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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fourth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**Addendum**

**THE NETHERLANDS ANTILLES\***

[16 December 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Introduction

1. This fourth periodic report of the Netherlands Antilles is submitted in accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, which entered into force with respect to the Kingdom of the Netherlands on 11 March 1979. It is submitted as far as possible in accordance with the general guidelines regarding the form and content of periodic reports. The report covers the period from July 2003 to December 2007. It provides an update on issues addressed in the third periodic report (E/C.12/ANT/3) and contains information on remaining obstacles.

### Responses to the concluding observations made by the Committee

2. The following are responses to the suggestions and recommendations made by the Committee following its examination of the previous periodic report (see E/C.12/NLD/CO/3/Add.1).

3. **The Committee again draws the attention of the State party to its general comment No. 3 (1990) on the nature of States parties' obligations, and invites it to re-examine the question of the possibility of directly applying the provisions of the Covenant. It recommends that specific training concerning the justiciability of economic, social and cultural rights and the possibilities for direct application of the rights set out in the Covenant be organized for judges and lawyers.**

4. As far as could be ascertained, there have been no new developments on this issue.

5. **The Committee recommends that the State party fully incorporate economic, social and cultural rights into the new Constitution of Curaçao, on an equal footing with civil and political rights.**

6. The draft Constitution of the new country of Curaçao effectively incorporates economic, social and cultural rights on an equal footing with civil and political rights. This is also the case for the Constitution of the new country of Sint Maarten.

7. **The Committee recommends the establishment of an independent human rights institution in the islands of the Netherlands Antilles. It also recommends the adoption and implementation of an action plan for human rights which fully takes into account the rights set out in the Covenant.**

8. In November 2007, the Government of the Netherlands Antilles adopted a new policy on human rights. The policy has two main objectives:

(a) To increase national awareness of the importance of compliance with human rights obligations;

(b) To improve the Government's performance in the reporting process.

9. In order to implement the new policy the Government decided:

(a) That the Foreign Relations Department should conduct informative and awareness-raising sessions with governmental and non-governmental stakeholders on all islands of the Netherlands Antilles;

(b) To impose on all ministries an obligation to incorporate human rights standards in their policies;

(c) To demand that all ministries report twice a year on the implementation of human rights treaties.

**10. The Committee recommends the adoption, in the near future, of an ordinance on equality of treatment in the Netherlands Antilles.**

11. Book 7, title 7A of the Civil Code of the Netherlands Antilles is currently the principal legal provision guaranteeing equal treatment for the working population. In response to repeated suggestions made by United Nations organs and other international supervisory bodies, a draft Ordinance on Equal Treatment has been drawn up by the Labour Affairs Department. However, it can only be enacted once the new constitutional status of the islands of the Netherlands Antilles comes into force.

**12. The Committee recommends the adoption of measures providing effective and adequate protection for the economic, social and cultural rights of asylum-seekers and refugees.**

13. Although the Convention relating to the Status of Refugees of 1951 does not apply in the Netherlands Antilles, the Government has a procedure in place for refugees and asylum-seekers. The Netherlands Antilles receives very few applications from refugees and asylum-seekers. Should a refugee present himself or herself at the border, the following procedure applies. First, the person in question is interviewed in order to determine the validity of his or her claim. If his or her claim is deemed to be valid he or she will not be sent back to his or her country of origin if there are reasons to fear for his or her safety. The person in question will be provided with a temporary residence permit and will not be required to hold a work permit (a requirement of the National Ordinance on the Employment of Foreign Nationals).

**14. The Committee recommends that the State party bring into force and implement effectively, at an early date, the provisions criminalizing domestic violence which are to be incorporated into the new Criminal Code.**

15. The Committee responsible for drafting the Criminal Code is currently finalizing it. The intention is to submit the draft to the Minister of Justice by September 2008. It is expected that the new Criminal Code will be submitted for parliamentary approval by the beginning of 2009.

16. Under article 317 of the present Criminal Code, assault within the home is seen as an aggravating circumstance (the sentence will be increased by a third if the victim is the offender's mother, legal father, spouse or child). The aggravating circumstance construction is retained in

the revised draft. However, the family-law relationship requirement will be less strictly enforced; the aim is to emphasize the actual situation within the family without merely looking at legal relationships. The term “partner” will be introduced, so that partners who are assaulted will also be protected. The “legal” father component will be deleted.

**17. The Committee urges the State party to intensify its efforts to combat unemployment by carrying out targeted programmes, particularly for young people. Detailed information on the effectiveness of the adoption of such measures should be included in the next periodic report, along with statistical data on unemployment disaggregated on a comparative basis.**

18. The economic recovery that started in 2001 is finally having a positive effect on employment in the Netherlands Antilles. This is reflected by the decline in the weighted average unemployment rate, from 16.4 per cent in 2005 to 13.2 per cent in 2006 (Table 1). The decline in the unemployment rate on Curaçao, the largest island of the Netherlands Antilles, has been particularly marked.

19. Youth unemployment on Curaçao was strikingly high in 2005, when it was at 44 per cent. In 2006 it declined to 37.8 per cent; in 2007 the rate declined considerably further to 24 per cent (Table 2). The decline can partly be attributed to increased school participation of juveniles between the ages of 16 and 24, as a result of the National Ordinance on Compulsory Youth Training (Official Bulletin 2005, No. 72 and 2006, No. 26). Under the Ordinance, young people not engaged in paid work or doing national service have to improve their employability by following intensive training courses.

**Table 1**

**The Netherlands Antilles: macroeconomic facts**

	2002	2003	2004	2005	2006
GDP, ANG/million	5 200	5 370	5 505	5 760	6 121
Real growth, percentage	0.3	1.4	1.1	1.4	1.5
Inflation, percentage	0.4	1.9	1.5	3.2	2.9
Unemployment, percentage	14.6	15.3	15.1	16.4	13.2

*Source:* Central Bank of the Netherlands Antilles, 2007 (1 US dollar is equivalent to 1.79 Antillean guilders (ANG)).

**Table 2**

**Unemployment and youth unemployment on Curaçao**

	2002	2003	2004	2005	2006	2007
Age 15-24, percentage	34	34	37	44	38	24
Total population, percentage	16	15	16	18	15	12

*Source:* Central Bureau of Statistics of the Netherlands Antilles, 2007.

**Table 3**

**Unemployment and youth unemployment on Bonaire**

	2002	2004	2006
Age 15-24, percentage	32	25	21
Total population, percentage	12	9	8

*Source:* Central Bureau of Statistics of the Netherlands Antilles, 2007.

**Table 4**

**Unemployment and youth unemployment on Sint Maarten**

	2003	2005	2007
Age 15-24, percentage	32	30	26
Total population, percentage	18	13	11

*Source:* Central Bureau of Statistics of the Netherlands Antilles, 2007.

20. **The Committee recommends that the State party assess the impact of amendments to labour legislation on workers' rights in the light of articles 6 and 7 of the Covenant and of general comment No. 18 (2005) concerning the right to work (art. 6).**

21. The most important changes resulting from the introduction of the package of National Ordinances concerning the flexibility of labour legislation (the Labour Regulations 2000, which came into force on 1 August 2000, Official Bulletin (PB 2000), Nos. 67, 68 and 69) were as follows:

(a) Non-competition clauses became invalid. Clauses which were already in force were to apply until their terms had expired;

(b) The notice period which employers must observe depends on the duration of the employment. The period of notice was determined as follows:

1 to 5 years = 1 month;

5 to 10 years = 2 months;

10 to 15 years = 3 months;

15 years or longer = 4 months;

(c) The notice period can only be shortened if this is specified in a Collective Labour Agreement. It can be extended in a written agreement;

(d) Since 1 August 2000, employees have had to observe a notice period of one month (maximum of six months). Please note that there is no longer a distinction between people who are paid weekly, biweekly or monthly;

(e) As of 1 August 2000, notice can be served on any date, unless a written agreement states otherwise. For example, if notice is served on 18 January and the statutory period of notice is one month, the working relationship will terminate on 19 February. These new regulations apply to permanent employment contracts signed before 1 August 2000 and expiring after that date. The old regulations will continue to apply to temporary employment contracts signed before 1 August 2000 and expiring after that date if they specify that notice must be served. If notice was served before 1 August 2000 and the period of notice expires after the aforementioned date, the old regulations will continue to apply until the contract actually terminates;

(f) The National Ordinance on Terminating Employment Contracts does not apply to employees of public bodies, teachers, members of the clergy and domestic servants, or to directors' employment contracts and temporary employment contracts (with the exception of two types). Nor does it apply in the case of bankruptcy;

(g) Since 16 September 2000, a permit has no longer been required for individual dismissals on Curaçao in the following sectors (OJ 2000, No. 90):

- Construction
- Hotels and restaurants
- Transport, storage and communications
- Real estate activities
- Computing and related activities
- Manufacturing, including shipbuilding and repair
- Electricity, gas and water supply
- Wholesale and retail trade, repair of motor vehicles and household goods
- Financial services
- Agriculture, hunting and forestry
- Fishing
- Mining
- International commercial educational institutions

The employer is, however, obliged to report dismissals in these sectors to the Labour Affairs Department. If the Government of an island other than Curaçao so wishes, certain branches of industry or individual companies can be exempt from the requirement to report dismissals by means of a ministerial order containing general measures. The order may be valid for a specific period or indefinitely;

(h) Employment agencies can contract workers to companies for a maximum period of 12 months. If one contract is followed by another within three months, the two will be considered to be one contract. Please note that this law currently only applies on Curaçao;

(i) Private employment agencies may be set up;

(j) Trial periods, which may last up to two months, must be agreed in writing;

(k) The employer is legally obliged to issue the employee with a payslip for each salary payment;

(l) Legal presumption that an employment contract exists: an employment contract will be deemed to exist if a person does paid work for three consecutive months for at least eight hours a week, or 35 hours a month. If no fixed period of employment has been agreed, once a person has been working for three months the number of hours they work in the fourth month will be determined by the average hours worked in the previous three months;

(m) Employees with a zero-hour contract, a standby contract or a part-time contract for less than 15 hours a week are entitled to a minimum of three hours' pay every time they work, even if they work for less than three hours;

(n) Employers may not serve notice during the first year of an employee's illness, during pregnancy/maternity leave, or because the employee gets married;

(o) The employer may not terminate employment because his employee is a member of a trade union or has participated in trade union activities, unless these activities were performed during the employee's working hours although the employer withheld his consent for this on reasonable grounds;

(p) No notice is required for the termination of an extended contract; it will terminate automatically. However, if four extended contracts follow each other with intervals of less than three months, the fourth contract will automatically be permanent. The same applies if a series of fewer than four consecutive extended contracts, with intervals of three months or more, together exceed a period of 36 months (including the intervals);

(q) On 1 August 2001, an hourly minimum wage was introduced. At a later stage all minimum wage categories were to be equalized, in three phases.

### **Different groups of employees**

The only distinction made is between shift workers, who should be able to work outside usual office hours, and non-shift workers.

### **Work schedules**

Under the Labour Regulations 2000, work schedules do not need to be approved by the Labour Affairs Department. However, they should be sent to the Department for its information. The Departmental Director may choose to ban certain schedules.

### **Working hours**

Maximum working hours for non-shift workers are nine hours per day, averaging 40 hours per week. Maximum working hours for shift workers are 10 hours per day, averaging 45 hours per week.

Hotel and restaurant industry workers can work a maximum of 10 hours per day, averaging 48 hours per week.

### **Overtime**

No permit is required. Employees can, however, lodge complaints if they feel overtime is excessive.

### **Sanctions**

A distinction is made between crimes and misdemeanours committed at work. The maximum penalty for crimes is four years' imprisonment and/or a fine of ANG 100,000. The maximum penalty for misdemeanours is 12 months' imprisonment and/or a fine of ANG 25,000.

### **Domestic staff**

Working hours: a maximum of 11 hours per day or 55 hours per week. Overtime is paid at 150 per cent.

Rest breaks: a rest break of half an hour must be granted after five hours of labour. Work performed during rest breaks will be paid at 150 per cent.

Hours of rest are between 10 p.m. and 6 a.m., unless the nature of the work requires it to be performed exclusively during these hours. Work performed during hours of rest will be paid at 150 per cent. The worker is entitled to one full day of rest a week. Any work performed on the day of rest will be paid at 200 per cent.

Holidays: workers are entitled to paid days off on national holidays. Work performed on these days will be paid at 200 per cent.

Minimum wage: on 1 August 2001, an hourly minimum wage for domestic staff was introduced. At a later stage, the minimum wage will gradually increase to category I, on the understanding that a sum can be deducted from the wage to cover accommodation and expenses (for residential staff) or meals (for non-residential staff). The maximum sums that can be deducted will be determined by ministerial order.

### **Ban on child labour**

Since 1 August 2000, the ban on child labour has applied to all children up to the age of 14. Children aged 12 and over can, however, perform work suitable for children which



does not make high physical and mental demands on the child (e.g. newspaper delivery or filling bags at supermarkets). Children are not allowed to work during school hours, neither are they allowed to work before 7 a.m. or after 7 p.m.

22. The exceptions to the National Ordinance on Terminating Employment Contracts which applied to Curaçao were withdrawn in 2003, as of which date the Ordinance has once again been in force on all five islands of the Netherlands Antilles. Legislation to facilitate its implementation is currently being drafted. Changes include streamlining the decision-making process.

