDR) and live births per year, Curaçao 1986-2000

	Year														
	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Number of deaths*	1	1	2	1	1	3	3	1	1	0	4	4	1	1	1
MDR	32	33	71	35	32	102	105	33	32	0	130	150	43	46	47
Births	3096	2986	2818	2860	3128	2949	2860	3010	3104	2938	3073	2663	2345	2167	2110

*includes death as a consequence of: 1) complications during the pregnancy, 2) abortion, 3) complications at delivery and 4) complications in the postpartum period

Bonaire

On Bonaire, 85% of all children are born in hospital.

Sint Maarten

Practically all children on Sint Maarten are born in hospital. A small percentage are born in maternity clinics.

Sint Eustatius

On Sint Eustatius, all children are born in hospital.

Number of breastfeeding mothers

All maternity clinics promote breastfeeding as the best option for mother and baby. However, they also accept that some mothers choose not to breastfeed or are unable to because of circumstances. Most working women choose not to breastfeed because of circumstances.

Curaçao

To determine the extent and duration of breastfeeding on Curaçao, a record was kept in 2003 of the 626 registered newborns and the type of nutrition they were given. The records show that:

- 25% were exclusively breastfed;
- 54% received a combination of breast and bottle;
- 21% were exclusively bottle-fed.

Bonaire

On Bonaire, 40% of mothers exclusively breastfed their babies, for between 7 and 8 months.

Sint Eustatius

On Sint Eustatius 60% of mothers exclusively breastfed their babies, for between 3 months and one year.

Teenage pregnancy³³

The tables below show the incidence of pregnancy, sexually transmitted diseases, mental health difficulties and drugs and alcohol abuse in the Netherlands Antilles.

Female population aged 15 to 20 years with number of children living in the Netherlands Antilles in 2001

Number of children	Age 15 - 20 years					Total
	Cur.	Bon.	STM.	STE.	Saba	
0	4,678	298	898	61	25	5,960
1	302	36	68	6	2	414
2	37	1	15	-	-	53
3	5	-	2	-	-	7
4	1	-	-	-	-	1
5	9	-	3	-	-	12
Total	5,032	335	986	67	27	6,447

Curaçao

³³ Data from the 2001 Census conducted by the Central Bureau of Statistics; www.cbs.an/census 2001

Because abortions are not recorded on Curaçao, the number of teenage pregnancies is difficult to estimate. Although it is illegal to perform abortions, the practice exists. It is usually performed by a general practitioner and no official record is kept.

Since 1995, the Age-Specific Fertility Rate (ASFR) of women aged between 15 and 19 years has declined. The ASFR indicates the number of live births per 1000 women within the given age group. In the year 2000, the ASFR declined to the level of the late 1980s. The table below shows the ASFR of women aged 15 to 19 years between 1995 and 2000 on Curaçao.

Age-specific fertility rate of women aged 15-19, Curaçao 1995-2000³⁴,

Year	ASFR
1995	56.0
1996	54.4
1997	46.9
1998	51.2
1999	41.1
2000	46.6

Number of births by maternal age, Curaçao 2003,

Age of mother	Number of births
14	2
15	2
16	11
17	19
18	33

Source: youth healthcare unit, Medical and Public Health Service of Curaçao

Number of teenage mothers with amount of children on Bonaire, 2002 - 2006³⁵

Age of	Year					Total
	2002	2003	2004	2005	2006	

³⁴ Statistical Overview of Health Care on Curaçao: 1996-2000, Epidemiology and Research Unit, Medical and Public Health Service of Curaçao, 2004, page 240

³⁵ Population Civil and Electoral Register, Population Affairs, Service, Bonaire

mother							
14			1				1
15	1						1
16		2	5	4	1		12
17	2	2		3			7
Total	3	4	6	7	1		21

Number of teenage pregnancies on Sint Eustatius, 2000-2006

	2000	2001	2002	2003	2004	2005	2006
Total number	4	3	5	2	1	1	1

VII Education, Leisure and Cultural activities

Article 28

Recommendations

The Committee recommended that the Netherlands Antilles:

- seek to implement participatory measures to encourage children, especially boys, remain in school during the period of compulsory education;
- take effective measures to address the high illiteracy rates;
- extend resources to support children in secondary education;
- effectively implement Foundation Based Education and monitor its progress;
- ensure that teaching staff are sufficiently trained in the new education system;
- ensure that pregnant girls of compulsory school age stay at school and are provided with adequate support systems to continue their education after the child is born;
- increase the number capacity and quality of special education institutions.

Current situation

Further to the draft National Ordinance on Foundation Based Education, the National Ordinance on Secondary Vocational Education and Training, the National Ordinance on Compulsory Education and the National Ordinance on the Promotion of Employment for Young Jobseekers, regulations have been introduced on compulsory education and training

for teenagers and young adults, taking into account ILO Recommendation 136 concerning special youth employment and training schemes for development purposes, (Dutch Treaty Series, 1971, 117).

Participation of young people in education (including secondary education)

Measures should be taken to encourage teenagers, especially boys, not to drop out of school before they reach the official school-leaving age. The following measures are all related to the implemented education reforms and should help to curb drop-out in schools.

As already mentioned in I (General measures of implementation), the school-leaving age has been raised and efforts will be increased to enforce the National Ordinance on Compulsory Education. Together with the other amendments mentioned under I, this is designed to reduce the percentage of dropouts, especially boys.

