



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-fifth session

#### Summary record (partial)\* of the 45th meeting

Held at the Palais Wilson, Geneva, on Thursday, 11 November 2010, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

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### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Combined fourth and fifth periodic reports of the Kingdom of the Netherlands*  
(continued)

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Combined fourth and fifth periodic reports of the Kingdom of the Netherlands (continued) (E/C.12/NLD/4-5; E/C.12/NLD/4/Add.1 and Add.2; E/C.12/NLD/Q/4-5 and Add.1; HRI/CORE/1/Add.68/Rev.1; and 2010 core document for Aruba, document without a symbol)*

1. *At the invitation of the Chairperson, the delegation of the Kingdom of the Netherlands took places at the Committee table.*

*Articles 10 to 15 (continued)*

2. **Mr. Kerdoun** said that he would appreciate receiving more recent statistics on public spending on primary and secondary education to supplement the statistics up to 2007, which the State party had provided in its report. He asked why no figures at all had been provided for Sint Maarten. He also asked why primary education, secondary education and specialized education centres were subject to three separate laws, and whether the instruction on different religions and belief systems included in primary school curricula was compulsory. He wished to know whether there was a State religion and what the predominant religion was in the State party. Information had been provided on the financial supplement allocated to the vocational training sector in 2005, and he wondered what the initial allocation to that sector had been. He asked how much funding that sector had been allocated in 2010. Noting that secondary schools had increased their teaching of Arabic and Turkish since the 1990s, he wondered how many students participated in those classes.

3. He wished to know whether there was student mobility between universities in Aruba, Curaçao and Sint Maarten and whether students could opt to transfer to universities in the Netherlands. He would also like to know what language was used for teaching in the islands, since the general use of Dutch among the population was declining. He would appreciate statistics on school dropout rates in Aruba, disaggregated by sex, as well as information on how school attendance was being promoted, particularly among minorities and among vulnerable and underprivileged groups. He wished to know why secondary education was not free of charge and whether the education reforms that had taken place in the Netherlands Antilles between 2003 and 2007 had yielded satisfactory results. He asked what the effects of the reform had been on preschool, primary, secondary and higher education.

4. **Mr. Sadi** asked how successful programmes to integrate new immigrants had been, whether there had been any resistance to integration and, if so, how that had been addressed. He wondered whether multicultural education programmes had been used to promote the integration of new immigrants.

5. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the participation of women in the labour force had increased considerably over recent years, although there had been a slight decrease in 2010 owing to the global economic and financial crisis. The Government was making a special effort to promote the employment of women from certain vulnerable groups. Members of non-Western ethnic minority groups often had a lower level of education than others and did not have a strong command of Dutch, which sometimes made it difficult for them to enter the labour market.

6. **Ms. van Schaik** (Kingdom of the Netherlands – Netherlands) said that maternity leave began between 4 and 6 weeks before childbirth and continued from 10 to 12 weeks

after the birth. It was fully paid and served to promote maternal and child protection. Calamity leave was also provided. It was fully paid for by the employer and was intended to enable workers to take short-term leave in order to deal with certain types of issues in their private lives. Two days of fully paid paternity leave was allowed for, and total parental leave amounted to 26 weeks. It was unpaid, but subject to certain tax benefits, and was intended to facilitate the combination of work and childcare. Short-term leave to care for family members was 10 days and was remunerated at 70 per cent. Long-term leave to care for terminally ill family members was 26 weeks and was unpaid. Adoption leave was four weeks in length, was fully paid and was intended to give adoptive parents an opportunity to bond with their child.

7. In 2009, the discrepancy between the number of workers applying for leave and those granted leave had been reduced to 14 per cent. The former Government had made considerable efforts to promote employer awareness of workers' parental responsibilities. A system was currently being considered by the social partners whereby employers could be classified as "family-friendly" if they provided workers with such opportunities as opting for flexible working hours and working at home. The policy in the Netherlands was to enable workers to have as much control as possible over the way in which they carried out their work.