**23. The Committee recommends that the various minimum wages be sufficiently high to provide workers and their families with a decent living, in accordance with article 7, paragraph (a) (ii), of the Covenant, and would like to receive further information in this regard in the next report. The Committee also encourages the State party to completely eliminate differences between the various categories of minimum wage at an early date.**

24. Since 1 December 2004, a single (hourly) minimum wage has been in force for all workers on every island in the Netherlands Antilles. In July 2008, the Netherlands Antilles Parliament approved a 15 per cent increase in the minimum wage.

**25. The Committee urges the State party to take all necessary steps, including legislative measures, to ensure immediate implementation of the principle of equal pay for equal work. In this regard, it draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3).**

26. As far as could be ascertained, there have been no new developments on this issue.

**27. The Committee recommends that the State party give more serious consideration to withdrawing the reservation to article 8, paragraph (1) (d), of the Covenant.**

28. A committee of representatives of the Foreign Relations Department, the Labour Affairs Department, the Personnel Affairs Department and the Legal Affairs Department recently began work on recommendations to the Government of the Netherlands Antilles on withdrawing its reservation to article 8, paragraph (1) (d), of the Covenant. It is expected that the withdrawal procedure, which will take place at both the national and Kingdom levels, will last between one and one-and-a-half years.

**29. The Committee recommends that the State party take all necessary steps to guarantee the right of everyone to social security. The State party should conduct a thorough study on persons excluded from the social security system, indicating the reasons for their exclusion and the results of steps taken to address this situation, and include the study in the next periodic report.**

30. Social security is the responsibility of the Government of the Netherlands Antilles. According to Antillean social legislation, everyone who has officially lived in the Netherlands Antilles for at least one year is eligible for the Old Age Pension (AOV). Anyone who officially lives in the Netherlands Antilles, regardless of the length of time, is eligible for a widow's or orphan's pension (AWW). Anyone who works a minimum of 12 working days in succession is

eligible for a number of other provisions. These include Exceptional Medical Expenses Insurance (*Lei di Labizjan*, or AVBZ), the Cessantia Allowance, and Health and Accidents Insurance. Moreover, once eligible, they will continue to be covered by these provisions, even if they are subsequently unemployed, until they are 60 years old. However, anyone aged 60 or over who is not in employment loses their right to this cover. People who fall into this category are covered by the PP-kaart system, run by the island territory of Curaçao. The PP-kaart is not a form of insurance, but offers reimbursement of medical costs to individuals who cannot pay or who are of limited means, in other words, those who receive benefit (see below) or have an income which is less than the minimum wage. The Department for Work and Income considers a maximum monthly income of ANG 1,500 to be the cut-off point for PP-kaart eligibility. This means that the medical costs of people who are 60 or over, do not work but have a monthly income of more than ANG 1,500 are not covered. Nor can they afford private insurance. In order to put an end to this undesirable situation, the national Government has recently submitted a draft amendment to Parliament proposing that these people be insured through the Social Insurance Bank Netherlands Antilles. However, the amendment has not yet come before Parliament.

**31. The Committee encourages the State party to provide social assistance to all those who need it, in particular the most disadvantaged persons and groups, so that they may attain an adequate standard of living.**

32. In accordance with article 1 (a), paragraph 1, of the guidelines on providing social assistance (Official Bulletin (AB) of Curaçao 1971, No. 11), as amended, every Dutch national living in the island territory of Curaçao whose circumstances are such or are likely to be such that he does not have adequate resources to cover essential living costs is eligible for assistance. In accordance with the same article, under paragraphs 2 and 2 (a), (b) and (c), foreign nationals are also eligible if they are (i) legally resident in the island territory of Curaçao under the Admissions Decree (AB 1975, No. 108); (ii) unable to secure adequate help from the representative of their country; and (iii) cannot be repatriated for humanitarian reasons. In such cases, the authorities will look into whether guarantors' declarations made by third parties are valid and/or whether they can be held liable should that prove to be necessary.

33. It should be noted that the island territory of Curaçao raised standard benefits by around 10 per cent as of 1 January 2007. Recipients of the allowance are also eligible for a number of grants towards the cost of rent and utilities. They are exempt from paying waste disposal charges and receive an annual clothing allowance for each child in mainstream education. Anyone eligible for benefits who is not medically insured through the Social Insurance Bank (and their family members) is also eligible for either supplementary benefit towards medical costs, or a PP-kaart.

**34. The Committee recommends that the State party adopt specific protection measures for single-parent families, including family benefits, day-care services and financial assistance, in order to ensure their right to an adequate standard of living, adequate protection and education for their children.**

35. One-parent families who are entitled to benefits receive child benefit for each child, as long as any maintenance payments they receive do not exceed it. The island territory of Curaçao provides grants to nine childcare centres. The Culture and Education Service is currently

working with the non-governmental organization (NGO) platform to evaluate the current grants system, with the aim of developing another system that will make it possible to give grants directly to individuals instead of through institutions. One of the Service's main tasks is to ensure that children receive a decent education at State schools and elsewhere. It also provides free school transport.

**36. The Committee urges that a national policy on day-care services be adopted. Such a policy should endeavour to ensure that these services are available in sufficient number throughout the islands of the Netherlands Antilles.**

37. The island Government of Curaçao is introducing a system of registration and licensing for childcare/day-care services for 0-4 year olds. In October 2007, a special training course for staff was launched, including modules on child development, medical needs and dealing with child abuse.

**38. The Committee encourages the State party to broaden the categories of persons covered by family benefits so that all families with dependent children may receive them.**

39. The Family Benefits Committee was established in September 2004 to:

- (a) Map the current situation in terms of financial support provided by the Netherlands Antilles for families with children, and the future model it hopes to achieve;
- (b) Set out possible ways of realizing this model;
- (c) Set out the estimated financial consequences and possible ways of covering this cost;
- (d) Look into what leading employers' organizations and trade unions on each island think of the proposals.

40. The following are represented on the Family Benefits Committee: the Labour Affairs Department, the Youth Development Department, the Tax Department, the Social Development Department and the Social Insurance Bank. A dedicated committee has been appointed to compile a draft report determining which regulations will need to be modified when the proposed child benefits system is introduced (e.g. the fiscal child allowance and a number of public service regulations).

41. In the first half of 2007, the Plenary Committee will make an announcement about who will be entitled to benefits. It will also clarify the term "residency", as only those with residency status will be eligible. The Committee's final report will be submitted to the Government once each island has held consultations with the social partners.

**42. The Committee requests the State party to provide detailed information, including statistics, on early pregnancies and abortions among adolescents, and on the measures taken to address these matters.**

43. The Committee is referred to the Netherlands Antilles' answers to the questions posed by the Committee in connection with the third periodic report (E/C.12/ANT/3, pp. 19-20), with specific reference to question 30. In relation to the data on live births to teenage girls we would

note that, while most deliveries take place either in hospital or in a maternity clinic, hospitals in the Netherlands Antilles do not operate a uniform registration system. The majority of deliveries take place in the St. Elisabeth Hospital on Curaçao, but it is some considerable time before data on them is made available. The lack of data collection and analysis applies not only to deliveries, but also, and to a greater extent, to pregnancies.

44. One of the reasons for the lack of an effective registration system, and the resulting lack of statistics, is the fact that abortion is officially illegal in the Netherlands Antilles. Abortions are, however, available. They are mainly performed at GPs' surgeries or, when prompted by medical necessity, in hospital. According to a statement made several years ago by the then Minister of Justice, abortions are tolerated because penalizing doctors for performing them would inevitably push the practice underground, jeopardizing the lives of women and girls. The Inspectorate for Public Health of the Netherlands Antilles is responsible for seeing that abortions are carried out in a professional and medically safe manner.

45. Given that many abortions are unrecorded, for the reasons given above, and that a substantial proportion of women undergoing abortions are teenagers, there is reason to believe that the number of teenage pregnancies is seriously underestimated. Hence, no exact figures can be given on the occurrence of teenage pregnancy in the Netherlands Antilles.

**46. The Committee recommends that the State party take measures to protect children, including boys, against sexual exploitation, violence and all other forms of abuse. A common system for registering cases of mistreatment should be established in the Netherlands Antilles.**

47. As far as could be ascertained, there have been no new developments on this issue.

**48. The Committee recommends that an official poverty line be established in the Netherlands Antilles and economic, social and cultural rights be incorporated into poverty-reduction programmes set up in the Netherlands Antilles. In this connection, the Committee refers the State party to its statement on "Poverty and the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2001/10).**

49. In 2004, the Central Government began developing a poverty assessment plan for the Netherlands Antilles (through the Department for Development Cooperation of the Netherlands Antilles, in cooperation with the United Nations Development Programme and the World Bank). The objectives of this plan were to:

- (a) Conduct a review of ongoing social and poverty-reduction programmes (Quick Scan);
- (b) Prepare poverty profiles for each of the five islands;
- (c) Conduct an analysis of the structural determinants of poverty;
- (d) Draw up policy recommendations based on the poverty assessment culminating in long-term action programmes for each of the five islands. These were to be adopted by the island Governments, with support from the Central Government. The project was to be financed by the Dutch Government.

50. The first part of this study, the Quick Scan, was implemented on all islands of the Netherlands Antilles, with the aim of analysing current social and poverty-reduction projects and programmes and assessing their effectiveness. However, no further steps were taken, as the Dutch Government stopped the programme.

51. The Department for Development Cooperation hopes to continue working on the poverty-reduction strategy, and is now in consultation with the United Nations Development Programme and the Central Bureau of Statistics of the Netherlands Antilles.

52. In response to observations and suggestions made by United Nations organs and committees such as the International Labour Organization and the Economic Commission for Latin America and the Caribbean, and the ongoing social dialogue, a number of groups (primarily trade unions) pressed the Antillean Government to take steps to establish a poverty line for the Netherlands Antilles. In August 2007, an interdepartmental Poverty Assessment Group was officially established, representing not only the Central Bureau of Statistics and the Labour Affairs Department but also other stakeholders. Meetings were arranged with experts from Chile and Brazil to discuss the various tools that would be required to establish a poverty line. A number of methods (absolute, relative, national, international, consumption-based or income-based) and the advantages and disadvantages of each were discussed. The working group chose the Economic Commission for Latin America and the Caribbean food basket method, and will also consider housing. It is hoped that the working group will present its initial report and recommendations in June 2008.

**53. The Committee encourages the State party to continue its efforts to combat school dropout.**

54. The following measures are all related to implemented education reforms and should help to curb dropout in schools:

(a) Efforts are being made to ensure that the National Ordinance on Compulsory Education, which has been amended to raise the school leaving age to 18, is properly enforced;

(b) One of the objectives of educational reforms in primary and early secondary education (up to the age of 15, known as *Funderend Onderwijs* or FO) and secondary education (from 15 onwards) is to reduce the number of dropouts. The new system takes account of pupils' social and cultural backgrounds, and lessons are now taught in the pupils' mother tongue. Education is now more development-focused, being better attuned to the development of the individual child;

(c) 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

55. A national ordinance on VSBO has been drawn up, and teachers have received extra training.

56. 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. A national ordinance on SBO has also been drawn up.

- 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

57. **The Committee requests that the next periodic report provide it with more precise information on the ethnic make-up of the population of the Netherlands Antilles and on the enjoyment of cultural rights by persons and groups.**

58. Data from the Population and Housing Census carried out by the Central Bureau of Statistics of the Netherlands Antilles in 2001 shows the different ethnic groups that make up the population of the Netherlands Antilles (Table 5).

**Table 5**

**Total population by nationality of the Netherlands Antilles**

Nationality	Total
Chinese	477
Colombian	1 896
Dominican	5 794
Guyanese	1 182
Haitian	3 475
Indian	863
Jamaican	1 950
Dutch	149 250
Portuguese	512
Surinamese	822
American (United States of America)	1 160
British (United Kingdom)	787
Venezuelan	1 075
Other	5 320
Not reported	1 090

*Source:* Population and Housing Census 2001.

59. **The Committee calls upon the State party to translate the Covenant and the present concluding observations into Papiamentu and Dutch and publicize them widely among all sectors of society, in particular civil servants and members of the judiciary, and to give details in its next periodic report of all it has done to respond to them. It also encourages**

**the State party to involve non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

60. A Dutch translation of the Covenant is available. It is not yet available in Papiamentu. This year, the Foreign Relations Department has held information sessions on general human rights in Sint Maarten, Sint Eustatius and Saba. Similar sessions are still to be held on Curaçao and Bonaire. The sessions are open to governmental and non-governmental organizations.

61. Due to limited manpower and lack of time it has not yet been possible to publicize the reports. However, private persons or organizations who apply to the Foreign Relations Department for copies of the report have always been given them, seeing as it is an official United Nations document.

**62. The Committee invites the State party to update its core document in keeping with the requirements of the harmonized reporting guidelines relating to the common core document, as recently adopted by the international human rights treaty bodies.**

63. It has not been possible to update the core document in time for this reporting cycle. However, the Netherlands Antilles, or the new entities that will emerge once constitutional reform has taken place, will endeavour to effect the update by the time the next report is submitted.

#### Article 1

64. A series of referendums were held between 2000 and 2005 on altering the constitutional status of the Netherlands Antilles. Such referendums are of a non-binding or advisory nature; the results are regarded as a recommendation to Parliament.

65. The referendums were organized and carried out in accordance with United Nations criteria. An overview of the options and results is given below.

**Table 6**

#### **Sint Maarten referendum, 23 June 2000**

Option A	Remain part of the Netherlands Antilles	3.7%
Option B	Become an autonomous country within the Kingdom of the Netherlands	69.9%
Option C	Become part of the Netherlands	11.6%
Option D	Become an independent State	14.2%

*Source:* Administrative and Constitutional Affairs Department.

