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

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

Addendum

NETHERLANDS ANTILLES*

* 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.

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Introduction

1. This third periodic report of the Netherlands Antilles is submitted in accordance with article 19 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. The general guidelines regarding the form and content of periodic reports have been observed as far as possible. The report covers the period from July 1995 to June 2003. It provides an update on issues addressed in the second report (E/1990/6/Add.12) and contains information on remaining obstacles.

Responses to the concluding observations made by the Committee

2. The following are responses to the concerns raised by the Committee following its examination of the previous periodic report (see E/C.12/1/Add.25):

- Direct applicability (para. 55). The Government will take the issue of direct applicability into consideration;
- Equal wages and access to employment for men and women (para. 56). There are no legal provisions impeding equal wages and equal employment for men and women;
- Address dropout problem; adoption of a plan of action with regard to free compulsory primary education as required by article 14 (para. 57). The dropout problem is an intractable one. The Government's efforts are geared towards keeping pupils in school for as long as possible. It is fairly easy to keep children between the ages of 6 and 15, who are obliged by law to attend school, in school. It is much more difficult to prevent older children from leaving. For them there are plans to introduce compulsory training. Primary education is both compulsory and free in the Netherlands Antilles;
- Introduction of legislation to standardize minimum wages (para. 58). As of 1 December 2004 there has been a single minimum wage on all the islands of the Netherlands Antilles. For more information, reference is made to the information mentioned under article 7 of this report;
- Withdraw reservation concerning right to strike (para. 59). The Government still has this issue under consideration.

Article 1

3. In a referendum held on 23 June 2000, the population of Sint Maarten voted for a change in the island's position within the Netherlands Antilles and the Kingdom of the Netherlands. A substantial majority (68.9 per cent or 6,212 of the votes cast) chose for option 3, i.e. separate status within the Kingdom.

4. On 3 June 2002 a new Government took office in the Netherlands Antilles. The Government Policy Accord 2002-2006, which forms the basis for political cooperation between the coalition parties, states that constitutional changes will be introduced during the Government's current term of office. These will lead to Sint Maarten's withdrawal from the relationship with the Netherlands Antilles, while relevant constitutional changes will be introduced in the other island territories of the Antilles, i.e. Curaçao, Bonaire, Saba and Sint Eustatius. At the moment of the drafting of this report all islands of the Netherlands Antilles have already held referenda and the objective is to have a new constitutional structure in place by July 2007.

Article 2

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

Article 3

6. The Convention on the Elimination of All Forms of Discrimination against Women has been in force for the Netherlands Antilles since August 1991 and the Optional Protocol has been in force since August 2002.

7. The Directorate of Social Development is in charge of gender policy development for the Netherlands Antilles. As part of overall strategy development it has established a policy network consisting of government and non-governmental agencies, which was launched in Curaçao in January 2003. Its goals are to inform, train and educate government officials and the general public about differences in the impact of policy decisions on women and men as well as to promote gender mainstreaming at the government level. The Women's Bureau and the major women's organizations are members of the Curaçao network. The Directorate plans to create gender policy networks on the other islands of the Netherlands Antilles by the end of 2003.

Independent status for women under tax legislation

8. In 1992 a start was made on amending in stages the tax rules for married couples with two incomes. The problem was that the two incomes were added together so that the progressive rate of taxation put double-income couples at a disadvantage.

9. The entry into force of the National Ordinance of 23 December 1997 (Official Bulletin (PB) 1997, No. 333) amending the National Income Tax Ordinance 1943 (PB 1956, No. 9) and the National Salaries Tax Ordinance 1976 (PB 1995, No. 254) rounded off the gradual process of introducing an independent tax status for women, a process that was begun with the National Ordinance of 28 December 1994 (PB 1994, No. 142). Since 1 January 1998 the incomes from employment of a husband and wife who both work are no longer added together for tax purposes. In other words, each of the spouses is taxed independently on his or her personal income (from employment and business activities plus regular benefits [AOV (old age pension)/AWW (widows and orphans benefit)] minus personal allowances (AOV/AWW and life insurance premiums).