Educational reforms have taken account of pupils' social and cultural backgrounds. The new approach is geared to the individual development of the child. Pupils' mother tongue is now the medium of instruction and secondary schools offer a variety of learning pathways in order to better cater for the varied learning capabilities of pupils. The new Preparatory Secondary Vocational Education (VSBO) has three programmes:]

- PBL: basic practical programme
- PKL: practical middle management programme
- TKL: theoretical middle management programme

Secondary vocational education (formerly MBO) has been reformed and is now known as SBO. There are four qualification levels and each one leads to a certificate. The HAVO/VWO system based on 'profiles' – is a combined programme or combination of subjects which prepares students for related courses of further training in higher education.

Combating illiteracy among young people

Several private organisations are working to stamp out illiteracy in the Netherlands Antilles. One of them is the Mangusá Foundation on Curaçao, which is involved with education, training and literacy programmes for children and young adults living in very adverse socio-economic circumstances. The same kind of work is done by the Foundation for the Promotion of Literacy in the Antilles (Stichting Promoshon di Alfabetisashon na Antias) and the Pro Alfa Foundation (Stichting Pro Alfa), which targets people aged 15 to 40.

On Bonaire, the same kind of work is done by the Foundation for Tomorrow (FORMA, *Fundashon Formashon pa Mañan*). Besides these private initiatives, extending the period of compulsory education indirectly helps combat illiteracy.

Incentives to enter secondary school

One of the objectives of the educational reforms is to get more children into secondary education, particularly the more academic courses (HAVO and VWO). Pupils who complete primary school are automatically eligible to attend secondary school. The selection procedure which takes place early on in secondary education is not rigorous.

The implementation and evaluation of Foundation Based Education

Foundation Based Education was introduced in the Netherlands Antilles in 2002, centralising responsibility for policy and legislation. The reforms were first discussed with stakeholders – the islands' education representatives, school boards, trade unions and parents' representatives.

Implementation of the new system is in the hands of the island authorities and is being monitored by the Agency for Process Management of Education Reform (BPO). Although implementation is a matter for the central and local governments and stakeholders rather than children, its core values are good education and the interests of the child.

The educational reforms have encouraged schools to work together, have combined subjects and introduced new subjects to the curriculum. Teachers have been given in-service training to enable them to teach more effectively within the new system. In addition, a teacher training institute for Foundation Based Education (LOFO) was launched at the Faculty of Arts of the University of the Netherlands Antilles (UNA) in August 2006. The LOFO opened on Sint Maarten in January 2007 and also takes students from Bonaire.

Pregnant pupils of compulsory school age

Measures have been taken on the islands to ensure that girls who become pregnant before the official school-leaving age can stay at school as long as possible and that after the birth, they receive the support they need in order to continue their education.

Curaçao

Because clear agreements have been made with school boards and/or schools, it is now very unusual for girls who become pregnant before the school-leaving age to be expelled from school. These young mothers can also resume classes after the baby is born.

Bonaire

On Bonaire, pregnant pupils are allowed to continue with regular education as long as the environment is safe for the mother and unborn child. After the birth, the young mothers go back to school.

Saba

On Saba, young mothers can return to school to complete their studies.

Measures to allow non-registered children to go to school

Under the National Ordinance on Compulsory Education, all children of school age in the Netherlands Antilles have the right to attend school – including children who are not registered. The law stipulates that no child may be barred from attending school. Every child has the right to be educated. However, on Sint Maarten, a child who is due to attend nursery or primary school and whose name is not listed in the population register may not be enrolled or admitted by a recognised school.

Measures for children with special needs

In the Netherlands Antilles, education is also available to children with a range of disabilities, such as blindness and deafness, visual and hearing impairments, mental disability, motor impairment, severe learning difficulties and severe behavioural difficulties. There is also an increasing focus on children with Attention Deficit Hyperactivity Disorder (ADHA) and educational provisions for autistic children are currently being considered.

On Curaçao, the Foundation for Educational Support to Disabled Children (SOKH) provides support to autistic children. On Bonaire, schools cater for special needs pupils by adapting the facilities or providing special learning resources. On Saba, severely disabled children – of whom there are very few – do not go to school.

One of the aims of the new education system is to reduce the number of children being referred to special education and to have their special needs met within mainstream education wherever possible. The policy plan 'Growing in Care' (Groeien in Zorg) contains a

detailed plan catering for individual needs and the integration of children with learning and/or behavioural difficulties is fully developed in the new system.

Children who are temporarily or permanently unable to go to school

The responsibility for tackling this problem lies with the island authorities. The main reasons why some children in the Netherlands Antilles are temporarily or permanently unable or not allowed to go to school include poverty (in which lack of food and clothing is a major factor), temporary migration, illness, disability, detention, pregnancy and aggressive behaviour.

Curaçao

There are educational facilities for children of school age who are hospitalised on Curaçao. Experience has shown that it is not feasible to guarantee the right to education for adolescents detained in prison on the island by providing them with any form of schooling.

Certain pupils on Curaçao require intensive one-to-one teaching because of their aggressive and deviant behaviour. There are currently insufficient facilities for this sub-group, so some of them periodically receive no education. The introduction of the Youth Training Programme may offer a solution to the problem.

Curaçao also has a school for the deaf and hearing-impaired, and efforts are in progress to improve educational provision for the blind and sight-impaired, with the assistance of the Pro-Sight Foundation (Stichting Pro Bista).

Article 29

The current reforms of the Antillean education system are primarily aimed at improving and optimising the quality of education. It should be borne in mind, however, that improvements in some areas of education are not immediately measurable and will only be apparent in a few years' time.