8. **Mr. Beets** (Kingdom of the Netherlands – Netherlands), responding to questions on underemployment, said that workers in the Netherlands who were employed for fewer than 12 hours per week were considered to be underemployed. The European Union definition of underemployment was different, which explained the discrepancy in underemployment statistics for the Netherlands and the rest of the European Union. An increasing shortage of skilled labour in the Netherlands could lead to the assumption that underemployment and unemployment were decreasing.

9. Addressing an earlier question about the lack of reference to economic, social and cultural rights in the national action plan on poverty, he said that the plan had been drafted within the framework of the European Union's anti-poverty strategy. Economic, social and cultural rights were, however, mainstreamed in the social policies of the Netherlands. Corporate social responsibility was particularly important for a growing number of Dutch multinational companies, which had comprehensive codes of conduct for working in multinational surroundings and were bound by the guidelines of the Organisation for Economic Co-operation and Development (OECD).

10. Responding to questions on poverty, he said that the Netherlands did not use an objective poverty line, since poverty differed depending on family circumstances and other factors. Anti-poverty policies targeted certain vulnerable sectors of society, including those at risk of poverty in the near future.

11. **Mr. Abath** (Kingdom of the Netherlands – Aruba) said that in Aruba there were no unemployment benefit schemes for workers in the informal sector. However, informal workers who were officially registered as residents of Aruba were covered by the compulsory health insurance scheme. Unfortunately, there were currently no statistics available on the percentage of workers employed in the informal sector. The results of the recent labour force survey had yet to be analysed, but would be studied in detail. The monthly social assistance that the State provided to households in need had recently been increased by 25 per cent to alleviate the needs of the most vulnerable. Households with school-age children were granted an allowance per child for school expenses.

12. **Ms. Ng** (Kingdom of the Netherlands – Curaçao) said that the survey on schooling for boys had shown that many boys in primary school had an aversion to reading and were often sent to special-education institutions because they had learning difficulties. Boys tended to be more active, impulsive and adventure-seeking than girls, and girls tended to

acquire academic skills faster than boys, since many of them were more disciplined and motivated to study. The study had recommended that the Government should develop a gender policy for the education sector in order to redress the imbalance by working to change parental attitudes and train teachers how to meet boys' specific educational needs.

13. **Ms. Wuite** (Kingdom of the Netherlands – Sint Maarten) said that an employment survey conducted in Curaçao, Sint Maarten and Bonaire in 2004 and 2005 has shown that most of the persons who were employed informally were actually employed in formal enterprises. In Sint Maarten, 34 per cent of workers were employed in the informal sector, in comparison with 21 per cent in Curaçao. In Curaçao, informal labour was most common among low-income groups in which people earned less than 1,000 guilders per month, whereas in Sint Maarten and Bonaire, informal labour was frequent among members of the middle and higher-income groups who earned over 2,000 guilders per month. The majority of informal workers were aged over 35 years.

14. **Mr. Sadi** asked whether the obligation of all children to attend school until the age of 18 automatically changed the residence status of illegally resident children and what effect that had on the residence status of their parents.

15. **Mr. Kuijer** (Kingdom of the Netherlands – Netherlands) said that domestic violence was defined in the Netherlands as an act of violence committed by a person from within the victim's domestic circle, which included partners, former partners, family members and family friends. The term, which was defined on a gender-neutral basis, covered child abuse, violence within the couple and the abuse, exploitation or neglect of the elderly. Domestic violence could be physical, sexual or psychological, with the latter including threatening behaviour, stalking and verbal abuse.

16. The police registered an average of 64,000 incidents of domestic violence each year. Physical and psychological violence accounted for 45 per cent and 31 per cent of those incidents, respectively, and more than three quarters of the victims were female. The results of the 2008 survey on domestic violence would be made known in December 2010.