Article 4

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

Article 5

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

Article 6

12. For the reporting period, only data from the pilot census conducted in June 2000 are available and then only for the three larger islands: Curaçao, Sint Maarten and Bonaire. Until 1998 a Labour Force Sample Survey (LFSS) was conducted every year in Curaçao and every other year in Sint Maarten and Bonaire. For the two smaller islands, Saba and Sint Eustatius, only census data are normally available, but in 1997 a mid-census was conducted on these two islands. As a result of budgetary constraints, the normal schedule of LFSSs was interrupted. Consequently, no data are available for Bonaire between 1996 and 2000, for Curaçao for the year 1999 or for Sint Maarten between 1997 and 2000. In the tables, comparisons will be made between the last available LFSS (mid-census) and the pilot census of 2000. Only a limited number of the variables are available from this census. In February of the year 2001 a complete census was taken.

13. Table 1 below shows that employment was almost stable (slight decrease) in Bonaire and Curaçao and increased considerably in Sint Maarten (recovery after a number of destructive hurricanes). Unemployment decreased on all three islands, leading to lower unemployment rates, except among males in Bonaire. The enormous emigration from Curaçao resulted in lower employment in some areas but also in lower unemployment in others.

14. Table 2 supplies the same data according to age group. The table shows that youth unemployment decreased considerably in Curaçao and Sint Maarten. It also shows that the average age of the labour force is increasing alarmingly, since the younger age groups are declining while the older age groups are growing, even in Curaçao where total employment is decreasing.

15. No new data are available on the number of job vacancies. A job vacancy survey is conducted every four to six years. The last one was held in 1998. A new survey is tentatively planned for the year 2003.

16. The Job Centre in Curaçao (employment service) was closed at the end of 2000. Its activities and personnel were taken over by another department (Department for Work and Income) of the island Government that operates six *Ban bario bèk* (Back to the neighbourhood) offices. The goal of this new department is to offer integrated services relating to work and income. This means that clients will be offered a programme aimed at their achieving the highest possible level of independent functioning. This may concern the way they function in

society but it also aims to get them into employment. Two advisers (one for work and one for income) decide, together with the client, on the optimal programme for him/her. Factors hampering this goal (education, training, childcare) are taken into account as much as possible.

Table 1
Core labour force data

	Male		Female		Male		Female	
	1996	2000	1996	2000	1996	2000	1996	2000
Bonaire								
Employed	7 274	7 206	4 259	4 161	3 015	3 045		
Unemployed	467	436	209	274	258	162		
Labour force	7 741	7 642	4 468	4 435	3 273	3 207		
Population > 14	10 649	10 668	5 613	5 584	5 036	5 084		
Employment rate	68.3%	67.5%	75.9%	74.5%	59.9%	59.9%		
Unemployment rate	6.0%	5.7%	4.7%	6.2%	7.9%	5.1%		
Participation rate	72.7%	71.6%	79.6%	79.4%	65.0%	63.1%		
Curaçao								
Employed	52 962	52 236	28 806	27 347	24 156	24 889		
Unemployed	10 543	8 531	4 699	3 721	5 844	4 810		
Labour force	63 505	60 767	33 505	31 068	30 000	29 699		
Population > 14	108 167	102 548	49 336	46 612	58 831	55 936		
Employment rate	49.0%	50.9%	58.4%	58.7%	41.1%	44.5%		
Unemployment rate	16.6%	14.0%	14.0%	12.0%	19.5%	16.2%		
Participation rate	58.7%	59.3%	67.9%	66.7%	51.0%	53.1%		
Sint Maarten								
Employed	18 896	22 626	10 828	12 810	8 068	9 816		
Unemployed	3 931	3 337	1 616	1 384	2 315	1 953		
Labour Force	22 827	25 963	12 444	14 194	10 383	11 769		
Population >14	27 970	32 903	14 029	16 440	13 917	16 525		
Employment rate	67.6%	68.8%	77.2%	77.9%	58.0%	59.4%		
Unemployment rate	17.2%	12.9%	13.0%	9.8%	22.3%	16.6%		
Participation rate	81.6%	78.9%	88.7%	86.3%	74.6%	71.2%		

Source: Central Bureau of Statistics, LFSS (1996, 1997 and 1998) and Pilot Census 2000.