Funding

A major part of the Netherlands Antilles budget is allocated to the Education, Sport and Culture Department (DirOSC). However, the budget structure is not drawn up in such a way as to reveal precisely how much is spent on safeguarding children's right to education. The amount allocated covers such items as books and periodical subscriptions, stationery, housekeeping items and educational projects. Although there are no direct grants to

schools, central government is responsible for ensuring the conditions under which good-quality education can be provided.

Total education expenditure by DirOSC, 2002-2005

Year	Amount
2002	ANG 14,376,123.83
2003	ANG 13,783,542.39
2004	ANG 11,434,175.33
2004	ANG 10,474,952.11
2005	ANG 4,300,819.03 (as per Oct. 2005)

Within the framework of educational reform, a five-year collaborative programme was set up in 2002 between the Netherlands and the Netherlands Antilles. Expenditure is shared as follows: 85% from the Netherlands, 10% from the Netherlands Antilles and 5% from the island territories jointly. The amount contributed by each island varies according to the number and type of the projects.

Problem areas

In implementing the right of the child to education, including vocational education and educational support, the following problems have been encountered:

- insufficient placement prospects and traineeships for certain types of vocational training;
- although teachers and other staff involved in Foundation Based Education have been given in-service training, they need further practical coaching;
- the main obstacle to guaranteeing the quality of education is a shortage of funds and staff, which means there is no solid basis for the reforms;
- there is a lack of inspection of quality on the islands, which could undermine educational uniformity.

Statistics

Illiteracy amongst non-school population*, per island

	1992 CENSUS ³⁶			2001 CENSUS ³⁷		
	Total non-school population (age 15 and over)	Illiterates		Total non-school population (age 15 and over)	Illiterates	
		Absolute	%		Absolute	%
Islands						
Bonaire	6,843	363	5.3	7,050	234	3.3
Curaçao	96,387	3,759	3.9	86,501	3,116	3.6
Sint Maarten	22,631	1,938	8.6	19,451	825	4.2
Sint Eustatius	1,180	53	4.5	1,481	33	2.2
Saba	826	62	7.5	836	28	3.3
Total:						
Netherlands Antilles	127,867	6,174	4.8	115,319	4,236	3.7

Illiteracy amongst male population, per island

Men	1992 CENSUS			2001 CENSUS		
	Total non-school population (age 15 and over)	Illiterates		Total non-school population (age 15 and over)	Illiterates	
		Absolute	%		Absolute	%
Islands						
Bonaire	3,412	204	6.0	3,449	125	3.6
Curaçao	44,3277	1,588	3.6	38,755	1,186	3.1
Sint Maarten	11,189	974	8.7	9,406	412	4.4
Sint Eustatius	603	29	4.8	736	24	3.3

³⁶ Data from the 1992 Census conducted by the Central Bureau of Statistics;

³⁷ Data from the 2001 Census conducted by the Central Bureau of Statistics; www.cbs.an/census 2001

Saba	407	37	9.1	401	20	5.0
Total:						
Netherlands Antilles	59,938	2,832	4.7	52,747	1,767	3.3

Illiteracy amongst female population, per island

Women	1992 CENSUS			2001 CENSUS		
	Total non-school population (age 15 and over)	Illiterates		Total non-school population (age 15 and over)	Illiterates	
		Absolute	%		Absolute	%
Islands						
Bonaire	3,431	159	4.6	3,601	109	3.0
Curaçao	52,060	2,170	4.2	47,746	1,930	4.0
Sint Maarten	11,442	964	8.4	10,045	413	4.1
Sint Eustatius	577	24	4.2	745	9	1.2
Saba	419	25	6.0	435	8	1.8
Total:						
Netherlands Antilles	67,929	3,342	4.9	62,572	2,469	3.9

*excluding people of unknown educational background.

Number of pupils registered and type of schooling attended (primary, secondary and vocational education)

Curaçao

Number of pupils by type of education and gender

	FO	BO	BSO	VSO	VSBO	HAVO/VWO	SBO	total
Boys	3,670	6,318	880	368	3,805	1,116	1,110	17,267
Girls	3,273	6,318	349	308	3,933	1,778	1,806	17,765
Total	6,943	12,636	1,229	372	7,930	2,894	2,916	34,920

Source: Educational Affairs, Curaçao

In addition to data from the population register, Curaçao's Educational Affairs Service also keeps a schools register, containing data obtained directly from the islands' schools.

Information about aliens can be obtained from both the population register and schools register. Anyone not born in the Netherlands Antilles is considered as an alien. The schools register also lists aliens who are not listed in the population register. About 7.3% of Curaçao schoolchildren are foreign, and a considerable number of them are not listed in the population register. Furthermore, according to the register, 50% of the foreign children of compulsory school age come from the Netherlands.

Non-attendance at school

The Educational Service Affairs distinguishes between two main types of non-attendance:

- absolute: a young person of compulsory school age is not registered at any school.
- relative: a young person of compulsory school age is registered at a school, but does not attend lessons

Relative non-attendance can be classified according to duration or motive. There are two types classified by duration:

- short-term: the pupil has been absent for up to 5 days per month;
- long-term: the pupil has been absent for 5 or more days per month.

There are two types of non-attendance classified by motive:

- holidays in term time: unauthorised absence for holiday or trips abroad;
- truancy: unauthorised absence characterised by errant behaviour, usually the result of problems at home, and unrelated to extra holidays.