**Table 7**

**Saba referendum, 5 November 2004**

Option A	Direct ties with the Netherlands	86.0%
Option B	Part of the Netherlands Antilles	13.2%
Option C	Independence	0.8%

*Source:* Administrative and Constitutional Affairs Department.

**Table 8**

**Bonaire referendum, 18 February 2005**

Option A	Remain part of the Netherlands Antilles	15.9%
Option B	Direct ties with the Netherlands	59.5%
Option C	Autonomous country within the Kingdom of the Netherlands	24.1%
Option D	Independence	0.5%

*Source:* Administrative and Constitutional Affairs Department.

**Table 9**

**Curaçao referendum, 8 April 2005**

Option A	Become an autonomous country within the Kingdom of the Netherlands	68%
Option B	Become an independent State	5%
Option C	Remain part of the Netherlands Antilles	4%
Option D	Become part of the Netherlands	23%

*Source:* Administrative and Constitutional Affairs Department.

**Table 10**

**Sint Eustatius referendum, 8 April 2005**

Option A	Remain part of the Netherlands Antilles	76.6%
Option B	Direct ties with the Netherlands	20.56%
Option C	Integration with the Netherlands	2.18%
Option D	Independence	0.64%

*Source:* Administrative and Constitutional Affairs Department.



66. A round-table conference on Curaçao on 26 November 2005 initiated the process that will culminate in the islands of the Netherlands Antilles acquiring the status voted for by the population. Consultations are taking place at a number of levels.

67. The target date for achieving the new statuses was originally 1 July 2007 but, during consultations, this was changed to 15 December 2008. In April 2008, the target date was put back indefinitely. When the new statuses are achieved, Curaçao and Sint Maarten will become countries, while Bonaire, Saba and Sint Eustatius will enjoy similar status to Dutch municipalities. This means that the new Kingdom of the Netherlands will consist of the Netherlands (with Bonaire, Saba and Sint Eustatius as public bodies), Aruba, Curaçao and Sint Maarten.

## **Article 2**

68. The Department for Development Cooperation of the Netherlands Antilles (DEVCO) was established in 1962. Its mission statement reads as follows:

A professional and objective organization with as core tasks expertise, planning and management of development cooperation, DEVCO also aims to advise on:

- (i) Stimulating sustainable and equitable social and economic development;
- (ii) Optimizing cooperation with donors.

69. The organization also strives to provide a proactive, consistent, effective and efficient service.

70. In its capacity as representative of the Central Government, DEVCO had a direct relationship with the Dutch Government until October 2004. It also has a working relationship with the European Commission.

71. The biggest donors of development aid to the Netherlands Antilles, in the form of financing for projects and programmes, are the Netherlands and the European Union. The Netherlands Antilles also receives development aid from the United Nations Development Programme in the form of technical assistance.

### **Cooperation between the Netherlands Antilles and the Netherlands**

72. Current emphasis is on programme-based financing through multiannual cooperation programmes tuned to the island territories' own development policies (using the bottom-up approach), rather than project-based financing.

73. The Stichting Ontwikkeling Nederlandse Antillen (the Foundation for Development of the Netherlands Antilles (SONA)) and its implementing agency was set up in October 2004 to concentrate management of Dutch development funds in one independent organization. It also took over DEVCO's coordinating role.

### **Cooperation between the Netherlands Antilles and the European Union**

74. The Netherlands Antilles has been an associate member of the European Union since 1964. Projects and programmes in the Netherlands Antilles are financed through the European Development Fund (EDF). EDF9 was in force during the period under review. A total of EUR 46.3 million was made available via the fund in this period (including the balance from previous EDFs). Approximately EUR 26.7 million was earmarked for specific use, leaving EUR 19.6 million for interventions in the focal sector, as defined in the Single Programming Document (SPD).

75. A few examples of projects and programmes that were financed by the European Union during the period under review are:

- (i) The restoration of the Queen Emma Bridge

The Queen Emma Bridge was built in 1888. This historic monument and popular tourist attraction is an important economic asset for the island of Curaçao;

- (ii) The Bonaire Sewage and Sanitation System (SSSB)

The main objective of the SSSB-project is to establish a modern, centralized sewage management system and to ensure that the Bonaire marine environment is adequately protected. If not managed properly, sewage discharge will not only endanger public health, but will also contribute to the further deterioration of the remaining coral reefs (see Roberts 1995; and Bak 2005);

- (iii) Small Enterprise Stimulation Netherlands Antilles (SESNA)

The SESNA programme ran from 1999 to July 2007. Its overall objective was to strengthen the small business sector's contribution to economic growth and to generate sustainable employment on all five islands by preserving, consolidating and creating jobs through Small and Medium Enterprises (SMEs). The mobilization of domestic and external human, technical and financial resources was intended to lead to the development of skills, increased profitability, institution-building and SME policy development. Loans were made available for SMEs, and capacity-building programmes for the local banking sector. Advisory services were set up, and training and information provided. A number of institutions were involved, including the local banking sector, the Chamber of Commerce, business associations and other local SME support organizations. The SESNA programme was set up by the Central Government and co-financed by the EDF;

- (iv) The Support to the Netherlands Antilles Youth Development Programme (SNAYDP)

In 2003, the Government of the Netherlands Antilles and the European Commission signed a financing agreement for EUR 4.5 million under EDF8. The overall objective of the project is to improve the sociocultural integration of young people (aged 16 to 24) and their participation in the developing economy. So far, two Programme Estimates have been implemented. DEVCO is awaiting the approval of the third. In the last three years, over 150,000 youngsters have benefited from this programme.

76. Under the SNAYDP, a range of projects have been implemented on all five islands. Examples include:

**On all islands**

- Train-the-trainer training manual
- Website for the Antillean Federation for Youth Care
- Public relations material

**Curaçao**

- Integrated youth policy plan
- Nail design project
- Tour guide training
- Quick Scan conducted by the National Vocational Training Centre (FEFFIK)
- Apprenticeship programme
- Good governance
- Local youth activities (through the Pro Souax Foundation)
- Maritime training courses aboard the Ku Kara pa Laman floating school

**Bonaire**

- Integrated youth policy plan
- Train-the-trainer courses
- Good governance
- After-school programme at the Jong Bonaire Youth Centre
- Course in beauty techniques at the Forma Training Centre
- Rincón tour guide training
- Apprenticeship programme

**Sint Maarten**

- Yacht apprenticeship
- “Talking Drums” project

- Integrated youth policy plan
- Leadership training

#### **Sint Eustatius**

- Integrated youth policy plan
- Apprenticeship programme
- Train-the-trainer courses

#### **Saba**

- Integrated youth policy plan
- Apprenticeship programme

### **Cooperation between the Netherlands Antilles and the United Nations Development Programme**

77. The Department for Development Cooperation and United Nations Development Programme worked together on a poverty assessment plan for the Netherlands Antilles. Unfortunately, the programme, which was to have been financed by the Dutch Government, did not go ahead.

78. During the visit of the new United Nations Development Programme Resident Representative, it was agreed that projects would be set up in the following areas:

- (a) Capacity strengthening for economic planning and financial management;
- (b) Social development and employment generation;
- (c) Disaster and environmental management.

79. In 2007 and 2008 there will be closer cooperation between the United Nations Development Programme and the University of the Netherlands Antilles, the Central Bureau of Statistics and the Government Information Service.

### **Article 3**

80. During the period under review, the concept of gender policy networks, which had already been established on the island of Curaçao, spread to Bonaire, Sint Maarten and Sint Eustatius. Since each island is unique and has different resources at its disposal, it was decided that they should determine their own policy network models. Policy networks on Curaçao and Sint Maarten have been trained in implementing the Convention on the Elimination of All

Forms of Discrimination against Women and have learnt about the reporting process under such conventions. Networks on Bonaire, Sint Maarten and Curaçao have learnt how to deal with issues surrounding violence against women.

81. The gender networks' efforts to achieve gender awareness and gender mainstreaming are supplemented by inter-ministerial training courses and general networking.

82. On Curaçao, several vocational training projects were set up for teenage mothers. At the end of the training period they had to complete an internship in their chosen field, to better equip them for competing in the labour market and finding a job. Another project provided safe, independent housing for young girls. The Sint Maarten women's desk is continuing to implement the Girl Power project, designed to build girls' self esteem and empower them to make conscious choices. The women's desk runs a number of other projects, addressing:

- (a) School dropout among girls and boys;
- (b) Trafficking (awareness-raising and assistance);
- (c) Domestic violence (counselling for victims and perpetrators).

83. The Netherlands Antilles is continuing to take steps to combat domestic violence. In 2006, the public prosecutor's office, in collaboration with several Government agencies and NGOs, provided training for the police force in effective intervention in cases of domestic violence. Several other groups and organizations have also been trained and/or are working on a structural programme to combat domestic violence and child abuse. In 2007, an inter-ministerial working group on domestic violence was established. The departments participating in this working group are: the Ministry of Justice, the Social Development Department, and the Youth Development Department. Other relevant sectors and departments are invited to participate and contribute when appropriate.

84. In 2006, a memorandum of understanding was entered into by the Netherlands Antilles National Commission for UNESCO (NUCNA) and the Netherlands National Commission for UNESCO (NUCN). The memorandum established agreements on improving the two Commissions' working relationship. One area for potential collaboration is investigating a suspected gender imbalance in education. The growing numbers of boys dropping out of mainstream education is giving considerable cause for concern; girls are continuing to shine in both secondary and higher education. Leaving school without basic qualifications seriously affects young people's ability to participate in society, causes imbalances in the labour market and has a negative impact on the country's capacity for development.

85. Research will focus on 12 to 18 year olds and will be conducted in the context of both the Millennium Development Goals, which seek to achieve equal participation of boys and girls in education by 2015, and the Delta Plan for Education. The objective is to establish the proportion of school dropouts among boys and girls; the reasons pupils drop out; what young people think about school; the situation seen from the viewpoint of the labour market; and the national versus international perspectives.

86. The chairperson of NUCN and the Dutch Minister of Education have approved the gender policy study as part of NUCN's two-year programme. In 2007, preliminary work began; a list of relevant literature was drawn up, and in September 2007 a lecture was given and talks were held with the research team. Research is due to begin in 2008. Through the University of the West Indies (UWI) contacts will be forged with five other Caribbean islands currently investigating the same issues.

87. A research project on poverty alleviation for female-headed households has been under way on Curaçao since September 2007.

#### **Article 4**

88. No new developments have taken place since the last report.

#### **Article 5**

89. No new developments have taken place since the last report.

#### **Article 6**

90. The most important development in the field of labour relations in the period under review is the social dialogue process. The stakeholders have pledged to strive for sustainable economic growth and to reach an agreement in the near future on labour market policy. In the future, all decisions on major socio-economic issues will take place within the framework of the memorandum of understanding (Sint Maarten) and the Labour Force Development Policy (Curaçao).

#### **Social dialogue on Curaçao**

91. For some time now, social dialogue between employers' organizations and unions has been under way on Curaçao. This has resulted in a consensus on topics that had divided the two sides for decades.

92. The stakeholders are now in the process of developing labour market policy for the island of Curaçao. The main objective is to offer full employment possibilities to young people and adults alike by improving labour productivity and forming a skilled workforce which can compete on the global market.

93. Kolaborativo,<sup>1</sup> a platform involving representatives of employers' and workers' organizations and the island Government of Curaçao, looks at labour market policies and other issues relating to working conditions. Its objective is to achieve consensus on issues of national importance.

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<sup>1</sup> The name Kolaborativo reflects the need for collaboration between the parties.

94. In the report published by the International Labour Organization's Committee of Experts on the Application of Conventions and Recommendations (ILO/CEACR) in 2006, the Committee noted with interest various measures taken by the Antillean Government regarding ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948). The report highlighted the achievements of Kolaborativo and nominated it as an example of best practice in the region (CEACR report 2006, annex 1, p. 18).

95. From 10 to 12 January 2008, Kolaborativo successfully organized a Labour Force Development National Dialogue with Sir Roy Trotman, President of the ILO Congress of Trade Unions and Staff Associations of Barbados, as keynote speaker. There were working group presentations on productivity and efficiency measures, the status of temporary and casual workers, and the gap between the education system and the labour market. During the conference, both Denmark and Barbados were put forward as examples of best practice, as they have flexible and open labour markets, which enhance overall productivity growth and offer a decent national minimum wage (Labour Force Development National Dialogue Conference Programme, January 2008, annex 1).

### **Social dialogue on Sint Maarten**

96. On 19 May 2006 a mediating committee, formed from parties involved in the Labour Summit Joint Committee, agreed to improve the dialogue between the social partners on the island. The members (representing unions, employers' organizations and the island Government of Sint Maarten (see the memorandum of understanding, annex II) reached consensus on the following specific points:

- (i) To establish a tripartite committee, through the aegis of the Executive Council, on 1 July 2006. The committee will meet periodically to discuss a labour market policy plan for the island of Sint Maarten. Topics to be covered include:
  - Training and/or retraining (employed/unemployed)
  - Migrant workers and related issues (documented/undocumented)
  - Youth unemployment
  - Cost-of-living adjustments
- (ii) To increase the minimum wage to ANG 7.79 per hour, as of November 2006. This is approximately equivalent to USD 4.28, and constitutes the highest minimum hourly wage in the Netherlands Antilles;
- (iii) To reduce Government surtax on income tax from 30 per cent to 25 per cent as of January 2007. The Executive Council of Sint Maarten will make all necessary preparations;
- (iv) To continue to examine ways of making the labour market more flexible, while guaranteeing workers' protection. Special attention will be paid to the local and Antillean labour force and to the use of short-term contracts in various sectors.