Table 2
Labour force data by age group

	Employed	Unemployed	Labour Force	Population >14	Employment rate	Unemployment rate	Participation rate
Bonaire							
15-24:							
1996	1 127	216	1 343	2 096	53.8%	16.1%	64.1%
2000	961	165	1 126	1 932	49.7%	14.7%	58.3%
25-44:							
1996	4 171	219	4 390	4 940	84.4%	5.0%	88.9%
2000	3 991	175	4 166	4 570	87.3%	4.2%	91.2%
> 44:							
1996	1 976	32	2 008	3 613	54.7%	1.6%	55.6%
2000	2 254	96	2 350	4 166	54.1%	4.1%	56.4%
Curacao							
15-24:							
1998	4 192	2 315	6 507	18 735	22.4%	35.6%	34.7%
2000	4 108	1 535	5 643	16 832	24.4%	27.2%	33.5%
25-34:							
1998	12 918	3 177	16 095	19 004	68.0%	19.7%	84.7%
2000	11 639	2 085	13 724	16 053	72.5%	15.2%	85.5%
35-44:							
1998	17 469	3 043	20 512	24 633	70.9%	14.8%	83.3%
2000	16 676	2 712	19 388	23 452	71.1%	14.0%	82.7%
45-54:							
1998	13 142	1 482	14 624	20 187	65.1%	10.1%	72.4%
2000	13 627	1 580	15 207	20 274	67.2%	10.4%	75.0%
> 54:							
1998	5 241	526	5 767	25 608	20.5%	9.1%	22.5%
2000	6 186	619	6 805	25 937	23.9%	9.1%	26.2%
Sint Maarten							
15-24:							
1997	2 006	765	2 771	4 515	44.4%	27.6%	61.4%
2000	1 799	730	2 529	4 810	37.4%	28.9%	52.6%
25-44:							
1997	12 769	2 245	15 014	16 423	77.8%	15.0%	91.4%
2000	14 378	1 847	16 225	18 326	78.5%	11.4%	88.5%
> 44:							
1997	4 121	921	5 042	7 008	58.8%	18.3%	71.9%
2000	6 449	760	7 209	9 829	65.6%	10.5%	73.3%

Source: See table 1.

17. The client list of the department is subdivided into four categories:

- The smallest group (5 per cent of the total) are those who can be helped immediately to find a job;
- The second group (about 20 per cent) are those who can quickly find a job with the aid of short-term, intensive guidance and/or training, or who can be included in employment programmes;

- The largest group (about 40 per cent) comprises clients for whom it is difficult to mediate and who are heavily dependent on welfare services;
- A final group (about 35 per cent) are those regarded as unfit for work due to age, disability, medical or socio-medical reasons.

Depending on the category, a programme is set up consisting of employment mediation, guidance, motivation, job application training or vocational training. Clients in categories 1 to 3 who wish to receive benefits are obliged to cooperate with training and/or labour market programmes.

18. As a result of all the changes in the organization, no data are available for 1999. In 2000, 373 job vacancies were registered at the combined job centre/*Ban bario bèk* offices. A total of 426 unemployed people were referred to these vacancies, 112 of whom were engaged directly, 79 by way of programme mediation and 6 via mediation for special groups. This means that the labour exchange was able to fill 46 per cent of the available vacancies.