Long-term non-attendance: percentages by school type

School type	Percentage
FO	25.81
BO	34.78
BSO	7.56
VSBO-PKL&PBL	15.67
VSBO-TKL	2.87
HAVO/VWO	0.53

VSO	11.52
SBO-REST	1.24

Non-attendance percentages, classified by motive and duration

Type of non-attendance	Motive	Percentage
Truancy	Socio-economic deprivation	5
	In trouble with the police	1
	Transport problems	3
	Illness	36
	Playing truant	2
	Family problems	0.5
	Behavioural problems	0.5
	Parents don't care	8
	Unknown	38
Holidays in termtime	Trip abroad	6

Source: Educational Affairs Service, Curaçao

Sint Eustatius

The island has a clear requirement for educational support, particularly parenting support for people with children of secondary school age. In the past, children had to leave the island and continue their schooling elsewhere. However, that changed a few years ago, when Sint Eustatius got its own secondary school. So dropouts are a relatively new phenomenon on the island, and since 2004, the authorities have run a holiday jobs project in anticipation of the group of young people needing work. An annual amount of ANG 35,000 is budgeted for this.

Article 31

Recommendations

With reference to the observance of article 31 by the Netherlands Antilles, the Committee made the following recommendations:

- organise after-school cultural activities;
- provide public sports facilities that are easily accessible and free of charge.

The current situation

The Foundation Based Education (FO) curriculum includes culture and the arts and a range of activities is organised. Subsequent years of secondary education have a similar focus.

In the Netherlands Antilles, culture is the responsibility of the island authorities. Support from the state authorities takes the form of policy plans which the various island authorities elaborate on and implement.

After-school activities

Curaçao

in December 2003 the Foundation for Development and Progress (Fundashon Desaroyo i Progreso) was set up on Curaçao. Its aim is to offer school pupils social, cultural, spiritual, emotional and physical activities which meet the development needs of young people and their community. This enables them to function better in society, resist negative influences, do better at school and develop their talents.

In keeping with these aims, the foundation signed a contract with the island authorities in 2004. The authorities provide a grant of ANG 3.5 million per year, which enables the foundation to provide 2044 children in Foundation Based Education with after-school activities every day. At the moment there are 23 FO schools affiliated to the foundation – about 50% of the island's schools.

Shortage of funding is a serious problem for the foundation. The government grant is mainly used to cover staffing costs, and the parental contribution is only ANG 6 per child per month. In consequence, there is no funding available to provide bus transport or lunches for the children or in-service staff training or to extend the project to other schools. So, in order to offer a high-quality service in the circumstances, the foundation regularly issues appeals to businesses, private individuals and voluntary service clubs, and project brochures are submitted every year to a range of financial institutions with requests for financial sponsorship.

Bonaire

On Bonaire, the Emergency Programme for Youth funds after-school care at the Kolegio Papa Cornes, where about 40% of pupils have followed the after-school activities programme over the past two years.

In addition, the youth centre Young Bonaire (run by the Young Bonaire Youth Work Foundation) has provided after-school activities for teenagers since 1998. It also gives

support to parents in raising their children. The foundation's aim is to help young Bonaireans in their journey towards adulthood, irrespective of race, religion, nationality, skin colour or social and financial status

Young Bonaire's target group consists of secondary school pupils aged from 12 to 20.

Young people are free to join and become members, and can opt to visit the centre on three or agreed days or five days in the week. Each young person is given an individual activities timetable for ten weeks. When it is finished, they can switch to different activities.

Young Bonaire can cater for up to 180 teenagers. From January to June 2006 inclusive, the association had 148 members (65 girls and 83 boys).

The foundation has a care contract with the island authorities of Bonaire and receives an annual grant of ANG 170,000. The Young Bonaire Youth Centre has problems recruiting and keeping volunteers. It also has insufficient referral facilities and individual counselling for problem cases.

Sint Maarten

On Sint Maarten, the After School Activities programme (ASA), which developed from the Emergency Programme for Youth, is now managed by the No Kidding with Our Kids Foundation. This foundation caters for four to 13-year-olds. Parents can register their children with the foundation whatever school they attend. They usually do this in the area where their children go to school or they themselves work. The programme is run in three locations and caters for 200 children.

For a small charge, the Foundation will pick the children up from school, since many parents are unable to do this because of work commitments. The children are then given lunch, and afterwards have an opportunity to do their homework. Later, there is time for other activities and children can receive extra coaching in a range of school subjects.

The table below shows the number of children participating in the foundation's activities between 2002 and 2006.

Participants in ASA activities

Academic year	Number
2002-2003	242

2003-2004	182
2004-2005	194
2005-2006	273

The foundation receives a monthly grant from the island authorities. It is also authorised by the government to use school premises for its activities.

The foundation has a shortage of funding, space and staff.

Sint Eustatius

The island-subsidised Public Library, the Community Centre and pre-school care play a key role in social and cultural activities. For these facilities, the authorities have an annual budget of almost ANG 500,000. However, the present Community Centre is considered to be less than ideal because of its geographical location and limited facilities. Because it has only one large room, it cannot be used by mixed groups or several groups at the same time.

Saba

As described in I (General measures of implementation), Saba has active youth organisations working with a large number of children and adolescents on the island. Within the framework of the Emergency Programme for Youth, effective and well-organised after-school care known as Child Focus is provided for children from 6 to 12 years and 13 to 18 years. It was first initially extended until the end of 2004 and since 2005, it has been subsidised by the island government.