### **Youth unemployment**

97. Youth unemployment in the Netherlands Antilles has fallen steeply. In 2005 the unemployment rate among young people was strikingly high (44 per cent). By 2006 it had declined to 38 per cent and, by 2007, to 24 per cent. General unemployment also fell on the three major islands between 2006 and 2007.

### **Equal treatment legislation**

98. Book 7, title 7A of the Civil Code of the Netherlands Antilles is currently the principal legal provision guaranteeing equal treatment for the working population. In response to repeated suggestions made by United Nations organs and other international supervisory bodies, a draft Ordinance on Equal Treatment has been drawn up by the Labour Affairs Department. However, it can only be enacted once the new constitutional status of the islands of the Netherlands Antilles comes into force.

99. In the meantime, another legal instrument is being drafted by the Joint Court of Justice Commission on Revision of the Civil Code. Gender equality has long been based mainly on the case law of the Joint Court of Justice of the Netherlands Antilles and Aruba. It will finally be codified as part of the new Civil Code of the Netherlands Antilles.

#### **Article 7**

100. The Committee is referred to the information provided at the beginning of this report in response to the issues raised by the Committee at its thirty-eighth session.

#### **Article 8**

101. No new developments have taken place since the last report.

#### **Article 9**

102. The Sickness Insurance Act applies to all employees whose income is below a certain limit. For the year 2007 the limit was set at ANG 4,145.70 (USD 2,303).

103. In January 2007 the Antillean Parliament approved an increase of ANG 100 in the old-age pension. The total contribution subsequently increased from 10 per cent to 11.5 per cent in 2007 and, in 2008, to 13 per cent. Since July 2005 those who depend solely on the old-age pension have received an extra ANG 100 per month from the island territory.

104. The old-age insurance contribution is 5.25 per cent of the employee's income, up to an income of ANG 49,745.83 per year. The contribution is deducted by the employer and remitted to the Social Insurance Bank. Applications for review may be lodged with the Court of the island territory.

105. The widow(er)'s pension varies from ANG 303 to ANG 654 depending on age. A widow(er) with one or more children receives the maximum amount. The orphan's pension varies from ANG 219 to ANG 302 depending on age, whether the orphan is disabled or enrolled in full-time education and whether he or she is a half or full orphan. On remarriage, widow(er)s



entitled to the pension receive a lump sum equivalent to one year's pension. On the death of the pension recipient, an eligible dependant receives an amount representing three months of pension allowance.

106. Contributions towards the widow(er)'s pension are shared equally between the employee and the employer and amount to 1 per cent of the employee's income, up to an income of ANG 49,745.83 per year. The employer deducts the contributions and remits them to the Social Insurance Bank. The Government pension fund provides for pensions for widow(er)s and orphans of Government employees and civil servants. The amount depends on the last pay received and is supplemented by a cost-of-living allowance.

107. As of 1999, pregnant employees are entitled to sick pay for a minimum of four weeks and a maximum of six weeks preceding the expected date of delivery, and a minimum of six weeks and a maximum of eight weeks following delivery (maternity leave). During this period the employer is obliged to pay the worker 100 per cent of her daily wage. The Social Insurance Bank has a statutory duty to reimburse 80 per cent of this.

#### **Article 10**

108. The Parliament of the Netherlands Antilles is in the process of approving a maternity leave extension. The proposed amendment will increase paid maternity leave from 12 weeks to 14 weeks. It will also allow pregnant women to decide how they want to take their leave (how many weeks before and how many weeks after delivery).

#### **Article 11**

109. Poverty alleviation has been a major area of concern in the Netherlands Antilles for some time now. National policy had always been to create a broad, multidisciplinary partnership with the Dutch Government to eradicate both acute and long-term poverty. In anticipation of the constitutional changes taking place, responsibility for the policy was transferred from the Netherlands Antilles as a whole to the Dutch and individual island Governments. At the end of 2006, the Social Economic Initiative was introduced, a new programme linking social and economic issues.

110. In 1999 Reda Sosial (the Fund for Social Development and Economic Activities) published the findings of its project charting poverty in four districts on Curaçao in *Pobresa Ban Atak'é* (Let's Combat Poverty). The follow-up report, *Atakando Pobresa* (Combating Poverty), was published in 2003. It advocated integrated neighbourhood development as an appropriate approach for combating poverty. A research project on poverty alleviation for female-headed households was launched in September 2007.

111. The integrated neighbourhood approach advocated in *Atakando Pobresa* focuses on four themes: quality of life, education, health and work. Between 2003 and July 2007, the following projects were completed as part of this approach:

- Approximately ANG 2.4 million was invested in rehabilitating and integrating addicts into society and in enhancing the living conditions of the elderly and the disabled.

- Approximately ANG 3.5 million was spent on a total of 50 projects focusing on refurbishing sports facilities, community centres, baby and toddler clinics and other buildings at the heart of the local community.
- Approximately ANG 12.6 million was spent on improving houses and roads in marginalized neighbourhoods.
- Reda Sosial has continued to set up projects designed to stimulate the economy, primarily involving sectoral support for tourism and small businesses.
- Approximately ANG 1.2 million was allocated to youth care, ANG 300,000 of which was spent on renovating scout huts and child day-care centres. The remaining ANG 900,000 went to educational and informative activities, including parenting support.
- ANG 1.3 million was invested in renovating school buildings and materials, and in a boarding school for boys.
- ANG 800,000 was invested in vocational training and other educational activities for adults. Examples include courses in caring for the elderly, children, people with disabilities and drug addicts. The money also went to preparing young adults to enter the labour market.

## **Article 12**

112. The constitutional reform of the Netherlands Antilles will also have consequences for public health. The new countries Curaçao and Sint Maarten will have their own Ministries of Health, while the BES islands (Bonaire, Sint Eustatius and Saba) will be in a completely new situation, as the Dutch Minister for Health, Welfare and Sport will be responsible for them.

113. The Antillean Healthcare Inspectorate will also undergo changes. Agreements will need to be made with the Dutch Healthcare Inspectorate about the BES islands, while the possibility of cooperation between Curaçao and Sint Maarten will need to be examined.

114. Health policy is currently devolved to the island territories. Reasonable primary health care is available on Saba and Sint Eustatius. People requiring specialist care are sent to other islands. More services are available on Bonaire; in recent years policy has focused on meeting people's health-care needs as locally as possible, and as effectively as possible. The BES islands are currently looking at how they can offer a higher standard of health care, bringing them in line with the situation in the Netherlands. Agreements will need to be made with the Dutch Government on guaranteeing health-care funding. The intention is to get everyone insured and to set up an entirely new agency to oversee this process, replacing the current Medical Expenses Office (BZV) and the Social Insurance Bank.

115. Sint Maarten has, for some time, been investing in improving the quality of care and making more specialist treatment available, in response to the public's needs. The intention is that it will introduce its own general insurance system, independent of the Social Insurance Bank.

116. Curaçao has been looking at introducing a General Health Insurance system for some years, but this has not yet been finalized.

117. The most recent survey on the state of the nation's health took place 15 years ago (none have since been carried out due to lack of funding). It concluded that women, the elderly and people from lower socio-economic classes suffered from poorer health and were less likely to make use of health-care facilities.

118. The current situation is as follows. Perinatal mortality is high in the Netherlands Antilles. This is caused by the high incidence of toxæmia (eclampsia and pre-eclampsia). Incidences of hypertension and diabetes mellitus in pregnant women are a contributing factor, as is the fact that too many women wait until their pregnancy is advanced before consulting a doctor.

119. The percentage of babies and children vaccinated against diphtheria, whooping cough, tetanus, polio and measles varies from island to island. On Saba, 100 per cent of children are vaccinated; that figure is 98 per cent on Sint Eustatius. Around 95 per cent are vaccinated on Curaçao and Bonaire, while on Sint Maarten the rate is somewhere between 60 and 80 per cent.

120. Not everyone has equal access to health care: people from the lower socio-economic classes face longer waiting lists; there are class differences in hospital; and limited access to non-essential treatments. On Sint Maarten around 30 per cent of the population has no medical insurance. This is due partly to large numbers of unregistered aliens, and to the fact that some people neither qualify for a PP-kaart (entitling the holder to free medical treatment) nor earn enough to pay for private insurance. The rising costs of health care on Curaçao demand that new measures be taken to set up a manageable system for buying in medical care. This will become an increasing problem as the population ages and the number of people of working age contributing to costs declines. This is compounded by the fact that various groups of people with insurance require ongoing care, and there is little incentive to economize. Given the precarious financial situation, the cost of health care is high; on Curaçao it amounts to around 12 per cent of GDP.

121. A large proportion of the costs are generated by the main hospital on the island, and by specialist care. Various studies have emphasized the fact that specialists do not have strong ties to the hospitals in which they work, and often have their own practices in addition to their hospital work. The island territory of Curaçao's policy is not only to tackle the necessary physical renovation of hospitals, but also to integrate specialist and hospital care. The objective is not just to achieve greater efficiency, but also to improve the quality of care offered. Another issue is the fact that the provision of care is not sufficiently well regulated. For example, there is a surplus of GPs on Curaçao (where there are twice as many per head of the population as in the Netherlands - not all of them are qualified), and more than one company offering expensive MRI scans. Care for those who cannot afford it or who are of limited means is fully subsidized, with no clear limit. Another complication is that the two main bodies responsible for purchasing care (the Medical Expenses Office and the Social Insurance Bank) operate independent, complex pricing systems.

122. The following management measures, some of which are taken from the 2007-2010 programme for restructuring health care, should be implemented between 2008 and 2010:

(a) Introducing a basic care package for every citizen, clearly setting out their rights and establishing standard prices, as the first step towards introducing General Health Insurance (AZV). A possible merger between the Social Insurance Bank (SVB) and the Medical Expenses Office (BZV) is currently under discussion;

(b) Drawing up a management plan for pooling and standardizing the purchase (by the SVB and the BZV and, eventually, the new agency) of GPs' services and specialist medical care, on the basis of standardized principles and prices;

(c) Introducing measures to lower the price of medicines, including:

(i) A standard reimbursement for each item on a prescription;

(ii) Stimulating the use of generic medicines (making a possible saving of ANG 10 million a year);

(iii) Excluding certain medicines from insurance cover, such as over-the-counter cold and flu remedies;

(d) Introducing new statutory regulations covering the number of workers and capital goods on the market, to limit numbers and safeguard quality (e.g. compulsory certificates for GPs);

(e) Ensuring that communication takes place, and that preventive policies and transparency of information are standard. This will result in increased awareness, a change in patients' behavioural patterns (which are often culturally determined) and, thus, a reduction in consumption of health services.<sup>2</sup>

123. As part of the Curaçao Socioeconomic Initiative (SEI) a number of health-care projects have been approved (see below). They will be introduced in the period 2008-2010, together with a number of reforms and measures designed to permanently improve the economic structure and reduce social disadvantage on Curaçao. The SEI will also work on a number of administrative reforms which, in the light of Curaçao's imminent autonomous status, are vital if quality and continuity in Government are to be guaranteed. Finally, other initiatives will improve the functioning of the labour market, benefiting economic and social objectives alike.<sup>3</sup>

124. The following public health-care projects have been approved:<sup>4</sup>

(a) Antillean Institute for Health Research;

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<sup>2</sup> Curaçao Socioeconomic Initiative, *Building a secure future*, version of 26 March 2008, pp. 65-66.

<sup>3</sup> *Ibid.*, p. 4.

<sup>4</sup> *Ibid.*, p. 67.

- (b) Integrating specialist and hospital services;
- (c) Policy document on the structure of care provision;
- (d) Psychosocial rehabilitation;
- (e) Electronic patient database;
- (f) Investigation into the psychosocial health of the population of Curaçao;
- (g) Integral prevention.

**(a) Antillean Institute for Health Research**

This project will support the establishment and organization of the Antillean Institute for Health Research (AIHR), which is being set up to meet the need for more detailed information on which to base decisions on health-care provision, financing and policy.

**(b) Integrating specialist and hospital services**

This project will make a start on organizational preparations for integrating specialist and hospital services in the new hospital. It will also look at possible solutions for the current problem of specialists having their own external practices (*ofisinas*).

**(c) Policy document on the structure of care provision**

This document will lay out health-care reforms, including the introduction of General Health Insurance (AZV).

**(d) Psychosocial rehabilitation**

The project will look at creating step-up jobs for people with mental impairment and establishing a community centre for their use.

**(e) Electronic patient database**

The project will look at choosing and introducing an integrated electronic system for tracing children in the health-care system.

**(f) Investigation into the psychosocial health of the population of Curaçao**

The aim of the investigation is to gain a better insight into the psychosocial health of the population of Curaçao.

**(g) Integral prevention**

This project will focus on a developing an integral approach to prevention policy and initiatives.

125. A number of environmental health rules and regulations are in place in the Netherlands Antilles but they are insufficient, a fact which is recognized by the Government. Environmental standards have been drawn up for priority areas (refineries, utility companies, waste-disposal companies) but have not yet come into force, pending the entry into force of the National Ordinance on Environmental Principles. In addition, a number of general island ordinances (e.g. the Waste Ordinance, Pollution Ordinance and the Police Ordinance), which allow the island authorities to act when there is a threat to public health or the environment, are already in force. Nevertheless, there are not enough staff to ensure that they are complied with.

