

COMMITTEE ON RIGHTS OF CHILD EXAMINES REPORT OF THE NETHERLANDS,
INCLUDING NETHERLANDS ANTILLES AND ARUBA

15 January 2009

The Committee on the Rights of the Child today reviewed the third periodic report of the Netherlands, including Aruba and the Netherlands Antilles, on how that country is implementing the provisions of the Convention on the Rights of the Child.

Andre Rouvoet, Minister for Youth and Families of the Netherlands, introducing the report of the Netherlands, began by noting that the Netherlands now had a Minister for Youth and Families, a post which he was the first to hold, which underlined the importance the Government attached to a specific policy for children, young people and families. Indeed, the constructive recommendations the Committee had made following its review of the Netherlands second periodic report in 2005 had had a major impact on the development of the child and youth policy in the Netherlands. The Committee's recommendation to adopt a "comprehensive national plan of action for children" had been implemented, and preparations were currently under way for Dutch Parliament to discuss a bill to amend the current National Ombudsman Act in the Netherlands, which would enable Parliament to appoint an ombudsman for children. In addition, a statutory ban on the use of violence in child rearing had been laid down in Dutch legislation. The Netherlands would ratify the second Optional Protocol to the Convention (Optional Protocol on the involvement of children in armed conflict) either this month or the next.

Presenting the report by the Netherlands Antilles, Omaryra Leeftang, Minister of Education, Sport and Culture of the Netherlands Antilles, said the priority the Government attached to youth policy was embodied in the "Delta plan for education and youth", which had the ambition to reach and keep track of all children and youngsters and intervene where needed, in order to prevent them from dropping out of school. Moreover, by 2008 all legislation regarding primary, secondary and vocational education had been revised including improvements such as the obligation of schools to report child abuse and the right of parents to choose the instruction language of their child.

Introducing the report of Aruba, Angelique R. Peterson, Senior Legal Adviser of the Department of Foreign Affairs of Aruba, said that a draft revised criminal code had now been finalized which would significantly increase the legal protection for children by further extending and tightening the criminalization of various acts harmful to children. The new anti-discrimination provisions would also increase the protection provided by the law for children with disabilities. Other developments highlighted included the establishment of the Counselling and Reporting Centre on Child Abuse in 2005.

In preliminary remarks, Maria Herczog the Committee Expert serving as co-Rapporteur for the report of the Netherlands, said that what the Netherlands had achieved in the area of children's welfare had been very impressive. Among remaining issues of concern, it was still hoped that the reservations the Netherlands had taken to the Convention would be lifted. It was also hoped that the next report would be a unified one, including the three areas of the Kingdom, so it would be easier to see the comprehensive picture and to better compare the situation of children throughout the Netherlands.

Other Experts raised a series of questions pertaining to, among other things, the mandate and independence of the planned children's ombudsman; discrimination against children; waiting

lists for children to enter mental health institutions; health services for adolescents, in particular drug and alcohol policies; measures to better promote language acquisition and learning among migrant children; measures to ensure that the State prioritised strengthening of the family over the relegation of children to institutional care; and an increase in the number of juveniles being held in "closed" facilities and the root causes of that trend. With regard to both the Netherlands Antilles and Aruba, concerns were voiced about the situation of children with disabilities; the holding of minors and adults together in detention facilities; drug problems among youth; high school dropout rates and illegal adoptions.

The Committee will release its formal, written concluding observations and recommendations on the third periodic report of the Netherlands towards the end of its three-week session, which will conclude on 30 January 2009.

The delegation of the Netherlands included Boudewijn van Eenennaam, the Permanent Representative of the Netherlands to the United Nations Office at Geneva, as well as other members of the Permanent Mission, and numerous members from the three constituent countries of the Kingdom. From the Netherlands, the delegation contained representatives from the Ministry of Justice; the Ministry of Youth and Families; the Ministry of Health, Welfare and Sport; the Ministry of Social Affairs and Employment; and the Association of the Provinces of the Netherlands. From the Netherlands Antilles, representatives were present from the Public Prosecutor's Office; the Directorate for Youth and Youngster's Development; the Training and Resource Centre for Early Childhood Care and Education; the Directorate of Foreign Relations; and the Directorate of General Health. From Aruba, there were representatives from the Department of Social Affairs; the Department of Education; and the Public Prosecutor's Office.