Sport

Curaçao

The two main umbrella organisations for sport are the SEDREKO Foundation and the NAOC (Netherlands Antillean Olympic Committee). SEDREKO was set up by the island territory of Curaçao to promote sport on the island in the widest sense of the word. Every year, a contract is signed with the island authority stipulating the objectives to be achieved by the foundation. SEDREKO's mission is to promote active and passive participation in sport and recreation, and to professionalize the organisation and implementation of sport and recreational activities on Curaçao. It aims to raise sport and recreation to a professional level, because of the benefits for the physical, psychological and social wellbeing of the local population.

The foundation's main aim is to provide high-quality material, educational and financial support for developing physical education, school sports, youth sport, after-school activities and other sports activities. It seeks to do this in a way that is prompt, flexible, professional and responsible,

For the budget year 2005, the island authority of Curaçao awarded a grant of ANG 7,741,260 to the SEDREKO Foundation, including grants to various other foundations via SEDREKO.

Foundations receiving government grants

Name of foundation	Amount (in ANG)
Fundashon pa Hubentut na Kaminda (Foundation for Youth on the Way)	50,000
Curaçao Sport Federation	105,000
Sportterreinen Brievengat Foundation	574,618
Stichting Rifzwembad	72,500
Revista Deportivo Kòrsou (sports magazine)	6,100

Source: SEDREKO annual report 2005

The shortage of free sports facilities for young people and others is an agenda item which the island's Educational Affairs Service will be discussing in its talks with SEDREKO about the contract for 2007

The project for after-school activities on Curaçao (Fundashon Desaroyo i Progreso) offers free sports facilities jointly and in collaboration with SEDREKO and BRESSNA (an association for movement, recreation, sport and games in the Netherlands Antilles, which trains recreational sports coaches).

Bonaire

On Bonaire, the Bonaire Sport Federation (BSF) acts as an umbrella organisation for the island's sports clubs. INDEBON is a government agency which will soon acquire foundation status and will be responsible for managing the sports activities

Sint Eustatius

In addition, there are very basic sports facilities. There is a field for outdoor sports, but it is not in very good condition. The island has no gyms of any kind, not even in schools. A project grant from Reda Sosial (Fund for Social Development and Economic Activities) is currently being used to help build a swimming pool., An application has been submitted for a school gym from the funding available for introducing and implementing Foundation Based Education. However, this involves a lengthy procedure and the schools are seeking an alternative solution for the short term.

On Sint Eustatius, there have been plans for many years to set up multifunctional sports facilities. However, the island authorities have no room in their budgets and so far, external funding sources have not been prepared to commit themselves. The management of existing outdoor sports facilities has been outsourced by the government to the Statia Sports Institution, but no grant has been made available for running or managing it. The island authorities reserve an annual amount of almost ANG 200,000 for facility maintenance, small-scale sports activities and staffing costs. The sports facilities are entirely dependent on external funding for renovation and major maintenance work, and buying sports equipment.

Saba

On the sports facilities front, there have been several new developments. Recently, it was decided not to renovate the outdoor sports facilities at The Bottom, since the uneven ground makes it unsuitable for sports activities. In recent years, there have been attempts to finance new flooring from private funding sources on a project basis. However, not only has this proved to be extremely expensive, it would also mean that the facility cannot be used any longer for certain cultural activities. So it was decided to leave the facility in its present state, continue to use it for cultural and festival activities and look elsewhere for a solution to the sports ground problem.

Since then, a solution has indeed been found. Via a new foundation (the Menno Ward Foundation), a piece of land has been purchased on which a multipurpose sports facility will be built. The construction will probably be funded by AMFO. Once the building is completed, the facility will be managed by the island's sports associations, of which Saba Sports Institution is the most important. The island authorities will be responsible for employing an instructor and maintaining the sports facilities.

Apart from this, there are no public swimming facilities on Saba. For the swimming lessons offered as part of after-school care, occasional use is made of a nearby hotel swimming

pool. The island authorities are aware of this and would like to resolve the problem by building a salt water basin in Cole Bay.

Funding

Curaçao

In addition to the grants awarded by the Curaçao authorities to various foundations, the island's Culture and Education Service has awarded the following grants to organisations which actively promote culture among young people.

VIII Special Protection Measures

Article 22

As was explained in II (Reservations), the situation is unchanged. As stated in the initial report, the term 'refugee' is not as such used in Netherlands Antilles law. There is no asylum law, and asylum applications are very rarely submitted.

Children in exploitative situations

The Committee's recommendations focus on economic and sexual exploitation and drug abuse.

Article 32

Recommendations

The Committee recommends that child labour laws be reviewed and implemented, labour inspectorates be strengthened and penalties be imposed in cases of violations.

The Committee also recommends that special attention be paid to enforcing laws prohibiting children under the age of 18 from work that might be hazardous to their health, safety or development, in line with the ILO Minimum Age Convention, 1973 (No. 138).

The fact that insufficient information and inadequate data on child labour and economic exploitation within the Netherlands Antilles is available is another cause for concern.

Current situation

The Labour Affairs Department is working to improve the situation, developing, implementing and evaluating labour policy. Industrial relations, national, international and regional social affairs and employment opportunities are all part of this. Terms of employment, employment conditions and relations with the International Labour Organisation are all key themes. The Labour Affairs Department's branch offices on Curaçao, Bonaire and Sint Maarten investigate complaints made by employers and employees, and mediate in individual conflicts. They also deal with applications for free legal representation from people on low incomes, and investigate and assess requests to dismiss employees. In recent years few preventive company inspections have taken place, due to a shortage of personnel and resources.