126. In terms of preventing, treating and combating epidemic and endemic diseases, Curaçao has already taken a number of steps aimed at combating chronic disease, e.g. introducing an anti-obesity policy. Research has been proposed into the effect of air pollution caused by the Isla refinery on children's lungs. Observation and early warning systems are in place to help fight dengue fever, as well as a protocol on preventing the outbreak of a dengue fever epidemic. Various NGOs are working to prevent the spread of HIV/AIDS and to raise people's awareness of the illness, but are hampered by: (i) a lack of coordination between NGOs; and (ii) the fact that many international organizations, e.g. the Caribbean Epidemiology Centre (CAREC), the Pan Caribbean Partnership Against HIV/AIDS (PANCAP), the Pan American Health Organization (PAHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) are already active in this field and set a wide range of requirements.

127. A major problem facing the Netherlands Antilles health system is the fact that the country cannot access international funding. This is because it is not an independent country and, as part of the Kingdom of the Netherlands, is not considered to be a developing country. It also receives no health funding from the Dutch Government because it is not one of the priorities specified in the development relationship. When the constitutional changes take place, the BES islands will receive this support. It is uncertain what will happen with Curaçao and Sint Maarten.

**Table 11**

**Health-care costs per head of the population,  
in ANG (2003)**

Bonaire	4 429
Saba	4 154
Sint Eustatius	2 814
Curaçao	3 818
Sint Maarten	2 335

*Source: Financial Overview of Healthcare, 2004.*

**Table 12**  
**Total health-care costs, in ANG (2004)**

	Total health-care costs	Costs of basic health care
Curaçao	513 902 309	8 993 214
Bonaire	46 233 563	1 496 661
Sint Maarten	97 662 617	2 717 079
Saba	5 992 265	425 273
Sint Eustatius	7 488 951	180 325
Netherlands Antilles	653 279 705	13 812 553

*Source: Financial Overview of Healthcare, 2004.*

**Table 13**  
**Total costs of non-residential care, in ANG (2004)**

Curaçao	238 370 017
Bonaire	18 460 873
Sint Maarten	35 017 348
Saba	1 635 159
Sint Eustatius	1 972 391
Netherlands Antilles	295 455 787

*Source: Financial Overview of Healthcare, 2004.*

### **Article 13**

128. Education in the Netherlands Antilles is accessible to all. Primary education is free. Secondary education, however, is not. On some islands, such as Bonaire, parents have to contribute towards school expenses on top of paying enrolment fees and for books. Parents who cannot pay may be eligible for a study costs allowance. A charge is also made for participation in secondary and higher professional education, but students can apply for grants.

129. Given the small scale of the education system and its high running costs, it is not always possible to offer all forms of education on all islands. Primary and secondary education, up to pre-vocational secondary level, is available on all islands. Secondary vocational education (SBO) is fully developed on Curaçao, while only a limited number of courses are available on Bonaire. The Windward islands, Saba and Sint Eustatius, are not yet able to offer SBO. Efforts to make SBO available on Sint Maarten are currently under way. The University of St. Maarten already offers a small selection of SBO courses.

130. Students can attend higher education facilities on Curaçao and Aruba, in the Caribbean, or in the Netherlands. Young people from Bonaire, Sint Maarten and, to a lesser degree, Sint Eustatius, can study at SBO level at the University of the Netherlands Antilles. Certain specialist courses, e.g. primary and secondary school (FO) teacher training and grade two teacher training for teachers of Papiamentu (see section on higher education), are also available on Bonaire.

131. In February 2006, the National Ordinance on Compulsory Youth Training (SVP) was introduced, aimed at young people aged 16 to 24. The National Ordinance offers young people who have dropped out of school another chance to gain qualifications that will help them find a job, or enable them to return to mainstream education via a bridging class. The aim is to stop the numbers of young people in this group from growing. National and island territory authorities, schools and NGOs are all involved in implementing the scheme. The number of young people participating has been broken down per island territory:<sup>5</sup>

- Bonaire                    200
- Curaçao                   2,750
- Sint Eustatius            47
- Sint Maarten            838

No figures are available for Saba.

132. The project was launched with a pilot scheme involving 38 young people on Bonaire, 110 on Curaçao, 13 on Sint Eustatius, and 72 on Sint Maarten. Once the pilots had been successfully completed the training schemes proper were launched.

133. In order to maximize the impact of the Ordinance and make optimal use of existing capacity, a number of schemes have been combined, e.g. raising the minimum school-leaving age, improving pre-vocational secondary education (VSBO) and making changes to secondary vocational education (SBO). It is hoped that this will drastically reduce the number of school dropouts, the aim being to eliminate them in the 16-18-year-old age group within three years. The Netherlands has made funding available for this project.

134. Between June 2003 and June 2007, the entire education system in the Netherlands Antilles, from primary education through to higher education, underwent a major overhaul. A number of these changes affected preschool education.

### **Preschool education (VSE)**

135. Although preschool education is not considered part of the mainstream education system, we will describe the developments that have taken place. Preschool education, for children aged 4 and under, is part of foundation-based education (FO) in the sense that it prepares children for FO, which begins when they are 4. Several years ago, the national Government and the island territories drew up a policy plan. In 2004, on the grounds of this plan and in response to various social developments, it was decided that 3 was the key age and that there would therefore be special focus on 3 year olds living in deprived neighbourhoods.

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<sup>5</sup> *Source:* Second external monitor on the Compulsory Youth Training programme 2006-2008, July 2007.



136. In 2007, a framework curriculum for preschool education on activities for children aged 4 and under was developed. The curriculum also defines standards for crèches and childcare centres, again with special focus on 3 year olds. The intention is that it will be adopted by all childcare facilities on all islands.

137. In terms of legislation, all islands have an island ordinance in place specifying the minimum requirements with which childcare centres must comply (i.e. regarding hygiene, security, staff, facilities etc.) There are childcare centres on every island. Not all are subsidised; even those that are often have to ask parents for a small contribution towards costs.

### **Educational reforms**

138. The national objective for education in the Netherlands Antilles is:

(a) To ensure that all children have equal, easy access to and can benefit from high-quality education, allowing every citizen to reach their full potential and be involved in economic and social development;

(b) To ensure that all Antilleans receive a general education that allows them to participate in Antillean society, in the Caribbean and in the wider world, without compromising their cultural identity.

139. The current Minister of Education and Culture has drawn up an integrated Delta Plan, which will put in motion an innovative, focused effort to give young Antilleans a better start in life. The plan encompasses a number of programmes, which will approach the issue from various angles:

- (i) Extending compulsory schooling to apply from ages 4 to 18, and improving enforcement;
- (ii) Embedding the Youth Training Programme and maximizing its impact and effect;
- (iii) Making educational reforms more lasting and practicable;
- (iv) Offering parenting support, thus encouraging parental involvement;
- (v) Welcoming multilingualism as a positive aspect of development;
- (vi) Creating a platform for maximizing the participation of young Antilleans in the employment market.

140. Within approximately five years, the Delta Plan should raise the level of educational facilities for young Antilleans to an acceptable standard, reforming the entire system and reducing the proportion of school drop-outs and youth unemployment to an acceptable level. Mainstream education, the Youth Training Programme and special courses will equip young people for optimal social participation, allowing them to enter the labour force as skilled workers.

141. Over the last 10 years, in line with national educational objectives, a number of innovative processes have been introduced in the interests of achieving required standards. The Delta Plan will continue this process of reform, which in the last five years (2003-2007) has focused on the following areas.

### **A. Primary education**

#### **Foundation-Based Education (FO)**

142. The FO system was introduced on all five islands of the Netherlands Antilles at the same time. By 2007/2008 it had been up and running for five years. Implementing FO is a major, complex operation. The nature of the operation, certain island-specific factors and the involvement of a number of institutions at the national and island levels means that the process has been more successful on some islands than on others.

143. FO is non-selective and development-oriented, and able to accommodate pupils' different stages of development. There were originally three cycles. The first cycle covered ages 4-8; the second ages 8-12; and the third ages 12-14. The old year-group system was replaced with heterogeneous multi-age groups. In 2005/2006 the Minister of Education and Culture proposed certain changes in policy. As a result, the multi-age method of grouping pupils is now optional, although teachers are still required to differentiate between children in terms of the speed at which they can learn and the content of the material being taught. Also, there are now two cycles in FO instead of three. The first cycle covers ages 4-8, and the second, ages 8-12. What used to be the third cycle is now the first (basic) stage of secondary education.

144. The Minister of Education and Culture also proposed that school boards be allowed to determine the language in which lessons are given. This has now been approved by the Council of Ministers. In addition to Papiamentu (mother tongue in the Leeward islands) and English (mother tongue in the Windward islands) schools can also choose to give lessons in Dutch, or opt for bilingual education (Papiamentu-Dutch or English-Dutch).

145. In 2007/2008 teachers will receive special training to help them adjust to the new two-cycle system. Special teaching materials for the new system have been developed, and textbooks have been produced in Papiamentu to promote the language and help improve children's reading skills.

#### **Special education**

146. A policy document has been drawn up to guide special education reforms. The aim is to turn special needs schools into centres of expertise that can assist FO schools and offer them support. These proposals will need to be explored in more detail in a policy plan. Proposals have also been drawn up on accommodating special needs pupils in FO, which schools now need to elaborate on. Under the new system, pupils with learning and behavioural difficulties will be offered the care they need to enable them to participate in FO rather than be referred to special education. Special education will only be for those who cannot participate in FO and require highly specialized supervision.

### **Activities relating to the introduction of FO**

- (i) A four-year education cooperation programme has been entered into with the Dutch Government. The Netherlands will donate 85 per cent of the costs of introducing FO and vocational education; the Government of the Netherlands Antilles will donate a further 10 per cent, with the final 5 per cent coming from the island territories. The programme has been extended to cover 2007. At the end of 2007 a new programme will be agreed. Given the planned changes to the constitutional status of the Antilles, new agreements on the programme and its funding will need to be made in future years;
- (ii) The first FO cycle is now up and running in schools. Teachers have been following a special training programme, which they will complete in 2007/2008. Teachers in the second FO cycle are now following a similar programme. By 2012 all teachers working in FO will be qualified FO teachers;
- (iii) In 2002/2003 the Fundashon Material pa Skol (FMS) was set up to develop teaching materials for each of the eight teaching areas. For example, it has materials in Papiamentu for schools in the Leeward islands. Lessons in the Windward islands are given in English, so it is easier for them to source materials elsewhere. In 2006 work on developing teaching materials for the first year of the second cycle was complete;
- (iv) In 2006 the island territory of Curaçao commissioned a language policy plan entitled Multilingualism on Curaçao (Meertaligheid in Curaçaose Context). The plan sets out guidelines for the language of instruction and for language skills in FO;
- (v) A report card has been developed, which schools can use to evaluate their own performance. They can award themselves marks for their teachers, managers, and other non-teaching staff. This allows schools to put themselves to the test and use the results to improve the education they offer;
- (vi) A variety of projects are being implemented to improve school infrastructure. Buildings have been altered so that they comply with the new requirements. All schools on Bonaire now have a multifunctional space. On Curaçao FO school buildings have been adapted to remove the physical division between what used to be the preschool and primary school sections. New classrooms have been built, and toilets have been adapted to accommodate younger children. Schools have been given extra space in which to hold meetings and coaching sessions, and existing classrooms have been modified for ICT purposes.

### **B. Secondary education**

#### **New-style senior general secondary education (HAVO) and pre-university education (VWO)**

147. The principles behind the policy on the new-style HAVO/VWO are:

- (a) Reducing selection on the basis of social background;

- (b) Offering a coherent system of education;
- (c) Accommodating individual differences and giving weaker pupils extra attention;
- (d) Creating equality between vocational education and general secondary education.

148. HAVO and VWO are currently composed of two levels of study. The first level comprises basic secondary education plus a “profile” year which prepares students for related courses of further training; the second (more advanced) level lasts respectively three or four years (for HAVO and VWO). During the first year of the second level students must choose from four different profiles: economics and society, science and technology; science and health; and culture and society. Each profile consists of a common component, a specialized component and an optional component offering a free choice of subjects.

149. By the time FO has been fully introduced, the second level of this new-style secondary education and FO should connect seamlessly.

150. There are also ongoing reforms in HAVO/VWO. In line with the changes that have recently taken place in equivalent schools in the Netherlands, and given the views of the Minister, in 2006/2007 policy on a number of points was modified. The changes will come into force in August 2007; the Government’s education partners have been informed. The changes will be incorporated in the National Ordinance, by means of a memorandum of amendment that is currently being drawn up. Multilingualism is a key point. In HAVO, the language of instruction is Dutch, which is compulsory for all students. English is also compulsory, as is Papiamentu (the language spoken by most people in the Leeward islands). Students are also taught Spanish.

151. In VWO, Dutch, English and Papiamentu are all compulsory, with a choice of Spanish, French or German. The Papiamentu course is still being developed. In the next few years more work will be required on the course for grade one teachers and on developing teaching materials. In the Windward islands, it is compulsory to study one modern language (Spanish or French) in addition to Dutch and English.

#### **Activities relating to the new-style HAVO/VWO**

- (i) In 2006/2007 a detailed survey was conducted into the quality of HAVO, VWO and the Caribbean Secondary Education Council examination (CXC). The results, on which further improvements can be based, are currently being compiled;
- (ii) In March 2006 a two-day teachers’ conference was held on new teaching skills and the new curriculum on Curaçao;
- (iii) In 2007/2008 a number of examination syllabuses were altered in line with the proposed changes in policy.