17. No provision in the State party's criminal legislation addressed domestic violence specifically, but the courts considered the domestic nature of violent offences as an aggravating circumstance that could lead them to increase the length of prison sentences by one third. The Board of Prosecutors-General provided guidelines on domestic violence and on cooperation between the police, public prosecutors and the probationary service in that context. The Public Prosecutors' Service did not keep separate statistics on prosecutions and convictions in cases of domestic violence. Recognizing that domestic violence affected women more than men, the Government was moving towards a more gender-specific policy that included an action plan spanning the years from 2008 to 2011, national awareness campaigns and subsidies for projects run by the Netherlands Women's Council. It had also adopted an integrated programme to combat domestic abuse, which devoted particular attention to power relations between men and women. There was no evidence that current levels of domestic violence could be linked to the fact that the previous policy had been gender-neutral.

18. The State had to develop a more comprehensive, rather than purely criminal-law, approach to domestic violence that would include measures for providing victims with assistance and shelter, treating offenders, running awareness-raising campaigns and doing further research on the root causes of domestic violence. An evaluation of domestic violence policy between 2002 and 2011 was expected to indicate what other steps should be taken.

19. Honour-related violence, which was seen as a type of domestic violence, could take the form of forced marriages, physical abuse or murders. It was defined as emotional or physical violence exercised in response to the threat of violation of someone's honour or of

the honour of that person's family and to the possibility that the violation might become publicly known. In addition to measures aimed at combating domestic violence in general, specific initiatives to target honour crimes included the establishment of an interdepartmental programme on the subject, an Internet-based awareness-raising campaign and pilot projects by the Ministry of Health, Welfare and Sport on shelters for victims. No statistics were available that could be used to measure the deterrent effect of the penalties imposed for such offences.

20. Child abuse was also seen as a form of domestic violence and was treated as a criminal act. ECPAT International and the Ministry of Justice had conducted specific studies on the problem, and awareness-raising campaigns had been carried out via websites and in schools. The Reporting Code Act would be applicable in cases of child abuse. The exploitation of child prostitution was a criminal offence under article 248 (b) of the Criminal Code. Objective proof of the minor's age was sufficient for successful prosecution, and no proof was required that the offender had acted with intent or negligently. Alleged acquiescence on the part of the minor was irrelevant in such cases. The Criminal Code also prohibited other forms of sexual exploitation. In 2010, the Netherlands had become one of the first countries to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which had led to a tightening of criminal legislation. Specific measures had included the criminalization of the act of obtaining child pornography through the Internet, the definition of the act of corrupting children as a specific offence, provision for a separate penalty for the act of grooming and the extension of jurisdiction over acts of sexual exploitation and sexual abuse to offences committed abroad.

21. The provisions of the Palermo Protocol had been incorporated into the State party's criminal legislation in 2005, and the maximum sentences for offences related to human trafficking had been increased in 2009. There had been 691 convictions in human trafficking cases between 2000 and 2008, but no statistics were available on whether the harsher sentences had helped to reduce the number of offences. Although human trafficking often entailed an element of coercion, it need not be proven in order to prosecute cases involving persons under 18 years of age. Preparatory acts undertaken in connection with human trafficking were also punishable under the Criminal Code. A centre of expertise on human trafficking had been set up in 2005 to aid in police investigations, not only of suspected offenders but also of facilitators who provided, inter alia, transport, housing or false identity papers. A task force set up in 2008 was working with source and transit countries to combat human trafficking. In recent years, efforts had also been stepped up to investigate cases of labour exploitation and had led to several convictions. Under article 5 of the Criminal Code, Netherlands citizens could be prosecuted for human trafficking offences outside the Netherlands if the crime was also punishable under the law of the country in which the offence was committed. However, when minors were involved, the offence need only be punishable under Netherlands law in order to lay charges.

22. **Ms. Verstappen** (Kingdom of the Netherlands – Netherlands) said that a decision in 2000 to rescind a prohibition on brothels had failed to achieve the desired result and that a new bill before the legislature was aimed at curbing crimes committed in the sex industry, such as the prostitution of minors and enforced prostitution, and at combating human trafficking by creating a nationwide mandatory licence for sex businesses. The issuance of such licences by municipalities would be contingent on the fulfilment of strict criteria with regard to the conduct of business-owners and the working conditions of prostitutes employed by them. A national register for escort business licences would be set up, prostitutes would have to register every three years, and customers of unregistered prostitutes would be liable to prosecution.