Legislation

Like the 1952 Labour Regulations, the new Labour Regulations (2000) prohibit child labour. Article 15 of the Labour Regulations specifies that this ban applies to children aged 14 and under. The new legislation was passed in response to ILO Convention 182 on the Worst Forms of Child Labour. The Labour Regulations 2000 do however state that children may be employed in physically and mentally undemanding work typically carried out by children, e.g. delivering newspapers and packing groceries at the supermarket. They may not, however, do this kind of work during school hours, or before 07.00 or after 19.00.

The Youth Employment Decree also prohibits young people from performing work that may damage or endanger their health. The Youth Employment Decree does not apply to work carried out by persons aged 16 years or older, or by those in vocational training when supervised by an adult.

As mentioned in the initial report, in certain cases it is possible to obtain an exemption from the rules laid down in the Youth Employment Decree. Should an employer wish to do so, he must apply in writing to the Director of the Labour Affairs Department. No such exemptions have yet been requested.

In the near future the Antillean government intends to declare applicable several major ILO Conventions which do not yet apply in the Antilles, specifically ILO Convention 182 on the Worst Forms of Child Labour, and 138, the ILO Minimum Age Convention.

The Labour Affairs Department has drawn up an employment plan which contains information on:

- what the labour market wants;
- up-to-date, comparable initiatives designed to get young people working;
- data from the implementing organisations on the outcome of the programme.

The scheme aims to provide jobs for young people who want to work, and details a mediation and supervision process designed to help match the right people with the right work and ensure that they stay in employment. The scheme's organisers hold information sessions and are now working closely with employers' organisations to match the first group of participants with appropriate jobs.

Labour inspectorate

The Labour Affairs Department's labour inspectorate is responsible for monitoring compliance with the Labour Regulations and the Youth Employment Decree. The inspectorate is also responsible for assessing compliance with the National Ordinance on the Minimum Wage and the Holiday Regulations (1949). If any contravention is identified the employer in question will be summonsed and may be penalised in accordance with statutory sanctions. The Labour Regulations 2000 provide for more modern penalties, distinguishing between serious and minor offences. The maximum penalty for serious offences is a prison term of 4 years and/or a fine of ANG 100,000. The maximum penalty for minor offences is one year's imprisonment and/or a fine of ANG 25,000.

On top of the periodic inspections carried out by the labour inspectorate, each island's employment service also monitors work permits and safety at work. As of 20 March 2006 the Labour Affairs Department has employed two temporary staff members to carry out other tasks, including monitoring employment conditions. Talks are currently underway with the employment services with a view to joining forces and increasing the frequency of inspections.

Sanctions

Between 2002 and 2006 few inspections were carried out, due to a lack of manpower and the diversion of resources to discussions on delegating the Labour Affairs Department's executive tasks to island level. The inspections did not identify any irregularities, nor were there any complaints regarding child labour.

The Netherlands Antilles and international labour conventions

Between 2002 and 2006 there were no changes to the ILO Conventions applicable to the Netherlands Antilles, namely:

- ILO Minimum Age (Agriculture) Convention, 1921 (no. 10);
- ILO Forced Labour Convention, 1930 (no. 29);
- ILO Minimum Age (Non-Industrial Employment) Convention (no.33);
- ILO Night Work of Young Persons (Industry) Convention (revised), 1948 (no 90).

In the near future the government intends to declare several ILO Conventions applicable to the Netherlands Antilles. In addition to Conventions 182 and 138 referred to above, it also intends to declare the ILO Equal Remuneration Convention (no.100), the ILO Discrimination (Employment and Occupation) Convention (no. 111) and the ILO Right to Organise and Collective Bargaining Convention (no. 98) applicable.

Problem areas

Problems identified by the Labour Affairs Department:

1. The absence of efforts to raise awareness of children's right to protection from economic exploitation in schools and the media.
2. The failure of the Netherlands Antilles government to define the poverty line. Such a definition would be a vital tool in any effective poverty-reduction campaign, and could help break the vicious circle of economic exploitation (including child labour).

Statistics

The 2001 census, conducted by the Central Bureau of Statistics and the 2005 manpower survey only cover people of working age, i.e. 15 years and over. Only a handful of 15 and 16 year-olds work. In 2001, 81 15 year-olds, and 132 16 year-olds, were employed. Of these 69% were male.

Young people in employment, according to age and gender³⁸

Netherlands Antilles	Male	Female	Total
15 year-olds	55	26	81
16 year-olds	91	41	132

³⁸ Data from the 2001 Census conducted by the Central Bureau of Statistics; www.cbs.an/census 2001

Total	146	67	213

Article 33

Given the high incidence of drug abuse and drug trafficking involving children, the absence of data on this problem, the lack of a comprehensive national plan of action to combat drug abuse and trafficking amongst children, and the limited psychological, social and medical programmes and services available for the treatment of drug-addicted children, the Committee recommends that the Netherlands Antilles:

- review and update national legislation on drugs;
- take all appropriate administrative, social and educational measures to protect children from the illicit use of narcotic drugs and to prevent the use of children in the illicit trafficking of such substances;
- support rehabilitative, reintegration and recovery programmes dealing with child victims of drug and substance abuse.

Current situation

In the period in question no new national legislation on combating narcotic drugs was introduced. Measures to protect children from drug abuse were, however, taken, as well as steps to help drug addicts and alcoholics. This was largely on the initiative of private organisations, some of which are funded by the Antillean authorities.