### **C. Vocational education**

152. Vocational education consists of pre-vocational secondary education (VSBO) followed by secondary vocational education (SBO). In summary, the principles behind the Netherlands Antilles vocational education policy are as follows:

- (i) That it should build on the broad basis of general knowledge and skills provided by FO. Such general education is important for personal development and the ability to function within Antillean society, and for developing key qualifications required in the modern labour market;
- (ii) That it should equip students to make the transition from studying to working life;
- (iii) That, in a world of rapid social, economic and technological developments, it should equip students for lifelong learning in whichever profession they enter;
- (iv) That there should be no scope for rigid division between vocational education and general education, which are equally valid;
- (v) That it should respect students' heterogeneity in terms of capacity and interests, offering more specialisation and tailor-made teaching by means of differentiated programmes, materials and teaching methods;
- (vi) That it should also be accessible to those already employed or seeking employment.

#### **Pre-vocational secondary education (VSBO)**

153. VSBO merges pre-vocational education (BVO) and junior general secondary education (MAVO). It offers training in three sectors: (i) technology; (ii) care and welfare; and (iii) economics. VSBO strives for equal opportunities by allowing pupils to choose their vocational direction at a later stage, by including general and vocational subjects in course selection and by streaming.

154. The first two years of the four-year course focus on giving all pupils a general educational grounding. In the third year of the course students choose one of three options: the theoretical middle management programme (TKL), the practical middle management programme (PKL) or the basic practical programme (PBL). VSBO is not terminal education. In the fourth and final year pupils go on to secondary vocational education (SBO) or, if they so choose, HAVO.

155. One option for pupils who are falling behind is Individualised Extra Support (GEO), intended for pupils who should be capable of following VSBO programmes but are having problems doing so. Under this scheme pupils are offered extra support to successfully complete their chosen programme and gain a diploma. In order to ensure for VSBO to meet these pupils' needs, special regulations have been included in the memorandum of amendment to the draft National Ordinance.

156. Pupils who are struggling with VSBO, even when they have extra tuition, can switch to basic vocational training (AGO). AGO, which is, in principle, terminal education, prepares them for employment. It was introduced in 2005/2006.

### **Secondary vocational education (SBO)**

157. SBO was introduced in 2004/2005, merging senior secondary vocational education (MBO), short senior secondary vocational courses (KMBO) and courses offered by the National Vocational Training Centre (FEFFIK). Two programmes are available: studying while working (a more academic programme, aimed at TKL students) and working while studying (a more practical programme, aimed at PKL and PBL students). Programmes can be followed at four levels:

- Level 1: training to assistant level (one year)
- Level 2: basic vocational training (two years)
- Level 3: professional training (three/four years)
- Level 4: middle management training (four years)

158. There are no minimal admission requirements for the first two levels, which are suitable for PBL students. AGO students can enter SBO at level 1. PKL students can follow level 3 programmes, while TKL students can follow programmes at levels 3 or 4.

### **3. Ku Kara pa Laman - Facing the Waves**

159. The Ku Kara pa Laman/Facing the Waves project was set up in 2006 in response to and in continuation of a work/study programme followed by a number of FEFFIK students in spring 2004. The project has two objectives: to set up a ferry link between the Netherlands Antilles, Aruba and Venezuela, and to establish the Ku Kara pa Laman floating school, offering free education for disadvantaged young people as part of the Compulsory Youth Training programme.

160. The six-month programme gives young people aged 16 to 24 who have received little or no education the chance to study, work and live on the floating school. They have the opportunity to develop personally and professionally, improving their chances in the labour market or furthering their education. Once they have completed the course they can choose to apply for maritime training at level 1 (seaman) or, if they complete a bridging course, level 2 (officer). They can also opt to apply directly for onshore jobs, for example in the catering industry.

161. Ku Kara pa Laman is a positive project that will have long-term benefits. We cannot, however, expect to see an immediate improvement in current dropout rates. At the moment only one ship is involved in the project. However, if each ship registered with the Antillean authorities took on four young people, this could mean 1,200 participants at any one time. The project thus represents a unique opportunity to make a huge contribution to solving education and employment problems in this age group. It is expected to recoup its costs fairly quickly, in terms both of the earning power of participants once they have completed the course and of commercial income from freight and passenger traffic.

## **D. Higher education**

162. Antillean higher education policy focuses on supporting local facilities in order to fight brain drain and create a local infrastructure of highly educated people, a prerequisite for sustainable social development. There is one national university, the University of the Netherlands Antilles (UNA), plus the University of St. Maarten (USM). A funding model is being developed to ensure that Government funding is allocated to the UNA, the USM and other eligible higher education institutions simply, transparently and responsibly.

### **University of the Netherlands Antilles**

163. The UNA has four faculties: the Faculty of Law, the Faculty of Social Sciences and Economics, the Faculty of Engineering and the Faculty of Arts. A Faculty of Social Work and Behavioural Sciences is being set up. The University is keen to monitor its own policymaking processes and changes in relevant legislation, and is successfully developing an accreditation system for a number of programmes.

164. The Faculty of Arts will soon be known as the Faculty of Educational Training and Cultural Studies, and will offer four-year grade two teacher training courses in Papiamentu, English and Dutch, and an FO teacher training course.

165. There are two versions of the grade two teacher training course in Papiamentu: full-time (introduced in 2002/2003) or intensive (introduced in 2003/2004). Grade two teacher training in English was introduced in 2004/2005, with Dutch following in 2005/2006. Since 2004/2005 and 2005/2006, respectively, students from Curaçao and Bonaire have been able to follow an individual learning pathway.

166. In 2006/2007 the FO teacher training course was established on Curaçao, with Bonaire following in January 2007.

167. In anticipation of the Higher Education Act, FO teacher training courses will start operating the European Credits Transfer System (ECTS). Grade two teacher training in Dutch, Papiamentu and English will follow after the 2007/2008 academic year.

168. The Faculty of Law (FdR), which works closely with a wide range of other universities and faculties, started introducing the Bachelor-Master structure in 2003/2004.

169. The Faculty of Engineering (TF) offers three main degree programmes:

- Architecture and Civil Engineering
- Information Technology and Electrical Systems
- Industrial Technology

170. The Faculty of Social Sciences and Economics (SEF) operates the European Credits Transformation System (ECTS).

**Table 14****Students at the University of the Netherlands Antilles (UNA), 2003-2007**

Academic year	AF	FdR	TF	SEF	Total
2003/04	51	199	301	490	1 041
2004/05	96	231	381	647	1 355
2005/06	162	236	457	870	1 725
2006/07	238	474	249	1 071	2 032

**Table 15****Graduates of the University of the Netherlands Antilles (UNA), 2003-2007**

Academic year	AF	FdR	TF	SEF	Total
2003/04		15	18	15	48
2004/05		17	20	14	51
2005/06	9	20	20	58	107
2006/07	19	29	20	45	113

**Akademia Pedagógiko Kòrsou (APK)**

171. In 2002/2003 the APK began to develop a new curriculum for FO teacher training. Staff training began in 2003, and the programme was launched in 2004, marking the end of the old-style primary and nursery school teacher training courses.

**Table 16****Students at Akademia Pedagógiko, 2003/2004**

	Male	Female	Total	Total/school
Primary school teacher training	10	127	137	
Nursery school teacher training	7	95	102	
Total	17	222	239	239

**Table 17****Students at Akademia Pedagógiko, 2006/2007**

	Male	Female	Total	Total/school
Primary school teacher training	8	60	68	
Nursery school teacher training	7	87	94	
Total	15	147	162	162



## **University of St. Maarten (USM)**

The USM provides training at the following levels:

### **Associate degrees**

- Associate of Arts in Business
- Associate of Arts in General Liberal Arts
- Associate of Science in Computer Science

### **Bachelor degrees**

- Bachelor of Business Administration
- Bachelor of Arts in Education

### **Master degree**

- Master of Arts in Education

### **Study programmes (non-degree programmes)**

- Adult Enrichment Programme
- English as a Second Language (ESL)
- General Equivalency Diploma Tutorial (GED)
- College Preparatory Programme (CPP)
- Continuing Education Programme (CEP)

172. A diploma awarded under the Dutch, American, French or English education systems is required for admission.

173. A number of other institutions also offer higher professional education courses, many of which are recognized by the Antillean Government. These institutions often have a close working relationship with institutions in the Netherlands.

174. There are also a number of medical schools operated on a charter basis in the Netherlands Antilles:

- Bonaire: Saint James School of Medicine; Xavier University School of Medicine
- Curaçao: St. Martinus University Faculty of Medicine; Caribbean Medical University

- Saba: SABA University School of Medicine
- Sint Eustatius: University of Sint Eustatius Medical School
- Sint Maarten: American University of the Caribbean School of Medicine

175. The medical schools will soon be launching an accreditation system for their courses. Preparations are well under way.

### **Chair in Knowledge Economy**

176. For some time there have been plans to create a Chair in Knowledge Economy. During the thirty-third session of the UNESCO General Conference (2005) talks were held on setting up this Chair in the Netherlands Antilles. NUCN has contributed by offering its expertise in this area, and the question of creating a Chair in Knowledge Economy was included in the memorandum of understanding between the NUCNA and the NUCN. The islands have also been in contact with the Instituto Internacional de la UNESCO para la Educación Superior en América Latina y el Caribe (IESALC), which is responsible for higher education.

177. In June 2006 a seminar was held for the purpose of:

- (i) Looking at whether the Netherlands Antilles has the preconditions required for more active stimulation of the knowledge economy;
- (ii) Proposing arguments for future knowledge economy policy, as part of international trade policy;
- (iii) Drawing conclusions and making recommendations, to result in guiding principles for further developing the education system and stimulating the economic sector, thus boosting the knowledge economy in the Netherlands Antilles.

178. A number of local organizations participated (the Chamber of Commerce, the Bank of the Netherlands Antilles, UNA, the consultancy firm KPMG), together with international organizations such as the World Bank and the Economic Commission for Latin America and the Caribbean.

179. Following the seminar, the Economic Affairs Department and the Education, Sport and Culture Department took over the process. The UNA, working with a designated interdepartmental committee, will coordinate the process until the Chair in Knowledge Economy is fully established and under way. The committee will also work on other knowledge economy projects.

180. The intention is to seek cooperation with other Caribbean islands with an interest in the knowledge economy/creative economy, within the framework of the Caribbean Community (CARICOM).

## **E. Legislation**

181. A number of changes have been made to legislation in response to changes in policy.

### **1. National Ordinance on Official Languages**

182. Three languages are commonly spoken in the Netherlands Antilles: Papiamentu, English and Dutch. There has long been uncertainty regarding the social position these languages occupy and their use in Government-citizen relations. For the sake of clarity, and to encourage cohesion in linguistic policy, the Government has issued a National Ordinance detailing which languages the Government and citizens can use when communicating. Rules on public use of the languages have also been introduced. The National Ordinance, enacted by the States of the Netherlands Antilles on 28 March 2007, is the first step towards achieving an optimal control and use of the three official languages within the Netherlands Antilles.

### **2. Amendment to the National Ordinance on Compulsory Education**

183. In 1991 the National Ordinance on Compulsory Education, which then applied to 6 to 15 year olds, came into force. In response to the changes that have since taken place, the National Ordinance has been amended, so that children aged 4 to 18 are now covered. More is being done to ensure that school-age children attend school. This means monitoring young people's progress, and offering them help if they are likely to drop out of school without basic qualifications. The amended National Ordinance on Compulsory Education, enacted by the States of the Netherlands Antilles on 22 June 2007, entered into force on 1 August 2007. By reducing the lower limit of compulsory school age, the Government hopes to ensure that all Antillean children receive a minimum basic education, which will lay solid foundations for future learning. Early encouragement gives children a better start, improving their chances and maximizing their development potential. This is particularly true for children from deprived environments, whose parents are unlikely to sufficiently understand the importance of encouraging education at an early age. The aim of increasing the upper limit to 18 is to reduce the number of dropouts to a minimum by ensuring that all young people are trained and educated and reach at least SBO level 1. This will make it easier for them to find a job. 18 year olds who fail to reach this level will then come under the National Ordinance on Compulsory Youth Training.

### **3. National Ordinance on Compulsory Youth Training**

184. This Ordinance applies to young people aged 16 to 24, a large proportion of whom drop out of secondary education before they get their diploma. The Ordinance addresses this problem by laying down regulations on schooling and training, giving this target group a second chance to attain a level of education that will allow them to succeed in the labour market.

### **4. Draft National Ordinance on Inspection**

185. Over the last 10 years a number of educational reforms have taken place in the Antilles, with the aim of improving access to, and quality of, education and facilitating the transfer to higher education. These changes necessitate a quality assurance system that meets modern

requirements. All educational actors (e.g. the education inspectorate, the examination board, the island territories, school boards, schools etc.) will need to work together in order to achieve the desired results. The draft National Ordinance on Inspection determines the framework within which the inspectorate and other supervisory bodies will operate, and the powers they will have.

### **5. Draft National Ordinance on Higher Education in the Netherlands Antilles**

186. The existing National Ordinance will be amended in line with new policy on higher education in order to meet the demands of modern education. The new ordinance will lay down regulations on university and higher vocational education and specify conditions that will need to be met if courses are to be officially recognized and qualify for funding.