23. Prostitutes who worked from home or in the escort business were largely invisible to the authorities, so the obligation to register would provide an opportunity for municipalities to detect signs of victimization and to forward that information to the police. Prostitutes would also receive information on their rights, on what to do if they were victims of force or abuse, on options for leaving the sex industry and the contact details of social services. Prostitutes who wished to maintain their anonymity would be able to register in another municipality and, when they stopped working in the profession, to request that their names should be struck from the register. Only register supervisors would have access to the information; it would not be available to the police, immigration officials or other government bodies. Given those conditions and the fact that prostitutes could be fined for working or advertising their services without a registration number, the Government hoped that prostitutes would be discouraged from working illegally. After the bill was passed, the Government intended to monitor the situation of prostitutes.

24. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that persons whose applications for asylum had been rejected had 28 days to leave the Netherlands. If that period was insufficient, they could then be housed in facilities, in which their freedom of movement was restricted, for another 12 weeks. Under an interim court decision, the 12-week limit did not apply to families with children whose asylum applications had been denied so long as they cooperated in preparations for their return to their country of origin. The court had yet to make a definitive ruling on that issue. Children placed in such facilities received schooling, as did unaccompanied minors due to leave the country who were temporarily housed in special facilities for juveniles.

25. Only people legally resident in the Netherlands were entitled to housing. Asylum-seekers received shelter during their application process and housing if their application for residence was approved. The average waiting period for such accommodations was between five and six months, but successful asylum applicants were sheltered until housing became available. Migrants who were granted regular residence permits had an unconditional right to housing.

26. The Government was concerned about the fact that so many prisoners had mental health problems and personality disorders. Under a new policy, the Government had reserved 3,000 beds in psychiatric hospitals for prisoners. Since 2007, all prison nurse staff received mandatory specialized training in mental health care. The Government aimed to improve the mental health situation of prisoners, reduce recidivism and boost efforts to reintegrate inmates into society. Prisoners who had psychiatric crises could be placed in isolation cells for their own safety and that of others. A prison doctor was obliged to visit them within 25 hours and daily thereafter for the duration of their confinement. If necessary, prisoners could be referred to a forensic observation and crisis unit in Amsterdam Prison. Such prisoners could also be referred to prison or public psychiatric wards. Prison authorities were obliged to notify the Ministry of Justice each time that a prisoner was placed in isolation.

27. **Mr. Driecce** (Kingdom of the Netherlands – Netherlands), replying to a question regarding cases in which generic medicines in transit through the Netherlands had been seized, said that the medicines had come from and were destined for countries where those products did not violate intellectual property laws, whereas they might have been in violation of European intellectual property law. The seizures had been carried out on the basis of trade law, and that was the origin of the World Trade Organization dispute, but the issue also had a public health dimension. The cases had occurred in 2008 and there had been no recurrence, nor was any expected, but they continued to cast a shadow over discussions on health policy and caused friction between trade policy and health policy. European Union law had been invoked as grounds for the seizures, but the European

Commission had made it clear to the countries involved that the law did not provide for the interception of generic drugs in transit.

28. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that socio-economically related health disparities continued to pose a problem, despite a number of policy initiatives. The problem was not restricted to non-Western immigrants, but encompassed all groups with a low socio-economic status, in which immigrants tended to be overrepresented. Persons in those groups generally had greater health problems due to a less healthy lifestyle and physical circumstances. It was not that they did not have access to health services, since all persons in the Netherlands were required to have health-care insurance. In 2008, the Government had set itself the goal for 2020 of reducing those disparities by 25 per cent and increasing the healthy life expectancy of persons with little formal education by three years. It was true, however, that undocumented migrants did not receive health care if they were unable to pay. With regard to care for the mentally ill, there had been a decline in the waiting time for treatment from seven weeks in 2007 to six weeks in 2009.

29. With regard to the shortage of nursing homes and trained staff, he said that the Netherlands was aware of the growing problem posed by an ageing population. The Cabinet had earmarked €1 billion to create 12,000 jobs, improve the quality of care for the elderly and the disabled, and to train personnel. Steps would be taken to promote smaller care institutions, which were more efficient and cost-effective and provided better care.