As one of the 193 States parties to the Convention, the Netherlands is obliged to present periodic reports to the Committee on its efforts to comply with the provisions of the treaty. The delegation was on hand throughout the day to present the report and to answer questions raised by Committee Experts.

When the Committee next meets at 10 a.m. on Friday, 16 January, it will consider the initial report of the Netherlands under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NLD/1).

Report of the Netherlands, including Aruba and Netherlands Antilles

The second periodic report of the Netherlands (CRC/C/NLD/3) notes that, regrettably, the Netherlands is currently witnessing a growing radicalisation among two different sets of young people: those attracted by the ideology of the far right and those who set their Islamic beliefs above the law of the land. These young people reject the whole concept of an open, pluralistic and tolerant society and are increasingly turning their backs on mainstream society. Some are even prepared to use violence to achieve their ends. These developments constitute a serious threat to the social cohesion and security of the Netherlands. The young people involved are becoming radicalised at an increasingly early age. Since 2004, government authorities at the national and local level have been establishing programmes to combat radicalisation. They are working with Muslim and other organizations to try to keep young people within mainstream society and to increase their democratic awareness and that of the surrounding community. In addition, professionals like police officers and youth workers are being trained to detect radicalisation and respond effectively. In the case of younger children,

it is important to organise activities in schools, involve peer groups and parents, and ensure some form of supervision of the Koran classes provided in mosques. Various activities of this kind are being undertaken around the country: for example, a national Respect Day is being held and the mosques in Rotterdam are becoming increasingly open about the teaching given on their premises. Such measures will remain an enduring focus of government concern.

The report of Aruba, included in the Netherlands report, details a number of responses to Committee recommendations. On the issue of disabled children, it notes that since Aruba is a small country, it is unfortunately not always able to provide specialised care or special education for such children. There is no round-the-clock care for disabled children. There are no educational services or day care for children with motor and/or serious multiple disabilities. Children with learning difficulties may be eligible for special education in Aruba, but because of the lack of facilities, they often end up on waiting lists or can only be placed for a portion of the week. The Foundation for the Mentally Disabled draws regular attention to such problems. With the help of the board of governors and the parents' committee, certain schools have in recent years improvised and adapted their buildings, sports and recreational facilities for the access and use of disabled pupils. However, other public buildings and amenities require more attention and substantial adaptation. Current building adaptations are often the result of private initiatives and as such require planning and building permits. Building adaptations for disabled access are supposed to meet certain guidelines, but these are not laid down in law and are therefore not mandatory. New legislation is in preparation which will make disabled access a mandatory element in building adaptation, and will ensure that construction work is also approved by an inspector. These amendments are due to be presented to parliament in 2007.

The Netherlands Antilles report, responding to Committee recommendations on the subject of child abuse, notes that the new Youth Care policy framework was approved by the Council of Ministers of the Netherlands Antilles in April 2005. It lays down guidelines for dealing with cases of child abuse, and adopts a number of measures to ensure that the problem is dealt with quickly, effectively and efficiently. The Youth Care policy framework also proposes that every school in the Netherlands Antilles should have access to a school social worker. The Youth Care policy framework and the draft National Ordinance on Youth Care both emphasize the importance of children being able to report problems, and social workers to intervene, at an early stage. The Child Protection Agency also has had a care contract with the island territory of Curaçao to operate a telephone helpline for children since 2004, but owing to financial difficulties and changes to the telecommunications technology it did not become active until November 2006. The child helpline number for the Netherlands Antilles is 918. The switchboard is manned 24 hours a day.