### **6. Draft National Ordinance on Youth Care**

187. This ordinance is still being developed. It will be presented to stakeholders in the near future.

## **F. Specific problems affecting education in the Netherlands Antilles**

### **The two tiers of Government**

- (i) The Netherlands Antilles has two tiers of Government; the Central Government and the five island authorities. Policy and legislation are drafted at central level, with implementation taking place at island level. This system can only work if there is close coordination between the two tiers. The constant changes of Government in recent years have had a negative impact on policy and its implementation.

### **Educational funding**

- (ii) Education is a form of investment in the future. Major changes to primary education and reforms in secondary education require major investment. This entails considerable efforts on the part of the Government to gain the required funding. Teaching materials, continuing education infrastructure and teachers' wages are just some of the costs. Education on the smaller islands of Saba, Bonaire and Sint Eustatius is proportionally more expensive, as only a small number of pupils benefit from investments. Still, they need to be made. In 2002/2003 the Netherlands and the Netherlands Antilles signed a four-year educational cooperation programme under which the Netherlands contributed 85 per cent of the renovation costs. The Netherlands Antilles contributed a further 10 per cent, with the final 5 per cent coming from the island territories. The programme was due to end in 2006, but was extended to 2007. Implementation plans were drawn up for the Antilles as a whole, and for each individual island. One of the problems the programme encountered was understaffing, which initially made implementation in line with the plans impossible and delayed projects. It is expected that a new cooperation programme will be signed at the end of 2007 for the period 2008-2011.

### **Lack of capacity**

- (iii) When the time came to implement the reforms, it became clear that the Antilles, as a small group of islands, sometimes lacked the necessary expertise. This meant that specialists had to be brought in from outside. The islands had little funding to pay for these experts, meaning they were only available for a limited period. One positive effect of this was that it forced Antillean experts to learn quickly, and put their new knowledge immediately into practice.

### **Teacher shortage**

- (iv) All five islands have to contend with a shortage of teachers, caused by: (i) an ageing teaching population (a worldwide problem); (ii) a lack of appreciation of the profession, causing some people to leave it;<sup>6</sup> (iii) fewer people training as teachers, due to a lack of interest; and (iv) fewer pupils leaving school with the diplomas required to train as a teacher. The shortage can partly be relieved by bringing in teachers from abroad, and by offering part-time/intensive teacher training courses. Lateral-entry teachers are also part of the solution. The Windward islands suffer from a particularly high teacher turnover, and often have to resort to contract workers from neighbouring islands. The problem is that contract workers tend to leave before their contract has expired and, even if they do stay on to the end, tend not to renew the contract. This makes it difficult to establish a reliable pool of teachers, and means that the shortage is never properly addressed. Cultural differences can also be an issue; if contract workers find it difficult to fit in, this can have a negative effect on their pupils' education. Another problem is that teachers from abroad need to be trained and schooled in the new education system. When they leave they take this knowledge and experience with them. And when new contract workers take their place, the same happens. This problem is made more acute by the fact that young people who leave their own island (e.g. Saba) to train as a teacher tend not to return.

### **Illegal schools**

- (v) On Sint Maarten there is also the problem of illegal schools. This is more a migration/legal issue that affects education than an educational issue in itself. Migrants from neighbouring islands bring their families to Sint Maarten in the hope of building a better future. They remain on the island, but never acquire legal status, thereby missing out on mainstream education. The island authorities are aware of the seriousness of this problem, and are looking for a solution. In 2005 they called for children living illegally on Sint Maarten to be registered. In 2006 they conducted a survey of illegal schools. It turned out that there were 11 in operation, teaching 619 pupils aged 4 to 18.

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<sup>6</sup> In 2001 the Minister of Education and Culture ordered a commission to be set up to address this issue. One of its recommendations - to establish a collective agreement between the Curaçao island authority and the teachers' Trade Union - was implemented in 2002. As a result, the island territory has established new regulations on teachers' pay, which slightly improve their position.

**Table 18**

**Numbers of pupils attending illegal schools, by age**

Age of primary school pupils	Number of pupils	Age of secondary school pupils	Number of pupils
4 years	7	13 years	43
5 years	15	14 years	32
6 years	33	15 years	24
7 years	26	16 years	23
8 years	37	17-18 years	5
9 years	23		
10 years	30		
11 years	49		
12 years	50		

**Lack of relevant skills**

- (vi) One of the problems with vocational education is that it does not train pupils in the skills the labour market requires. The result of this is high youth unemployment. Saba and Sint Maarten have raised this issue on more than one occasion. It is also a problem on other islands. One of the aims of the Delta Plan on Education is to create a platform to give young people in the Netherlands Antilles the best possible chance in the labour market. There are three key priorities: (a) ensuring that a sufficient variety of courses are on offer, training young people for professions and jobs that need filling; (b) providing work placements, so that students can gain practical experience; and (c) ensuring that there are enough jobs available, so that young people can enter employment once they have completed their training.

**Insufficient numbers of pupils studying at HAVO level**

- (vii) Not enough pupils are going on to HAVO after VSBO. (Although VSBO is officially followed by SBO, many students use it as an alternative route to HAVO.)

**G. Financial assistance for students**

188. During the 1999-2002 Government's term of office, it was decided that the national student finance system would be decentralized. Each island territory subsequently introduced its own system (except Curaçao, where the Curaçao Student Finance Foundation (Stichting Studiefinanciering Curaçao, or SSC) had already been set up in 1990).

189. In 2004 Bonaire established the Bonaire Student Finance Foundation (Fundashon Finansiamentu di Estudio di Bonaire, or FINEB). On Sint Maarten the Executive Council is responsible for student financing, while the national Government is responsible for Saba and Sint Eustatius. Student financing is available for those studying at SBO, HBO or university level on Curaçao, in the Netherlands or in the Caribbean/United States of America.

190. The St. Maarten Student Support Services (S4), founded in 2004, offers support and advice to students from the Windward islands studying in the Netherlands. In January 2005 a branch of the SSC opened in the Netherlands, providing guidance and support for students from Curaçao and Bonaire. The SSC in Curaçao also provides an allowance for secondary school pupils.

## SSC

191. As of 2006/2007, the SSC has operated a new student financing system for anyone wishing to attend an SSC-recognized institute on Curaçao, in the region,<sup>7</sup> or in the Netherlands. Students who were already receiving grants prior to 2006/2007 do not fall under the new system. The new system, also known as basic funding, consists of a basic grant, a supplementary grant and a basic loan. It is intended to cover tuition fees/school fees, textbooks, public transport and insurance.

192. Under the new system, all students are entitled to 30 per cent of a standard amount, regardless of their parents' incomes. This is the basic grant.

193. The SSC assumes that, on top of the basic grant, parents will contribute a further 30 per cent of essential study costs. If parents do not earn enough to do this, the Government will provide a supplementary grant covering part, or all, of this contribution. The basic grant and the supplementary grant are subject to the same conditions and constitute, in effect, a performance-related grant given to the student for the nominal duration of their course. If the students reach certain targets, they will only have to repay part of the grant.

194. The basic loan is an optional extra available in addition to the basic grant and the top-up grant. Students are charged interest on the basic loan.

195. As long as they meet certain conditions, students can also apply for:

(a) An extra student loan, to cover the costs of extra study materials, extra costs incurred through participating in courses run by SSC-registered institutions, travel costs, costs of specialist equipment and personal costs. This loan is dependent on parents' incomes;

(b) An accommodation allowance to cover the costs of renting a room from an SSC-registered agency. This allowance is dependent on parents' incomes, and is available to students following an HBO course on Curaçao or in the region;

(c) A supplementary student loan, which can only be applied for once the period covered by the performance-related grant has come to an end. It can be paid out for up to two years. Students will be charged interest on this loan. Parents, legal representatives and/or partners of students in the Netherlands will be required to pay them a parents' or partners' contribution.

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<sup>7</sup> "The region" refers to the Caribbean and the United States of America. Due to a lack of funding, financial assistance for students was limited to Aruba a few years ago. As of 2006/2007 the SSC has been gradually enlarging options for study in the region. In 2007/2008 it introduced financial assistance for those following certain courses (agriculture and tourism) at the University of the West Indies (UWI) in Trinidad and Tobago. Students can also study for a grade two teaching qualification at the Instituto Pedagógico Arubano (IPA).

196. Students who are not eligible for basic funding but still wish to study can apply for an exceptional student loan. This is only available for courses run by SSC-registered “second chance” educational institutions on Curaçao.

197. Special allowance: on Curaçao parents on low incomes who are unable to pay for their children’s secondary education costs can apply for a Government allowance to cover study costs. This takes the form of a contribution towards the cost of books and teaching materials and school fees.

### **FINEB**

198. The Bonaire Student Finance Foundation (Fundashon Finansiamentu di Estudio di Bonaire, or FINEB) is still in the process of being set up and currently only provides student grants for study on Bonaire, Curaçao, Aruba and in the Netherlands. Until recently, students wishing to complete their school leaving examination (class 6) at VWO level elsewhere in the Netherlands Antilles were eligible for an allowance towards their study costs. Students are now able to complete VWO on Bonaire.

**Table 19**

**Number of student grants awarded**

Place of study	2003	2004	2005	2006
The Netherlands	343	321	254	317
Curaçao	899	691	705	983
University of the Netherlands Antilles		233	485	10

*\*Source:* SSC Annual Report 2006.

**Table 20**

**Allowances awarded**

	2003	2004	2005	2006
Existing allowances	482	694	759	824
New allowances	260	438	452	270
Total	742	1 132	1 211	1 094

*\*Source:* SSC Annual Report 2006.

### **Public authority schools, Government-funded private schools, non-Government-funded private schools**

199. There are a number of different types of schools in the Netherlands Antilles. As well as schools run by the island authorities (public authority schools) there are also schools based on the principles of certain faiths or philosophies, run by an independent school board (Government-funded private schools) and, on Curaçao, non-Government-funded private schools



providing primary and secondary education. The latter schools either comply with the minimum educational requirements set by the Antillean educational system or operate in accordance with the Dutch or American system. Examples include the Schroeder School, the Vespucci College, the Abel Tasman College and the International School, all based on Curaçao.

200. Public authority and Government-funded private schools are funded by the island authorities under the standard V&V funding system (which stands for Vergoeden en Verantwoorden, or Payments and Accounting). This system provides for the running costs of schools (in terms of staff and material) and accounts for how funding is spent. Staffing costs include teachers, teaching support and non-teaching staff. Material costs include the costs of running and furnishing school buildings, organization, the school board, management and administration. Capital costs, such as the cost of setting up a new school or implementing reforms, fall outside the V&V system. Below is an overview of schools in the Netherlands Antilles.

**Table 21a**

**FO schools, broken down by type**

Type of school/ school board	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten
Roman Catholic	4	27	1	1	6
Protestant		2			1
Seventh-Day Adventist		2		1	1
Humanist		1			
Moravian Church (EBG)		1			
Methodist				1	2
Pentecostal church		1			
Public authority	1	15		1	6
Foundation	2			1	

Total: 78 schools.

**Table 21b**

**Special schools, broken down per type**

Type of school/ school board	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten
Roman Catholic		10			
Protestant		1			
Public authority	1	5			1

Total: 18 schools.

**Table 21c****VSBO schools, broken down by type**

Type of school/ school board	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten
Roman Catholic		14*			
Protestant		3			
Humanist		1			
Methodist					
Public authority	1 (SGB)	2	1 VSBO, run by the CXC	1 VSBO & HAVO	1
Foundation		2**			2 (Sundial & SXM Academy)

\* Including 1 VSBO evening school.

\*\* Vespucci College and Abel Tasman College.

There are 3 schools on Curaçao offering VSO.

Total: 28 schools.

**Table 21d****HAVO/VWO/CXC (Caribbean Secondary Education Council) schools,  
broken down by type**

Type of school/ school board	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten
Roman Catholic		2			1
Protestant		1***			
Methodist					
Public authority	1 (SGB)	1			
Foundation		2**		1 HAVO & VSBO	2, of which one is jointly run by the CXC

\*\*\* Teaching began in August 2007, with one class.

Total: 11 schools.

**Table 21e****SBO schools, broken down by type**

Type of school/ school board	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten
Roman Catholic		4			
Public authority	1	2			

Total: 7 schools.

201. The FEFFIK, the University of the Dutch Caribbean (CDC), Opleiding & Training Curaçao and the Instituto pa Formashon den Enfermeria (IFE) each have their own board and do not fall within mainstream education.

#### Article 14

202. In the Netherlands Antilles, primary education is compulsory and free. Since 1991, with the introduction of the Compulsory Education Act, all children aged 6 to 15 have been obliged to attend school.<sup>8</sup> Under the Act, food, clothing and transport to and from school is provided for disadvantaged children who would otherwise be unable to attend school. These facilities are regulated in island ordinances and, as such, are offered and funded by individual island authorities.

Table 22

**Requests/requests granted for school transport 2003/2004,\*  
Curaçao**

Academic year	Requests	Granted	Drivers
2003/04	5 011	4 808	145
2004/05	5 722	5 386	142
2005/06	6 337	5 868	141
2006/07	6 707	6 278	138

\*Source: Servisio pa Asuntunan di Ensenansa (SAE) Service Plan.

#### Article 15

203. Cultural affairs are primarily the responsibility of the individual islands. The Central Government can, however, contribute to the development of policy and legislation on culture, and is currently developing a cultural policy plan.

204. An overview of cultural activities on the islands is provided below.

#### Bonaire

205. The Servisio di Kultura, Arte i Literatura (SKAL) has organized numerous activities in the last five years, and supported and subsidized various projects (see Table 23 below).