30. Policies on drugs sought to prevent drug use and reduce the risk and harm to users and society as a whole. Policies and legislation distinguished between hard drugs and cannabis, with the idea being to protect cannabis users from exposure to more harmful drugs and prevent their marginalization. Possession of cannabis for personal use was a minor offence, but it could be sold in coffee shops subject to strict conditions, which included a limit of less than five grams of cannabis per person per day. The prohibition on the possession or sale of hard drugs was strictly enforced, although some exceptions were made for medical, veterinary or research purposes.

31. Dutch policy was aimed at promoting and preserving the sexual and reproductive health of the population by ensuring that everyone had access to information about sexuality and reproduction and to professional help when they had questions or problems. Perpetrators of sex-related crimes were punished and the victims protected. Sex education was not compulsory; each school decided whether and how it taught the subject.

32. All public places had been made smoke-free. However, the new Government had decided that pubs of less than 70 square meters with no employees could choose to be smoke-free or not, the idea being that in such places no one was forced to be exposed to passive smoking.

33. The figure of 35,000 to 50,000 homeless persons living in the streets, as cited by NGOs, was not accurate. Although 50,000 persons received social assistance, not all of them were homeless. According to the Office of Statistics, there were about 80,000 homeless persons in the Netherlands, but that category included not only persons who slept outside, but also those who stayed at social assistance facilities, with friends or family, or in temporary shelters. Thus, the actual figures for persons living in the streets were much lower.

34. Improving food security worldwide was a main objective of the Netherlands' development aid policy. The country supported the World Food Programme with a contribution of €40 million annually and provided €12 million annually for humanitarian crises; it backed the Food and Agriculture Organization of the United Nations in a similar fashion. It had also provided hundreds of millions of euros in bilateral support to strengthen the capacity of developing countries to improve food security. The Netherlands had spent several million euros to help combat food shortages in Ethiopia, for example.

35. **Mr. Abath** (Kingdom of the Netherlands – Aruba), referring to questions on cases of trafficking in persons, said that there had been two preliminary investigations, one of which had been handed over to an organized crime unit. During the meeting of the national coordinators in the Kingdom of the Netherlands, a cooperation strategy had been agreed upon which in turn had led to inter-agency cooperation within the Kingdom and close contacts with the International Organization for Migration (IOM). The partners in that effort had been the Aruban police; the joint investigation team; the National Coordinator for Aruba, the Netherlands Antilles and the Netherlands; the prosecutor's offices of Aruba and the Netherlands; the victims' assistance bureau in Aruba, the national police of the Netherlands; and IOM. The scope of the operation was considerable. Curaçao had provided shelter for the victims and made arrangements with IOM for their return, and the national police in the Netherlands had seconded an expert investigator to join the team. A number of persons had been arrested, and seven victims had been registered. There were four suspects and an estimated 45 victims.

36. A question had been raised about extraterritorial jurisdiction over nationals engaged in child pornography. Under national criminal law, any Aruban citizen who committed an act considered to be a criminal offence in a foreign country was subject to prosecution upon returning to Aruba. To date, no foreign paedophiles had been prosecuted, deported or extradited, nor had a transfer to Aruba been requested of an Aruban national suspected of such an offence. Aruba attached great importance to its reputation as a family-oriented tourism destination and closely monitored the situation.

37. The Criminal Code currently in force in Aruba criminalized domestic violence specifically. That would not change under the new draft criminal code. The Criminal Code distinguished between several categories of violence against women and men, including simple assault, assault with a weapon and aggravated assault. In conjunction with article 317 of the Criminal Code, the penalties laid down under articles 313 to 316 could be increased by one third if the victim of the offence was the perpetrator's mother, legal father, spouse or child. Under the new draft criminal code, pretrial detention could be ordered in any domestic violence case; that was not true under the current Code, which did not permit pretrial detention for simple assault.