Presentation of Report

ANDRE ROUVOET, Minister for Youth and Families of the Netherlands, explaining the make up of the Netherlands, said that the Kingdom of the Netherlands had three constituent parts: the country of the Netherlands, and the two Caribbean parts, the countries of the Netherlands Antilles and Aruba. The countries of the Kingdom were on an equal standing, each bearing primary responsibility for the implementation of the Convention in their respective territory.

Turning to the country of the Netherlands, Mr. Rouvoet noted that the Netherlands now had a Minister for Youth and Families, a post which he was the first to hold, which underlined the

importance the Government attached to a specific policy for children, young people and families.

A great deal had happened since the Committee reviewed the second report of the Netherlands on 19 January 2005, Mr. Rouvoet observed. The constructive recommendations the Committee had made at the time had had a major impact on the development of the child and youth policy in the Netherlands. For instance, the Committee's recommendation to adopt a "comprehensive national plan of action for children" had been implemented. Shortly after the launch of the Ministry for Youth and Families, he had presented a plan entitled "Every Opportunity for Every Child" to the Dutch Parliament, which set out the ambitions and actions of the Dutch Government with regard to children.

A second striking example of the impact of the Committee's recommendations was the procedure to set up a children's ombudsman in the Netherlands, Mr. Rouvoet posited. Preparations were currently under way for Dutch Parliament to discuss a bill to amend the current National Ombudsman Act in the Netherlands, which would enable Parliament to appoint an ombudsman for children.

Yet another example of a recommendation by the Committee that had been carried out was the statutory ban on the use of violence in child rearing which had been laid down in Dutch legislation. Mr. Rouvoet was also pleased to announce that the Netherlands would ratify the second Optional Protocol to the Convention (Optional Protocol on the involvement of children in armed conflict) either this month or the next.

Although the Netherlands was making progress, they had to continue to assess their actions critically, Mr. Rouvoet recognized. There were still issues that continued to require their full commitment. One such issue was combating child abuse. When he had taken office, the number of children victimized by child abuse had proved much higher than had previously been assumed. The fight against child abuse therefore had to continue in the coming years.

Another issue that remained on their agenda was the fact that children and parents still had to wait too long to receive the appropriate care. Creating alternatives for children in detention by expanding the capacity of closed youth care as quickly as possible was another concern for the immediate future.

Mr. Rouvoet concluded that, in years to come, the national, regional and local authorities in the Netherlands had to work diligently to maximize the implementation of the Convention on the Rights of the Child and he reaffirmed that children's rights and the Convention on the Rights of the Child constituted the basis for Dutch youth policy.

OMARYRA LEEFLANG, Minister of Education, Sport and Culture of the Netherlands Antilles, said that, since its entry into force in 1998, the Convention had been an important instrument and a basis for formulating Antillean policies. As had been mentioned earlier, the Netherlands Antilles was an autonomous part of the Kingdom of the Netherlands. It consisted of the five islands of Curacao, Sint Maarten, Bonaire, Sint Eustatius and Saba. Although national policies were made by the Central Government of the Netherlands Antilles, each island had its own internal self-governance and was primarily responsible for the execution thereof.

Even in these historic moments of constitutional reform, on explicit instructions from the

Prime Minister of the Netherlands Antilles, the Government had declared youth policy as the highest priority, Ms. Leeftang underscored. That priority was embodied in the "Delta plan for education and youth" with the ambition to reach and keep track of all children and youngsters and intervene where needed, in order to prevent them from dropping out of school.

A major achievement of that plan was the amendment of the National Ordinance on Compulsory Education, for children 4 to 18 years, Ms. Leeftang observed. Special attention had also been given to enforce compulsory education in a multidisciplinary way. For youngsters who had already dropped out or threatened to drop out, a compulsory Youth Training had been developed in which training was given up to the age of 24 years.

Another achievement was that by 2008 all legislation regarding primary, secondary and vocational education had been revised. The new legislation included, for example, the obligation of schools to report child abuse and the right of parents to choose the instruction language of their child. Other examples of achievements made by the Netherlands Antilles were efforts in the recognition and funding of psychological treatment for children and a law adopted in October 2008 aimed at protecting each child against child pornography (including virtual images), prostitution and sexual abuse, as well as a prohibition against the sale or provision of alcohol to children, Ms. Leeftang concluded.