19. No special measures exist to promote equality between women and men in terms of access to employment. Developments in this area over the last 20 years have been so rapid that the Government is unsure whether a special policy to this effect would be wise. Overall labour force participation by women increased from 32.1 per cent in 1981 to 40.1 per cent in 1992 and 43.7 per cent in 2000. In the same three pilot census years male participation was 50.3 per cent 53.1 per cent and 52.7 per cent respectively. The difference between male and female participation rates decreased from 18.2 percentage points in 1981 to 13.0 in 1992 and 9.1 in 2000. If we look exclusively at the proportion of the working population, the difference between males and females is 20, 14.3 and 10.1 percentage points.

20. The above figures for the year 2000 exclude Saba and Sint Eustatius but comprise an estimated 98 per cent of the population.

21. Vocational guidance is provided by career advisers, mostly in the secondary school system, who have received some training in this field. There are also some independent career advisers operating in Curaçao.

22. *The Fundashon pa Edukashon y Formashon di Fishi y Kapasitashon* (FEFFIK) is the national vocational training centre on the island of Curaçao. FEFFIK was established in response to the need of government, unions and business associations to retrain mine workers who had been laid off in huge numbers. Since its establishment in 1980, FEFFIK has continued to provide a wide range of courses for the community of Curaçao and the Netherlands Antilles.

23. FEFFIK has nine departments, 90 full-time employees and 110 part-time instructors. With an average of 1,500 students enrolled in the different training programmes, FEFFIK is very much aware of the importance of its role as a centre for vocational training for the region. It is committed to helping students enhance their skills by offering basic skills training, apprenticeship programmes and continuing education courses in the following areas: computer training and administrative assistant, construction, hotel and tourism training, automotive training, electrotechnical and metallurgical training for the unemployed, human development training (security, warehouse and logistical training) and fashion design.

24. Since its establishment, FEFFIK has maintained a close relationship with the business community in order to meet its needs for qualified workers. It has established a vocational training system which is effective, demand-driven and suited to the island's social and economic environment. A good indicator of success is that FEFFIK's overall job-placement rate is 98 per cent. This means that 98 per cent of FEFFIK graduates seeking employment had jobs at or shortly after graduation.

25. To keep abreast of industry trends and needs, each department offering apprenticeship programmes has a Supervisory Board composed of professionals who help ensure the relevance of vocational training programmes. Learning by doing, or hands-on training, is the dominant educational concept at FEFFIK. Many programmes provide students with valuable career experience both in the classroom and on the job. Practice facilities, internships and on-the-job training all place the students in real-life situations to develop their knowledge and skills further.

26. In 1995 the island Government declared that FEFFIK had national responsibility for vocational training on the island of Curaçao. Since then, FEFFIK has worked closely with the Department of Education to become an accredited vocational training institution for the entire Netherlands Antilles. It has full approval from different European educational centres to use their programmes and products, thus ensuring that standards are maintained within the industry. As a result, all diplomas issued within the apprenticeship system are fully accredited.

27. Equal access for girls and women is guaranteed for all who are interested in pursuing a training programme at FEFFIK (including nationals of other territories). FEFFIK's policy is that they must be legally resident in the Netherlands Antilles and must understand the language of instruction (Papiamentu, or Papiamentu and Dutch). FEFFIK does not provide vocational skills training for disabled people. However, at the centre for persons with a disability at Sint Maarten, FEFFIK provides general courses which include Papiamentu, arithmetic and motivation.

28. In Bonaire, limited vocational training is given mainly by the Formashon pa Mayan (FORMA) Foundation, focusing on technical training at the basic and medium levels. Recently, other medium-level training facilities have been started up by the Community of Schools (SGB). In addition, FORMA and FEFFIK Curaçao will soon be giving other short-term courses in the framework of the Training Grant Scheme.

29. Mgr. P.I. Verriet, a centre for the care of physically disabled children in Curaçao, guides some 20 individuals back into employment each year. Individuals in need of rehabilitation as a result of accident, illness or disability are being treated/guided within the following disciplines: physical therapy, ergotherapy, speech therapy, social work and psychology along with nursing and/or orthopaedic workshops. If it turns out during rehabilitation that returning to work is a real possibility, ergotherapists and social workers pursue this option.