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<sup>8</sup> Since 1 August 2007 all children and young people aged 4 to 18 have been obliged to attend school.

Table 23

## Overview of cultural activities, 2003-2007

Activity	2003	2004	2005	2006	2007
Folkloric masked performances	x	x	x	x	
Grant awarded to the Bonaire Carnival celebration, via Fukabo	x	x	x	x	x
Grant and support to Arte di Palabra, a youth literary competition	x	x		x	
Participation in and support of the kite festival	x	x			
Subsidy and support to Dia di Rincón	x	x	x*		
Publication of Sambarku di Estimulo, a local promotion award	x	x	x		
Grant to the E Lus den Skuridat cultural programme		x			
Celebration of International Museum Day, with other museums on Bonaire		x		x	
Celebration of Simadan di Aleluya, traditional harvest festival		x		x	
Folk festivals in San Juan and San Pedro	x	x			x
Support to Bonaire Day celebrations (celebrating national identity with particular focus on individual islands)		x	x**	x	
Subsidy to Regatta, via BSAF		x	x		x
Tribute to the people of Bonaire		x	x		
Commemoration of the slave uprising in Fontein, and awarding of the Chapi di Lucha (awarded to people who strive for fairness and equality)		x	x	x	
Lecture and workshop on how museums conserve artefacts					x
Purchase of new kuartas, traditional Bonairean string instruments, for schools		x			
Grant for and support of Children's Book Week		x	x		x
Celebration of the 25th anniversary of the Bonaire national flag		x			
Participation in exchange programme with Curaçao		x	x		
Grant for the Tumba Music Festival			x		
Luna yen di poesia, local writers' conference			x	x	
Participation in seminar on Curaçao about cultural heritage legislation			x	x	
Cultural exchange with other Antillean islands			x***	x****	
Performing arts programme/promotion of local music			x	x	x*****
Social festival at community centres					
Recording of promotional videos, Oog op Bonaire				x	
Literary events and awards				x	x*****
Youth talent contest, Rincón				x	
Lecture on Creole languages				x	
International dialogue: youth programme				x	
Publication of story book, Tante Linda da konta					

\* Televised broadcast.

\*\* Bonaire Day celebration in the Netherlands.

\*\*\* Folk festival on Aruba.

\*\*\*\* Exchange with Curaçao.

\*\*\*\*\* Theatre project by Dossier Kòrsou.

\*\*\*\*\* Krusa Laman (Crossing the Seas) international literary festival

## **Curaçao**

206. The work of both local and international artists is exhibited by museums, art galleries, hotels and other venues on Curaçao. There are several annual festivals and celebrations, the most famous of which are the Tumba and Jazz festivals. Harvest festivals (“seú” on Curaçao and “simadan” on Bonaire) are a tradition on the islands, as is the celebration of Carnival for which the Netherlands Antilles is renowned. People from all walks of life participate in the festivities. Over the last few years, Carnival and the harvest festival have become increasingly popular with tourists. The literary scene includes an annual Children’s Book Week and the Arte di Palabra, a literary competition for high school pupils in Papiamentu.

### **1. Siman di Kultura: Lanta bo kara i biba bo kultura (Culture Week)**

207. The Kas di Kultura (House of Culture) is a private foundation subsidized by the Government of Curaçao. It is responsible for implementing the culture policy of the island territory of Curaçao. This includes cultural education for the public, as the island’s policy plan states that islanders need to learn more about their own culture and history. To this end, the Kas di Kultura organized its first Siman di Kultura (Culture Week) in September 2004. The annual event aims to raise people’s cultural awareness and increase their appreciation of the islands’ cultural identity and history. Organizations, businesses, scouts and other youth groups, families, schools, interest groups and artists are encouraged to organize activities and get involved. Activities take place in communities all over the island. There are literary meetings and workshops on dance, drawing, storytelling, painting, the visual arts, exhibitions, and publishing books and CDs. Events are organized in offices, shopping centres, the library and galleries, and various groups perform plays. In 2007, the College of Education (Pedagogische Akademie), the Curaçao Talent and Showbiz Foundation and Bos di Hubentut were asked to perform a play for primary and secondary school pupils. The Siman di Kultura is also a great opportunity for meeting artists, musicians and performers.

### **2. Cultural exchange between the Kingdom and Suriname**

208. A cultural exchange between the countries of the Kingdom of the Netherlands (Aruba, the Netherlands and the Netherlands Antilles) and Suriname took place from 26 to 29 June 2007. Its aim was to promote cultural relations between former and present countries of the Kingdom, and to identify and define their common cultural heritage for the benefit of new forms of cooperation in the future. The exchange should eventually become a biennial event.

209. The themes of this cultural exchange were language and national costume, in particular, the Caribbean Dutch language and traditional and modern headdress. How have the various Caribbean languages influenced Dutch? How did the traditional costume develop over time and what modern variations are visible today? This theme focused particularly on headdress, an element of costume. The communicative role of headdress was emphasized in an exploration of meanings and symbolic value. Knowledge and techniques relating to headdresses were also shared.

210. The exchange was a specific policy aim of the Antillean Minister of Education and Culture. The Minister also felt that an examination the Kingdom’s common cultural heritage

from a new perspective was timely in the light of the political process in the Kingdom towards a new constitutional relationship. By celebrating the Kingdom's common cultural heritage, cultural barriers between countries both in and outside the Kingdom can be overcome. Mutual respect and understanding can strengthen the foundations of socio-economic and cultural development, and unite countries in pursuit of a common goal: the dissemination of cultural heritage as an enrichment of individual cultures.

211. The programme comprised:

- (a) A panel discussion about Caribbean Dutch;
- (b) A workshop on costume and headdress;
- (c) Exhibitions of Papiamentu teaching materials, types of headdress;
- (d) A cultural evening.

212. The cultural exchange emphasized and affirmed:

- (a) A common desire for regular exchanges of this type in order to share cultural knowledge;
- (b) The need for a written record of traditions;
- (c) The importance of increasing the number and intensity of cultural contacts;
- (d) A common desire for more research into and records of cultural similarities and differences from a historic perspective (comparative research);
- (e) The importance of promoting cooperation between the cultural institutions of the Kingdom and Suriname.

213. Participants in the cultural exchange agreed to record the information, conclusions and outcome of the exchange in a documentary and book.

### **Saba**

214. The island territory of Saba does not have a department for cultural affairs or any clear culture policy. As a result, it has few cultural activities compared to the other islands.

215. Committees are formed to organize major events. Non-profit foundations and NGOs also organize cultural activities, such as the Saba Association of Caribbean States (SACS) which aims to encourage more cultural activities on Saba by strengthening relations with other countries and islands in the region.

216. Old customs are at risk of dying out, due to Saba's ageing population and the rise of television, tourism and migration (of other ethnic groups to Saba).

### **Cultural activities on Saba:**

- (i) Annual events: Saba Day (December), Saba Summer Festival (end of July/beginning of August);
- (ii) SACS hired a Cuban dance instructor for one year;
- (iii) A horticultural project aimed at getting youngsters interested in horticulture and farming. This “organopónico” project is based on a Cuban approach.

### **Sint Eustatius**

217. The Sint Eustatius Culture Department supports various annual cultural events with the aim of preserving the island’s local culture. Most ethnic groups on the island are represented by their own associations which organize activities and festivities. The island’s cultural diversity is highlighted and celebrated once a year. In 2006, the flags of all the nationalities on the island were put up in the Culture Department.

218. The UNESCO-Antilles Prize for Mother Language has twice been awarded to local artists. In 2004 the prize was awarded to a theatrical company. In 2006, it went to a calypso artist for promoting the local language through song.

### **The National Archive**

219. The Netherlands Antilles’ National Archives Ordinance lays down general rules on public access to all Government information stored in archives in whatever form (digital or paper). The Ordinance, which came into effect in 1996 (Official Bulletin 1989, No. 64), allows citizens of the Netherlands Antilles to exercise an important social and cultural right: free access to original documents after a 40-year restricted period (soon to be brought down to 20 years). This is made possible by the transfer of selected records to the National Archives. The National Archives thus facilitate citizens in the active, democratic monitoring of Government, and in exercising their rights and seeking evidence. The National Archives also facilitate cultural and historical research.

220. A new National Archives Ordinance was drafted and examined by the Advisory Council in 2006. It was discussed by the Central Committee of the Parliament of the Netherlands Antilles in 2007 and is now well on the way to adoption.

221. Since the 2005 referendums, the dismantling of the Netherlands Antilles as a State has been explicitly addressed in all new initiatives for legislation and public access to Government information. These aim to ensure access to information for all citizens of the islands that currently make up the Netherlands Antilles based on the principle of “shared memory”. International principles and guidelines are applicable in this area, such as the 1985 UNESCO Guidelines, the principles published by the International Council on Archives (ICA) in 1996, and the reports discussed at the International Conference of the Round Table on Archives (CITRA) in 1993. These principles were discussed and adopted in a plenary session with the Antillean Government, the island territories and the Dutch Government. Under this arrangement, the structure of the archives of the dismantled legal entities will remain intact when the country is

dismantled and the archives will remain on the island where they were originally created. The islands are required to designate a repository to which records should be transferred. In accordance with the shared memory principle, there will be a standardized and electronic exchange of relevant information between the islands. The Government of the Netherlands Antilles has established an archives expert group which will develop a step-by-step plan to carry out this part of the dismantling operation. The Netherlands Antilles, all the island territories and Aruba are represented in the expert group.

222. In 2006, the Government of the Netherlands Antilles decided to build a new repository on Curaçao for the preservation of and access to all records created on Curaçao by the public bodies of the Netherlands Antilles, its legal predecessors, the island territory of Curaçao and the archives of the new State of Curaçao. Work on the repository started in 2007.

223. A special event that highlighted “shared memory” was the ICA’s International Conference of the Round Table on Archives held on Curaçao in November 2006. National archivists from all over the world came to the island to elaborate on the concept and outline a framework for “shared memory”.

224. The conference included a pre-conference workshop on preserving archives in tropical climates, which resulted in the initiative to establish a Caribbean centre of expertise for the preservation and professional management of fragile records in this climate zone.

225. The national archivist of the Netherlands Antilles was appointed to the ICA Education Commission, in which capacity she strives to promote the professionalism and competence of all those in the field in order to enhance the preservation of, access to and dissemination of archival information.

### **Intellectual property**

226. Between 2003 and 2005, the Netherlands Antilles Office for Intellectual Property organized an intensive training course for members of the public about the practical implications of the Madrid Protocol. Public information about the Madrid system was also regularly provided in various media. In May 2004, the Office participated in an international exhibition in Ermelo, the Netherlands, where various institutions and organizations were represented by a joint trade mission.

227. In 2004 and 2005, the Office submitted various items of draft legislation to the Minister of Justice. In 2004, it submitted a draft national ordinance, with an explanatory memorandum, amending the National Copyright Ordinance 1913 (Official Bulletin 1913, No. 3) bringing the legislation on this subject up to date and fulfilling the country’s treaty obligations. In 2004, the Office also submitted a draft national decree laying down general measures implementing article 17a of the National Copyright Ordinance 1913, so that pay television companies may, under certain conditions, be allowed to make public a literary, scientific or artistic work by means of a repeat broadcast, without prior consent of the copyright owner. In 2005, the Office submitted a draft national ordinance on neighbouring rights, with an explanatory memorandum, which confers rights on performing artists, phonogram producers and broadcasting organizations.



228. In 2005, a large group of local artists participated in the Caribbean Gift and Craft Show, a major regional trade expo on the island of Barbados. The Office for Intellectual Property, in close cooperation with the Curaçao Chamber of Commerce, advised the artisans on their intellectual property rights. Before and during the expo, the Office actively assisted both local and international artisans.

229. On 4 October 2006, the Netherlands Antilles became a party to several conventions, including:

- (i) The Convention on the Grant of European Patents of 5 October 1973, Dutch Treaty Series 1975, No. 108 and Dutch Treaty Series 1976, No. 101;
- (ii) The Act revising Article 63 of the Convention on the Grant of European Patents of 5 October 1973, Dutch Treaty Series 1992, No. 47;
- (iii) The Agreement on the Application of Article 65 of the Convention on the Grant of European Patents, signed in London on 17 October 2000, Dutch Treaty Series 2001, No. 21;
- (iv) The Act revising the Convention on the Grant of European Patents, done at Munich on 29 November 2000, Dutch Treaty Series 2002, No. 64 and Bulletin of Acts and Decrees 2006, No. 22;
- (v) The Patent Law Treaty of 1 June 2000, Dutch Treaty Series 2001, No. 120.

230. In addition, the following amendments to existing legislation came into force:

- (i) The Order of 3 August 2006 promulgating the Decree of 12 April 2006, Bulletin of Acts and Decrees No. 218, establishing the date of entry into force of the Kingdom Act of 16 February 2006 amending the Patents Act 1995 implementing the European Directive on the Enforcement of Intellectual Property Rights. The harmonized approach prescribed in the Directive would enable more effective control of counterfeiting and piracy. Various sections of the Patents Act 1995 were amended in order to comply with the Directive;
- (ii) Amendments to the Patents Act 1995 and the Seeds and Planting Materials Act concerning the legal protection of biotechnological inventions. This amendment implements Directive 98/44/EC on the legal protection of biotechnological inventions. This Directive aims to clarify the patentability of certain inventions in the field of biotechnology;
- (iii) An amendment to the Patents Act (Implementation) Decree 1995 concerning written opinion in assessing the state of the art.

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