Presenting the report of Aruba, ANGELIQUE R. PETERSON, Senior Legal Adviser of the Department of Foreign Affairs of Aruba, said that both the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography were implemented in Aruba's legal system through national legislation and national policy.

Highlighting a few areas in which important progress had been made, Ms. Peterson said that the draft revised criminal code had now been finalized. Once it became effective, the revised code would significantly increase the legal protection for children by further extending and tightening the criminalization of various acts harmful to children. The new anti-discrimination provisions would also increase the protection provided by the law for children with disabilities. Furthermore, the introduction of the new code would completely revise and modernize juvenile criminal law.

Secondly, in recent years, policy development had given a high priority to further developing and strengthening the chain of responsibility of all organizations and authorities involved with youth care, whether they were in the field of social care, health care, juvenile justice, education or other area. The establishing of the Counselling and Reporting Centre on Child Abuse in 2005 played an important role in that chain. For the first time, there was a database for cases involving child abuse and neglect, which provided an important basis from which to further develop policy initiatives, Ms. Peterson underscored.

Moreover, for those children who ran into problems with justice and/or had serious behavioural problems, important progress had been made on the creation of a special residential facility.

Ms. Peterson highlighted education as another area in which important developments were taking place in Aruba. Recently, a new national education plan (2007-2017), inspired by United Nations Educational, Scientific and Cultural Organization's "Education for All" plan and the Convention on the Rights of the Child, had been launched.

In conclusion, Ms. Peterson drew attention to the fact that, following an April 2005 referendum held on all the five islands of the Netherlands Antilles, the islands of Sint Maarten and Curacaoe had chosen to become countries within the Kingdom of the Netherlands, and St. Eustatius and Saba had chosen to become part of the Netherlands as "public entities". That meant that in 2010 the Netherlands Antilles would cease to exist and the new constellation of the Kingdom, consisting of four countries, would take effect.

Questions by Experts

LUIGI CITARELLA, the Committee Expert serving as Rapporteur for the report of the Netherlands, said the very large and representative delegation of the Netherlands' three constituent parts and the very good report submitted by the Netherlands all testified to the strong commitment of that country in the area of children and their rights. He also noted the United Nations Children's Fund report (2007) according to which the children of the Netherlands were among the happiest in the world, having scored first place in ranking of child well-being among 21 industrialized countries.

Turning to questions and concerns, Mr. Citarella observed that there were still three outstanding reservations by the Netherlands to the Convention and asked for an update on the continuing reasoning behind those reservations and whether any changes were contemplated in the future.

Regarding the tripartite structure of the Netherlands, Mr. Citarella was concerned that the distribution of the competency to implement the Convention in the Netherlands to its three entities, as had been presented here today, led to its uneven implementation, and therefore to discrimination.

With regard to the new Ministry for Youth and Families of the Netherlands, Mr. Citarella asked for more information about its coordination role with regard to programmes and policies for children within the Government.

Mr. Citarella felt that it was strange that so far there was no comprehensive, systematic approach to collect and evaluate disaggregated data on children. The Committee had made specific recommendations on this in 2004, and that allowed ample time for some headway to be made in this area.

Finally, Mr. Citarella said there seemed to be some form of discrimination in the schools. In some schools in the Netherlands there appeared to be a difficulty in admitting "non-resident" children. He would appreciate more information on that.

Other Experts then raised a series of questions pertaining to, among other things, the planned children's ombudsman, and whether it would be mandated to investigate complaints by children, as well as have a role in promoting the Convention; government funding for non-governmental organizations working in the area of children's rights; examples of legislation in which the best interest of the child was specifically referred to; and efforts to help recognize and preserve the religious and cultural background of immigrants.