Fundashon pa Maneho di Adikshon (FMA)

The Curaçao-based NGO FMA is working to coordinate island-based aid for drug addicts. The foundation originated through a project set up in 2000 to help young addicts, funded by the Netherlands Antilles Emergency Programme for Youth. After the project ended in 2004 the FMA set up the Young Persons' Unit (Unidat pa Hoben) for young drug or alcohol abusers, gamblers and smokers up to the age of 24. Young people can simply come in off the street, or can be referred by their parents, school or any other institution with which they are in contact. They are offered 16 weeks of non-residential supervision, followed by three to six months of aftercare. The unit also educates the population as a whole through the media. Talks are held at schools (and other locations, on request) and information campaigns are organised. Members of the public can also put their questions to the helpdesk in person, and the unit has its own information centre where leaflets are available.

The FMA helps schools and businesses to train employees to draw up their own drugs policy. It receives a grant from the Curaçao island territory authorities.

The Safe and Healthy Schools Action Plan

Curaçao has also launched a Safe and Healthy Schools Action Plan. The programme has introduced a school rule specifying that if drugs are found on a pupil the school board and his or her parents will be informed. The incident will then be reported to the police and the law of criminal procedure will apply. The programme is also geared to keeping areas in which schools are located drug free. Ideally, this would be achieved through regular police checks.

The DARE (Drugs Abuse Resistance Education) programme

The DARE programme was first introduced within the Curaçao Police Force in 2004. Police officers are trained and authorised to lead awareness programmes in schools. Using specially devised material, uniformed officers teach pre-school children and primary and secondary pupils about the dangers of drugs, cigarettes and alcohol, helping them to say no to these substances and to understand the importance of a positive attitude.

Turning Point Foundation Sint Maarten

The Turning Point Foundation on Sint Maarten believes that children have as much right to protection from drug abuse as their parents. For the past nine years it has been working on setting up a residential home for young people. It also carries out prevention activities for schools, church communities and any other interested parties, promoting its work through the media. The police's Drug Action Team also gives talks on the subject, on request.

Funding proposals for the shelter for under-18s and transitional centres for young adults aged 18 and over were submitted to the Dutch government in 2003, through the Ministry of Foreign Affairs' government projects scheme. The requests were refused. They then applied to the AMFO for funding, but were turned down again because the projects were deemed to be too extensive. The foundation is constantly short of funds, which affects its ability to achieve targets.

The Turning Point Foundation has helped draw up policy on drugs and violence for the Milton Peters College, and is prepared to help other schools to do the same. It also helps partner schools with testing and treatment programmes.

The Sint Maarten island territory contributes ANG 273,000 to the care of drug addicts every year.

Sint Maarten's Alternative to Incarceration (ATI)

The ATI community project, which hopes to change existing social policy, will run for two years. The aim of the project is to develop and implement a comprehensive system of rehabilitation and recovery for non-violent offenders. It hopes to reform the entire legal system, reduce the numbers of repeat offenders and encourage responsible social reintegration by looking at alternatives to expensive (and often ineffective) custodial sentences.

Current measures would indeed appear not to be helping the situation, at a time when Sint Maarten residents are becoming increasingly aware of the negative influence crime and illicit drugs have on society as a whole. The project wants to address these concerns and develop the infrastructure required to guarantee safety in the community.

The ATI project is coordinated by the Advocates for Human Potential Inc (AHP) advisory bureau, which is based in the United States. The project also involves an island-based multi-disciplinary working group, consisting of government representatives, NGOs, concerned residents and members of the business community.

In 2006 the government of Sint Maarten contributed ANG 800,000 to the ATI initiative. In 2005 the initiative received ANG 205,000 from the AMFO to train personnel and others in the Windward Islands.

Problem areas

Most problems are the result of insufficient funding and a lack of expertise. No help is available for children whose parents are addicts, and there are no special provisions in place for children whose parents are in prison for drug-smuggling.

Given that patients tend to change address regularly and are therefore difficult to trace, it is almost impossible to offer aftercare for longer than 3 to 6 months. Many young people leave the island altogether, and can no longer be offered care.

Statistics

Curaçao

The following two tables show how many under-18s approached the FMA for help, and what their problems were, in the period up to April 2002.

Breakdown of addicts aged 17 and under reporting to the FMA, according to prime addiction (up to April 2002)

Prime addiction	Total	Male	Female
Freebase cocaine	1.6	1.9	
Cocaine	3.2	1.0	15.8
Marijuana/Hashish	69.4	72.4	52.6
Alcohol	0.8	1.0	
Gambling			
Amphetamines/Medicinal drugs	0.8	1.0	
Tobacco	1.6	1.9	
Unknown / N/A	22.6	21.0	31.6
Total	100	100	100

Source: Statistical Overview of Healthcare on Curaçao: 1996-2000.

Sint Maarten

The following data relates to Sint Maarten and is taken from a survey of 14 to 18 year-olds conducted in 2002 as part of the Communities that Care programme.