38. The fact that Aruba had no legal provision prohibiting corporal punishment of children did not imply that it was a common practice in homes or schools. Aruba had seen remarkable improvement in the protection of children's rights in recent years, including the establishment of a centre for counselling and reporting on child abuse, the creation of NGOs for children's rights and a children's helpline. Recent policies had given high priority to further developing and strengthening a chain of responsibility of child protection organizations. The legislature had recently said that the provisions criminalizing acts harmful to children should be broadened and strengthened.

39. **Ms. Swakhoven** (Kingdom of the Netherlands – Curaçao), replying to a question on children born out of wedlock, said that under the family law of the former Netherlands Antilles, which was still in force in Curaçao and Sint Maarten, the status of such children had been placed on an equal footing with that of legitimate children. Paternity could now be acknowledged outside of marriage. In the near future, it would also be possible, through a judicial declaration, to establish paternity outside of marriage for cases in which the biological father did not want to acknowledge the child or in which the father had died.

40. The Criminal Code of the Netherlands Antilles did not contain a separate article making trafficking in human beings a criminal offence. Cases of human trafficking were addressed through the prosecution of other offences, such as fraud, kidnapping and people smuggling. Under article 260 of the Criminal Code, however, the trafficking of women or minors was an offence which carried a maximum prison sentence of 5 years. The Governments of both Curaçao and Sint Maarten attached great importance to combating



human trafficking, as was demonstrated by the fact that provisions on the subject had been removed from the draft criminal code and incorporated into a separate piece of legislation which was in the final stages of approval. Curaçao also had a task force which dealt with trafficking in persons, with broad community participation and in cooperation with IOM.

41. Abortion was not permitted under the Criminal Code and would continue to be prohibited under the new criminal code, although exceptions were made for medical reasons or if the life of the mother was in danger. No national dialogue had taken place on the subject. The concerns of the Committee would be communicated to the respective Governments.

42. A question had been asked about whether child pornography was an offence. National legislation protecting children against pornography, prostitution and sexual abuse had recently entered into force. As for domestic violence and child abuse, a special public prosecutor had been appointed who was working with other stakeholders to develop new policies on domestic violence, mandate therapy for perpetrators, provide aftercare for victims and foster the empowerment of women. Information was made available to NGOs active in combating domestic violence. Public prosecutors had been calling for harsher punishments to discourage domestic violence and child abuse.

43. **Ms. Wuite** (Kingdom of the Netherlands – Sint Maarten) said that pockets of poverty persisted in Sint Maarten. Neither Curaçao nor Sint Maarten had a poverty reduction plan in place. For Sint Maarten, the first priority would be to define the poverty line. Measures taken to combat poverty included an increase in the minimum wage, the introduction of housing subsidies for low-income groups and a doubling of retirement benefits over the past decade.

44. **Mr. Minguel** (Kingdom of the Netherlands – Curaçao), replying to a question on child labour, said that the minimum working age had been set at 15. An exception was made if the work was for the benefit of the child's family or if it was school-related and was of an educational nature. Legislation prohibited persons up to the age of 18 years from performing hazardous work. Children who had reached the age of 12 and had completed their elementary education had been allowed to perform certain types of work, which must be geared towards an apprenticeship and must not make heavy physical or mental demands on the child or be dangerous. New legislation had been enacted, however, making school attendance compulsory until the age of 18, the only exception being if the child had completed secondary education at an earlier age, and that would contribute to the elimination of child labour. Whether the different pieces of legislation on the subject would need to be brought into line with one another remained to be seen.

45. **Ms. Wuite** (Kingdom of the Netherlands – Sint Maarten) said that the problem of homeless street children was unknown on the islands and there was thus no risk of the abuse, neglect or exploitation commonly associated with the phenomenon.

46. **Mr. Minguel** (Kingdom of the Netherlands – Curaçao) said that there was no waiting list for childcare facilities. Education for children aged from 4 to 6 years was compulsory, and those children were cared for in school. There were sufficient childcare facilities for children under the age of 4.

47. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that spending on public education for 2010 amounted to 5.6 per cent of gross domestic product (GDP), according to figures from OECD. The average figure for OECD countries was 5.7 per cent of GDP. Spending on private education in the Netherlands amounted to almost 1 per cent of GDP. On the issue of merging the various existing pieces of legislation on education into a single act, it was his view that it would be a complex and time-consuming process that would not necessarily change the situation in practice. The Government had launched a plan to

promote human rights education, with support from the Ministry of Foreign Affairs, at the end of 2009. The new Cabinet was continuing work to promote human rights.

48. **Mr. Kalai** (Kingdom of the Netherlands – Netherlands) said that schools provided instruction on human rights as part of their obligation to promote active citizenship and social integration. The compulsory secondary curriculum explicitly mentioned the topic of human rights, though not as a separate subject; whether it was taught as such was a choice left to each country. Integrating human rights issues into various areas of the curriculum could be beneficial.

49. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that programmes were in place to promote student mobility, both within and outside the European Union. All children were obliged to attend school up to the age of 18, whether they were legally resident or not.

50. **Mr. Kalai** (Kingdom of the Netherlands – Netherlands) said, further to Mr. Beets last comment, that the previous Government had begun to make arrangements to abolish work permits for internships undertaken as part of compulsory vocational education, but the current Government would need to take further steps in that regard.

51. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that preschool and early childhood education was publically funded. All municipalities were legally bound to provide sufficient education services, and the education inspectorate was responsible for monitoring quality. Municipalities determined which children would attend preschool and early childhood education facilities, which currently covered 90 per cent of the target group. The right to an education, which was enjoyed by all children in the Netherlands, did not of itself entitle either children or their parents to legal residence.

52. In view of the absolute separation of Church and State, there was no State religion. Special Protestant, Catholic, Muslim and Jewish schools were governed by independent foundations but were subsidized on an equal footing with ordinary public schools. In 2005, around 27 per cent of the population had been Catholic, 16.6 per cent Protestant, 5.7 per cent Muslim, 1.3 per cent Hindu and 1 per cent Buddhist. Some 48 per cent declared no religious affiliation. All religions were treated equally, and no privileges were accorded to any specific religion.

53. Among those new immigrants who participated in compulsory integration programmes, 74 per cent completed them successfully. Fines could be imposed for failure to participate, although traumatized individuals or those with medical conditions were not obliged to take part. There was very little resistance to integration policy among immigrants.

54. Ensuring access to and participation in cultural activities was a policy objective. There were various cultural programmes, which made it difficult to give exact figures for the amount of public funding allocated for that purpose.

55. **Mr. Kalai** (Kingdom of the Netherlands – Netherlands) drew attention to initiatives aimed at promoting cultural participation. The Fund for Cultural Participation had been allocated €31 million per annum for the period 2009–2012. It had recently been requested to prepare inputs for regulations on cultural diversity, in consultation with other foundations, in order to support national cultural diversity activities.

56. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the Netherlands had no specific policies on access to or participation in cultural activities for individual target groups, such as ethnic minorities or disabled persons, although general directives concerning disabled access to public buildings, libraries, theatres and museums were in place. In 2010, special institutes and branch organizations would submit a proposal on how they could effectively disseminate information on cultural diversity. Periodic monitoring of the cultural sector would also be introduced in response to calls for increased diversity.

With regard to career advice and guidance, he said that a total of €2.6 million had been spent in those areas over the period 2005–2008.

57. **Mr. Abath** (Kingdom of the Netherlands – Aruba) said that there was no indication of any problem with regard to street children in Aruba. On the subject of sexual and reproductive health, he said that human reproductive biology was taught in schools. Some schools also provided sex education classes. As part of the new curriculum, both the physical and reproductive aspects of sex education would be covered, in line with an innovative preschool- and primary school-based project. Secondary-level sex education covered the biology of reproduction, while aspects such as personal responsibility, behaviour and attitudes were examined at length in personal education classes. The Government of Aruba aimed to make human rights education an integral part of the school curriculum as well, but it was currently carried out as an isolated project in the educational system through afterschool care programmes and at community level.