30. Returning to work may include going back to one's original job, going back to one's original job in some adapted form, or finding other work. For this purpose the ergotherapist conducts an ergonomic analysis consisting primarily of testing the person in rehabilitation and analysing the place of work as well as the activities to be performed. The social worker plays a coordinating role between employee and employer. In the Netherlands Antilles much is

dependent on the willingness of employers to cooperate in adapting the place of work and work activities since there is virtually no legislation making this compulsory nor any government policy providing incentives.

31. In relation to the poor financial situation of the Government of the Netherlands Antilles since the second half of the 1980s, in the mid-1990s the so-called 1996-2000 Structural Adaptation Programme was drawn up with the help of the IMF. However, this programme contained many measures that would have increased the public's burden enormously. On the basis of this problem the Central Government took a fundamental approach and in 1998 presented the 1998-2002 Financial-Economic Recovery Programme Memorandum partly on the basis of the Government's financial-economic policy, the starting point for which was the precarious financial situation, which had direct consequences in a great many areas and which has negatively influenced the economy of the Netherlands Antilles as well as that of the different islands. Economic decline led to cuts in government expenditure, especially in the sphere of government investments and structural provisions.

32. The government pension scheme was changed to conform to market regulations. The related funds saved were estimated at 40 million Netherlands Antillean guilders on an annual basis for all the governments together. Further reduction of expenditure could be achieved by means of improved efficiency, maintenance of a freeze on recruitment of personnel, personnel reduction, application of part-time work and abolition of non-essential government tasks.

33. With the aim of achieving an efficient and effective governmental apparatus, a new governmental structure was established in 2000. The new organizational structure is less hierarchical than the previous one and the new government currently performs the essential tasks of policy-making, adopting laws and regulations as well as supervision. In the reorganization process, redundancy fees are granted in conformity with the Redundancy Fee Regulation (PB 1986, No. 83) to employees who hold jobs that no longer fit into the new organizational structure. A redundancy fee is a salary allocated to the discharged civil servant for a certain period until he/she has found another job.

34. Different plans for upgrading personnel, such as personnel training courses, are also provided for in the new Government. Additionally, in 1998 the Central Government began to implement a more structured performance and appraisal system and a new job evaluation system. Periodical increases of salary and vacation allowances, which were deferred in the 1980s, were reintroduced in 2002.

Article 7

Equal pay for equal work

35. In a case involving Antilleans, the Supreme Court (Hoge Raad HR) held that discriminating between married and unmarried persons with respect to pay was incompatible with article 7 of the Covenant. It emerges from case law (HR 7 May 1993, No. 259) that article 7 is not directly applicable, but that guaranteeing equal pay for equal work is an objective the Government is obligated to work to achieve. It should not therefore be too easily assumed that there is a reasonable and objective justification for differences in pay. Marriage is too

unreliable an indicator of the existence of maintenance obligations for the mere fact that an employee is married to be deemed sufficient grounds for paying a higher salary for the same work.

Equal terms and conditions of employment for women

36. In the Netherlands Antilles the right to equal treatment is guaranteed by the direct applicability in the legal system of the prohibition on discrimination contained in article 26 of the International Covenant on Civil and Political Rights (ICCPR) and article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. According to established case law, the nature of article 26 of the ICCPR - which is precisely formulated and unconditional - means that it can be applied directly by the courts, in the sense that the courts will examine whether the application of a statutory provision is incompatible with article 26 and, if so, whether the provision can be binding.

37. In 1990 the discrepancy in salary between married men, unmarried persons and married women working for the Government was abolished, with retroactive applicability to and including August 1986.

Reasonable duration of working hours

38. Working hours were reduced to 40 hours a week on the basis of a five-day work week with the entry into force of the National Ordinance of 4 December 1998 (PB 1998, No. 229) amending the Labour Regulations 1952 (PB 1958, No. 24).