On discrimination against children, an Expert raised the statistics contained in the Human Rights Watch report, which showed that not enough was being done to combat discrimination

at the local level of government, with less than 10 per cent of local governments having formulated general policies or action plans on racism.

With regard to both the Netherlands Antilles and Aruba, an Expert voiced concerns about the situation of children with disabilities and a lack of programmes and policies for them, noting, for example, that on Saba children with severe disabilities did not go to school.

Response by the Delegation

Responding to these questions and others, the delegation, turning to the reservations to the Convention, said following a thorough consideration of its reservation to article 26 (all children have the right to social security), they noted that in the Netherlands social security was provided to the child via the parents. As the Dutch social security system had not changed, the reservation would have to remain in force.

As for the reservation to 37 (c), which provided that children deprived of liberty be kept separated from adults, there was a possibility in Dutch law that 16 to 18 year olds charged with especially grave crimes could be judged and detained as adults, at the Judge's discretion. A survey had showed that only 1 per cent of such cases were treated in this way. As it appeared that that power was not being abused, it was believed that judges should be allowed to keep this discretionary power, the delegation explained.

On the Ministry for Youth and the Family, the delegation said that the primary advantage of the new Ministry was to coordinate all areas of relevance for children and the family under one body, which had the primary responsibility for areas such as childcare, youth protection, youth health care, care at school, youth employment policy and family policy. It also was able to ensure in all Cabinet meetings that there was a comprehensive approach focusing on the best interests of parents and children.

Regarding the children's Ombudsman, the delegation said that the Committee's recommendations had figured prominently in the debate on the establishment of that institution, with a bill currently before Parliament. As to the mandate of the children's ombudsman, as the draft stood now, it included all the powers that the Experts had raised – to investigate and hear complaints, monitor the situation of children's rights to promote the Convention and others. The new body would be considered a "substitute" for the current Ombudsman and would thus share its independent status. It would also not have a hierarchical relationship with the National Ombudsman's office, but would be placed alongside it.

The present National Ombudsman did not have a mandate to monitor implementation of children's rights, the delegation added.

With regard to the Netherlands Antilles, the delegation wished to reiterate that, despite the fact that the Netherlands Antilles was currently in the process of dismantling its structures, the Netherlands Antilles did have a national plan of action on children – which she had mentioned in her intervention. Despite the historic process of restructuring that was taking place, the Delta Plan for Education and Youth had been developed as a priority. They wanted to be sure that they had all of their children in focus and could keep them in place. The Delta plan had been anchored in seven specific laws – including educational laws that provided parents with the option of choosing their children's language of instruction and ensured that children were able to communicate in four languages at the end of their compulsory education.

In terms of dissemination, the Convention had been translated into the three official languages of the Antilles and disseminated to all schools, libraries, and professionals and non-governmental organizations working in the area of children.

The delegation confirmed that Aruba had also disseminated the Convention widely. Moreover, the National Committee on the Rights of the Child would also launch a website in February 2009 in the Papiamentu language on children's rights to promote awareness of the Convention. It would make the reports to the Committee and the Committee's recommendations known to a broad audience.

Aruba also had a Youth Parliament, with some 80 members, that was very active in presenting its views to Parliament, the delegation noted.

Further Questions by Experts

During the second round of questions, MARIA HERCZOG the Committee Expert serving as co-Rapporteur for the report of the Netherlands, said, concerning family responsibility and guidance, that the efforts of the Netherlands to achieve strong families and the focus on prevention were in accordance with the Convention on the Rights of the Child. In that vein, she welcomed the new Ministry for Youth and Families. However, she wondered about the coordination of its double mandate and worried that children might not be the primary focus.

Ms. Herczog also wondered if there was a procedure to feed in the opinions of non-governmental organizations (NGOs) and children into decision-making on children's issues, in particular was there a mechanism within the Ministry for working with NGOs?

Another concern was whether professionals, including police, were properly trained to listen to children. Ms. Herczog drew attention to statistics showing that children were reluctant to consult professionals for problems they encountered.