58. **Ms. Swakhoven** (Kingdom of the Netherlands – Curaçao) said that the same situation existed in Curaçao as in the Netherlands regarding the right of a child to attend school and its effect upon legal residence status.

59. **Mr. Minguel** (Kingdom of the Netherlands – Curaçao), referring in particular to undocumented children, said that no work permits were required for internships that formed part of compulsory education, which was provided between the ages of 4 and 18 years.

60. **Ms. Swakhoven** (Kingdom of the Netherlands – Curaçao) said that, while human rights did not form part of the compulsory curriculum, the Committee's concerns in that regard would be transmitted to Governments. Curaçao and Sint Maarten held an annual event in schools on the rights of the child.

61. **Ms. Henry** (Kingdom of the Netherlands – Sint Maarten) said that all preschools on Sint Maarten and Curaçao were private and paid for by parents, although some preschools on Curaçao received a government subsidy. There were adequate places to satisfy demand. There was some coordination between preschool and elementary schools, but it was not compulsory. Sexual and reproductive education was included in the primary and secondary curricula; HIV and sexual and reproductive health would be included from 2011 on.

62. **Ms. Swakhoven** (Kingdom of the Netherlands – Curaçao) said that about 40 million Netherlands Antillean guilders, or 3 per cent of Curaçao's budget, were allocated to cultural and sporting activities every year. There were no State programmes promoting the participation of persons with disabilities in cultural activities, but non-governmental and private organizations were very active in that field, and disabled persons participated fully in community life.

63. **Ms. Ng** (Kingdom of the Netherlands – Curaçao) said that students on the various islands, including Aruba, could pursue studies at institutions of higher education on all the islands, without exception. Most, however, chose to continue their studies in the Netherlands because of the greater range of options available. Students from the islands could receive funding from the Netherlands to study there. In recent years, some students from the Netherlands had chosen to study on the islands. Since 2007, Papiamentu, Dutch and English had been the official languages of Curaçao. Schools could opt to provide bilingual instruction, but Dutch must be one of the languages used. Since Dutch was the language of instruction in secondary schools, students were required to be sufficiently proficient in the language by the end of their primary education. In Sint Maarten, however, the main language of instruction was English, and only two primary schools and two secondary schools taught in Dutch.

64. Most of the cost of secondary and vocational education was covered by the Government, although families were required to purchase textbooks and other materials and

to contribute to the cost of school trips and similar activities. In Curaçao — where 95 per cent of schools were funded by the Government — and in Sint Maarten, financial assistance to purchase books and other items was available through special funds in case of hardship. Educational reforms had resulted in more attention being devoted to children's developmental needs and interests, more support for teachers and other school staff, the provision of training for teachers, managers and other personnel, improved infrastructure, fewer dropouts at pre-vocational and vocational levels, higher participation in vocational education, and higher graduation rates for pre-vocational and vocational schools.

65. **Mr. Abath** (Kingdom of the Netherlands – Aruba) directed the Committee's attention to paragraph 46 of the 2010 core document for Aruba, which covered student mobility between the islands and Europe. Some 250 students from the islands chose to pursue higher education in the Netherlands every year. In response to a question regarding opportunities for non-Dutch-speaking children of migrants to learn in their mother tongue, he said that Dutch was the language of instruction for all primary and secondary students, although some private schools provided bilingual education with English or Spanish. He referred to paragraph 47 of the core document, which outlined the Prisma Programme. That programme supported all children who needed help with the Dutch language, including Aruban children. The Government participated in initiatives involving other Dutch-speaking countries to promote proficiency in and use of the Dutch language.

66. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the delegation appreciated the fruitful dialogue that it had had with the Committee, which had sometimes given pause for thought. The Committee's questions and comments would be relayed to the Kingdom's various authorities. He expressed gratitude for the understanding shown on all sides in respect to the unusual structure of the delegation and its effect on how discussions had proceeded.

67. **The Chairperson** thanked the delegation for their replies, which had been well-organized despite the complex and novel structure of the delegation.

68. *The delegation of the Kingdom of the Netherlands withdrew.*

*The discussion covered in the summary record ended at 12.35 p.m.*