Substance abuse by gender, 14-18 years

Substance	Male	Female
Tobacco		
Percentage that had ever tried smoking	58% ^a	51%
Percentage that had regularly smoked during the last month (= at least 1 cigarette a day)	7% ^a	7%
Age when first smoked	12 ^b	13
Number of days smoked in the last month	9.6 ^b	6.6
Number of cigarettes smoked per day in the last month	4.3 ^b	2.5
7% of students had smoked on a daily basis for a		

sustained period of at least one month		
20% of students had tried to quit smoking		
Alcohol^c		
Percentage that had ever tried alcohol	78% ^a	73%
Age when first consumed alcohol	11.6 ^b	11.9
Total number of days on which alcohol had been consumed	26 ^b	20
Percentage who had consumed alcohol in the previous month	45% ^a	38%
Number of days on which alcohol had been consumed in the previous month	5.8 ^b	4.0
Percentage who had participated in binge-drinking in the previous month ^d	20% ^a	10%
Number of days on which subject had participated in binge-drinking in the previous month	5.2 ^b	2.5
75% of the students believed that alcohol was harmful to their health		
20% actively planned to drink alcohol		
33% had been drunk		
15% planned to get drunk every once in a while		
Drugs		
Percentage that had ever tried drugs	38% ^a	20%
Age when first tried drugs	12.9 (1.3) ^b	13.6 (1.1)
Total number of times had taken drugs	35 (1.9) ^b	21 (1.6)
Percentage who had taken drugs in the past month	20% ^a	9%
Number of times had taken drugs in past 30 days	8.4 (1.5) ^b	5.5 (1.2)
79% believed that drug use was harmful to their health		
8% actively planned to get high on drugs		
9% actively planned to use drugs when alone		

^aPercentages based on all students.

^bMeans responses based on frequencies AND on students who admitted use but gave no further details.

^cDefinition of alcohol consumption: more than just a few sips.

^dBinge-drinking = 5 or more drinks in a row.

Article 34

In terms of sexual exploitation and abuse, the Committee recommended that appropriate policies and programmes for prevention and for the reintegration and recovery of child victims be implemented. It also recommended that legislation be extended to ensure protection of boys and girls from sexual exploitation up to the age of 18 (instead of 16), and that studies be undertaken with a view to assessing the scope of sexual exploitation of children.

Current situation

The International Organization for Migration (IOM) has recently set up training programmes and workshops throughout the Netherlands Antilles to provide direct assistance for victims of child trafficking and exploitation. A working group is also being set up.

Problem areas

There are too few public-awareness campaigns in the Netherlands Antilles, and no effective systematic research into the extent of sexual exploitation of children. The Youth Development Department is however trying to map the problem, through the youth-monitoring programme.

One complicating factor is that children resident on the smaller islands are aware that they are likely to be placed with foster families on other islands within the Netherlands Antilles if they report sexual abuse. Fear of removal is therefore often the reason that abuse goes unreported.

Articles 37 and 40

Recommendations

In relation to the juvenile justice system the Committee expresses its concerns regarding the reservations entered. In relation to article 37c these reservations are that:

- criminal law provisions that apply in principle to adults should also apply to minors who have reached the age of 16;

- it may not always be possible to hold imprisoned minors separately from adults.

In relation to article 40, the reservations were that, in the case of minor offences, children need not be heard in the presence of a legal representative. Secondly, in such cases there would not always be scope for review of the facts and circumstances of the offence.

The Committee expresses its concerns not only regarding these reservations, but also about the fact that minors under 16 years of age are held together with adults in detention facilities, that there are insufficient facilities for children in conflict with the law and that there is no complaints mechanism directly accessible to children whose rights have been violated.

Current situation

Nowadays the Public Prosecution Service determines whether or not certain provisions apply to juveniles. The Criminal Code Reform Committee has drawn up a draft juvenile criminal law bill. In the new Criminal Code provisions for minors will be laid down in a separate title. It will be based on Dutch juvenile criminal law, adapted for the Netherlands Antilles. Under the new legislation there will be more options for tackling and penalising criminal acts committed by minors.

Legal representation is available to minors being tried for serious offences. If required, the costs will be covered by the government of the Netherlands Antilles. Minors can also apply for legal representation when they are being tried for minor offences, but rarely do so.

Juvenile criminal law sets the minimum age of criminal liability at 12, and the maximum age of criminal liability at 18. In certain cases exceptions can be made. Minors of 16 or 17 years of age can be tried as adults if the gravity of their crime, or their character, warrants it (a number of cumulative conditions need to be met). Equally, it is also possible to try young people aged 20 and under juvenile criminal law (in this case, conditions are alternative). Under the new juvenile criminal law it will not be possible to impose a life sentence on minors.

In order to avoid detaining under-18s in the same facilities as adults, the policy is to avoid detention of minors where possible. Depending on the crime in question, and the offender's character, alternative sanctions will be employed. In cases in which this is not an option, all islands in the Netherlands Antilles have detention facilities where minors may be held.

Curaçao

The Bon Futuro prison on Curaçao can hold 565 inmates. Every effort is made to provide separate detention facilities for minors aged 16 or 17 who have been sentenced under adult criminal law. However, there are no designated facilities for those aged 18 and under. A number of plans have been drawn up, but have not been implemented due to lack of funding.

In the past, when no alternative was available young criminals were either housed in adult facilities in Bon Futuro or in the GOG, an open institution for young people in trouble with the law. As detainees frequently escaped, the decision was taken to instead house young prisoners in the Bon Futuro Forensic Observation and Guidance Unit (FOBA). The FOBA houses psychologically disturbed adults and prisoners under psychological observation. The authorities recognise that it is undesirable to detain young people in facilities not specifically designed for them.

However, this is only a temporary emergency measure. A mentor system operates in the FOBA, and each minor has his own room. A recent judgment has determined that prisoners aged 15 and under may no longer be held at the FOBA. Other facilities must be found, in the Netherlands if necessary.