On Aruba, Ms. Herczog wanted more information on day care for children, which the report had indicated was problematical. How many children were in day care and what kinds of problems were they experiencing?

Other Experts raised further concerns and asked questions on topics including, among others, programmes for autistic children; waiting lists for children to enter mental health institutions; health services for adolescents, in particular drug and alcohol policy; the keeping of DNA files on minors; further information on multicultural peer groups for children; complaints that human rights and child rights education were rarely included in school curricula and the courses were poor; measures to better promote language acquisition and learning among migrant children; conflicts between the 2004 Adoption Law and the Hague Convention, and whether the Netherlands law allowed for adoptions that were not consistent with the Hague Convention provisions; what measures were being taken to ensure that the State prioritised strengthening of the family over the relegation of children to institutional care; and an increase in the number of juveniles being held in "closed" facilities and the root causes of that trend.

With respect to the Netherlands Antilles, Experts asked about the holding of minors and adults together in detention facilities; drug problems among youth; high school dropout rates;

teenage pregnancies; reports that undocumented children were not admitted to public schools in Sint Maarten; and what adoption laws existed and measures taken to eliminate illegal adoptions.

Regarding educational issues on Aruba, an Expert wanted to know why it was so difficult to make education compulsory; whether undocumented children had access to school; and what was being done to combat dropout and absenteeism rates.

Further topics on which Experts had queries included the root causes for the long waiting lists of children for social services, and whether that might be tied to decentralization of care in the Netherlands; measures to identify foster parents, given a reported lack of candidates; whether the Netherlands had legislation prohibiting the sale or traffic of arms to countries that had child soldiers on their territory; reports of children involved in hazardous or night labour in the Netherlands Antilles and steps to ensure protections for such children; the situation of street children in Aruba and the Netherlands Antilles; and protections and rehabilitation services for children victims of abuse, including domestic violence and bullying in schools.

With regard to the right of the child to be heard, an Expert wanted to know specifically what regulations applied with regard to asylum-seeking children and with regard to children's right to be heard in the educational sphere.

Response by Delegation

Responding to those and other questions, the delegation said that a system for monitoring children's rights had been in place since 2007, the Youth Monitor. That was a database run by the Ministry of Youth and Families and it also had a website. There were over 60 indicators tracked by the Youth Monitor in the areas of education, employment, health and others users could add the data themselves. The first annual Youth Monitoring Report had been published in December 2008.

Municipalities also collected data on children, the delegation added, and in the future they would be integrated at the national level and added to the Youth Monitor. By 2010 an improved data collection system should be available.

As to families, indeed the Ministry of Youth and Families had a focus on and worked to strengthen families through the Plan for the Family, the delegation said. A new policy document in this area focused on a number of related issues including more time for the family; financial support for families; parenting skills; and families with multiple problems.

Concerning waiting lists for youth care, the delegation said that, to address that, there had been performance agreements signed with the Association of Provincial Authorities, part of which was that the Ministry for Youth and Families agreed to deliver 100 million euros for 2008 and 2009 and the provinces would provide more out of their budgets (some 88 million euros) for youth care services.

Also to combat those waiting lists, the Youth Care Agencies had a focus on prevention, as well as a focus on efficiency in youth care services, for instance, initiatives to shorten duration of treatment; to improve effectiveness through monitoring; care management by the provincial authorities through performance agreements; and shifts to non-institutional care such as foster care and ambulatory care.

On children with disabilities, once the need for care was certified, round-the-clock care would be financed through the Exceptional Medical Expenses Act.

With regard to children and alcohol, the delegation said among measures taken by the Netherlands had been the prohibition, starting last year, of alcohol commercials on television and radio before 9 p.m.; fines for children under 16 found in the streets with alcohol; improved aftercare for youngsters admitted to hospital for alcohol poisoning; tougher penalties for drunk driving; and coordination with the commercial sector to promote a campaign "no alcohol for those under 16".

Statistics on teenage mothers showed that there had been 2,540 teenage mothers in the Netherlands in 2007, which represented a drop from the previous years. There were many alternatives for care for such mothers if their families were not able to support them and recently the Government had invested a supplementary 1 million euros for a home for teenage mothers as well as other support to adolescent mothers.

Responding on why the Netherlands allowed adoptions that were not within the Hague Convention and "weak" adoptions, the delegation noted that there were countries that did not belong to the Hague Convention where children were in need, such as Ethiopia, Haiti and Kyrgyzstan. In those cases, however, the delegation stressed that the Netherlands applied the same criteria as in the Hague Convention. They had also allowed for "weak" adoptions, which allowed for ties to the biological parents not to be completely broken, in particular in cases of adoption from Islamic countries. But they were phasing out such "weak" adoptions.

On juvenile justice, it had been asked if a defence lawyer was able to be present during the police interrogation of a minor suspect. The delegation here noted that, while the right to legal assistance was guaranteed, that did not guarantee the right to have a lawyer present during police interrogations. That was the subject of much debate in the Netherlands. Currently, they were experimenting with having lawyers present during police interrogations involving serious crimes by minors, and the debate was ongoing.

Under the current legislation on DNA in the Netherlands, the storing of the DNA of minors was not prohibited. The criterion for storage rested solely on the type of crime involved, i.e. the seriousness of the offence, and for certain grave crimes DNA evidence could be stored, whether it came from minors or adults.

Concerning security and the issue of bullying in the schools, the delegation noted that the Ministry of Education, Culture and Science had targeted 90 million euros to the issue of safety in schools, including prevention of bullying. Moreover, at the end of 2007, the lower house of the Dutch Parliament had committed to providing a mechanism for incident registration; safety teams in the schools, for which it had allocated 175 million euros annually; and further organization and professionalization of safety measures and teams in schools.

On the dropout rate in the Netherlands Antilles, there had been great progress made. In 1992 the rate had stood at 46.9 per cent; in 2001 at 43.6 per cent; in 2007 at 25 per cent; and, following the introduction of the Law on Comprehensive Education in 2008, that rate had plummeted to 10 per cent. The goal was to do even better. That law also meant that each school had to have a special programme for migrant children.

There was a problem with Sint Maartens with regard to education of illegal immigrants, the delegation recognized. That island had a Dutch side and a French side, and was surrounded by English-speaking islands. So whenever illegal immigrants came into the country, even if they arrived on the French side, the children were sent to the Dutch side for education. That had put a strain on the schools system and, for that reason, the authorities there had a policy of not providing education for illegal immigrants. However, the Netherlands Antilles had made it clear that its new law on compulsory education had to be applied in Sint Maartens (i.e. all children had to be kept in school) and the Dutch Government had now generously provided funds for education to the Netherlands Antilles, which had earmarked funds for compulsory education. That would allow Sint Maartens to build additional educational facilities needed to handle the overflow.

With regard to teenage pregnancy in the Netherlands Antilles, the delegation noted that that was a Caribbean/Latin American problem. Surveys showed that in the Antilles women considered having a child part of their status. It would take a lot of time to deal with that culture. What was hopeful was the fact that they had compulsory education up to age 18. Even if they had a child, they were compelled to go back to school.

On disability, there was a serious problem on the island of Saba because there were no facilities there. That was a very small island, with some 2,500 inhabitants, and there were probably only four disabled children there. Indeed, that was probably one of the primary reasons that the island had decided to integrate into the Netherlands, the delegation underscored, because the cost of providing such social services to such a small population was beyond the means of the Government of the Netherlands Antilles.

The delegation acknowledged that juveniles 16 and 17 years old were not always tried as minors under the criminal law, which allowed for the Public Prosecutor and the Judge discretion to try such minors as adults based on a review of three criteria: the seriousness of the crime, the personality of the minor and the circumstances under which the crime was committed. Under the draft juvenile criminal code it was mandatory that all those three criteria be fulfilled for a minor of 16 and 17 years to be tried as an adult. The new criminal code would also abolish life sentences for minors being tried as adults.

Currently, minors 16 and 17 years old were kept in the same detention facilities as adults in the Netherlands Antilles. While minors had a right to a lawyer, neither lawyers nor parents were able to be present during the police interrogations of minors. The lawyer would be present however at all official proceedings, and the initial police interrogation would be stopped once the child's lawyer arrived so that the lawyer could consult with his client in private.

With regard to disabled children in Aruba, a couple of years ago Aruba's Central Bureau of Statistics carried out a comprehensive study on the situation of the disabled in Aruba. There were many programmes for disabled persons, often run by NGOs that were completely or partially funded by the Government and which provided programmes for children both in schools and after school. The Autism Foundation of Aruba helped to raise awareness and advocated for children with autism and their families. Moreover, in the new Code of Criminal Procedure discrimination against disabled persons, including children, would be specifically criminalized.

As regarded teenage pregnancy in Aruba, in recent years much attention had been given to

that problem. The Social and Economic Council had presented an extensive report on that issue a couple of years ago, which showed that the rate of teenage pregnancies had remained relatively stable for the past 10 years at 4.5 per cent. Most teenage mothers were provided for and supported by their families and if needed the Department of Social Guidance and Counselling would provide assistance. Programmes targeting teenage fathers so that they would recognize their responsibility were also in place.

More generally regarding adolescent health care in Aruba, adolescents had access to free national health care. Although the social welfare system was based on a family allowance, there were several programmes targeting youngsters, geared towards preventive health. There was also now a paediatric psychiatrist working in Aruba since last year, filling a significant loophole in health care for young people up to age 21 in Aruba, the delegation added.

For street children, the Department of Social Affairs took them into custody and found a foster family for them, the delegation said.

Children placed in residential facilities in Aruba were there for behavioural problems and not for financial reasons. For children whose parents had financial problems other solutions would be found, involving helping the family to care for the child or placing the children for care with extended family, neighbours or foster parents.

With regard to education, the delegation confirmed that in Aruba all children, including migrant children whose parents were in irregular status, were provided with compulsory education.

The juvenile justice system of Aruba equalled that of the Netherlands. New draft legislation on prisons had also been prepared which fully complied with the Convention. Also, the same legislation regarding storing of DNA that applied in the Netherlands applied in Aruba, i.e., storing of DNA evidence depended solely on the nature of the crime, the delegation said.

Regarding a prohibition on corporal punishment, the delegation noted that, despite a public debate, Aruba was not yet considering banning corporal punishment in the Criminal Code. However, there was still a debate ongoing on whether such a prohibition would be included in Aruba's Civil Code.

The inclusion of human rights education in Aruba's school curriculum had been hotly debated in Parliament recently concerning what subjects should be included.

Back to the situation in the Netherlands, with regard to the dearth of foster parents, the delegation confirmed that there was a plan in place to identify new foster parents and in 2007 more than 3,000 new foster families were welcomed.

Regarding children in asylum procedures, the delegation said that in general they went through the procedure with their parents. If they were 15, children were heard separately or if they were younger, and the circumstances merited it, the child would be heard separately in a child-friendly room with special facilities. Detention of asylum-seeking minors could only take place as a last resort, and in those cases they were held with their families in centres where their movement was restricted, but not completely taken away.

Concerning efforts to promote tolerance and to combat extremism, the delegation said there

was a programme on radicalisation and polarization among youth that sought to promote intercultural dialogue. It sought in particular to do that through sport activities.

Preliminary Remarks

MARIA HERCZOG the Committee Expert serving as co-Rapporteur for the report of the Netherlands, thanked all those taking part in today's discussion. What had been achieved in the area of children's welfare in the Netherlands had been very impressive. She was confident that the European Union's plan on children's rights was also helping and allowing the Netherlands to share information with other countries.

Among issues of concern, Ms. Herczog said it was still hoped that the reservations the Netherlands had taken to the Convention would be lifted. The Committee also hoped that the next report would be a unified one, including the three areas of the Kingdom, so it would be easier to see the comprehensive picture and to better compare the situation of children throughout the country.

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