Differentiation in the minimum wage

39. Regarding the Committee's concern over the existence of three minimum wage levels on each island, a situation that may give rise to or reflect situations of discrimination, the Government would make the following observations. Different levels of minimum wage came into being on the basis of the "capacity to pay" principle, whereby industrial sectors that were regarded as capable of paying higher wages were obliged to do so. This meant that the degree of protection via the minimum wage was higher for a considerable proportion of the population than it would have been if a single minimum wage had been set, since the latter would have had to be set at the level of the weakest industrial sector. The minimum wage must not therefore be seen as a subsistence income. The Government is also of the opinion that the effect is not discriminatory.

40. Individuals are, after all, at liberty to seek work in a sector with a higher minimum wage. Some will not be successful, but that may also be a reflection of other qualifications such as level of education. Some employees have not obtained a school-leaving certificate and on that basis are paid less than those who do have this qualification. This is not in general seen as discriminatory.

41. Nevertheless, the Government has been attempting for years to reduce and ultimately eliminate the differences between the various categories of minimum wage. In 1991 the difference between category II and category III was abolished on Curaçao, Bonaire and Sint Maarten. In Sint Maarten the differences between categories I, II and III were abolished

in 1994. What is more, the differences between the remaining categories have been reduced. As of 1 August 2001, all minimum wages were converted into minimum hourly wages, while at the same time the minimum hourly wage of workers in category IV was sharply increased, especially for full-timers. This was the first stage of the three-stage process to equalize minimum wages per island. The decision to do this in stages was taken because the differences between categories on some islands are so large that a one-stage process would have serious consequences for the island's economy. The second stage of the process began with the changes to the minimum hourly wage effected under legislation (PB 2003, No. 25) that entered into force on 1 March 2003. The Government planned to initiate stage three as of 1 January 2004. Furthermore, the changes to the minimum wage system of August 2001 also brought employees working less than a third of normal working hours under the scope of the Act.

42. A leaflet issued by the Labour Affairs Department and attached to this report gives an overview of the minimum hourly wages applying in the Netherlands Antilles as of 1 March 2003.

43. Amendments to employment law in 2000 constituted an important development. Employers had complained for years that the legislation was too rigid, resulting in too much protection for unproductive employees and deterring new investment. Some of the more significant amendments include the abolition of the obligation of most industries in Curaçao to obtain dismissal permits, increased flexibility in working hours, the introduction of short-term employment contracts and the use of temporary personnel from employment agencies. The obligation to obtain permits for overtime was also abolished. At the same time certain new safeguards for employees were introduced. Notices served during the first year of sickness or during pregnancy/maternity leave or on account of an employee getting married were deemed null and void. Nor can the employer terminate a worker's employment because he/she is a member of a trade union or has participated in trade union activities unless these activities have been performed during the employee's working hours and the employer has withheld consent for this on reasonable grounds.

44. Another important change in employment legislation was the introduction of a number of protective provisions for domestic servants such as maximum working hours, hours of rest and breaks, overtime provisions and paid holidays. Finally, the ban on child labour was extended to include 14-year-olds.

45. The Ordinance of 23 December 1997 (PB 1997, No. 313) made it possible for civil servants on permanent contracts of employment to work part-time. This improves women's position on the labour market by enabling them to combine their reproductive and productive roles. Male civil servants also now have the option of working part-time in order to be able to devote more time to their parental responsibilities.

46. The table below gives an overview of the average monthly wage for men and women and the differences between them. The figures are based on the last three censuses. There are considerable differences between men and women in pay earned. In 1981 women earned on average 40.7 per cent less than men. In the years that followed this diminished slightly but the most recent figures show that women still earn on average 27.4 per cent less than men. The difference thus diminished sharply in the intervening period. Nevertheless, this trend should be followed closely and deserves greater attention in terms of policy.

Table 3**Average monthly income according to sex (in Netherlands Antillean guilders)**

	Men	Women	Difference	Women as % of men
1981 census	1 488	882	606	59.3%
1992 census	2 609	1 639	970	62.8%
2001 census	3 146	2 135	1 011	67.9%

Source: Central Bureau for Statistics.

Table 4**Industrial accidents recorded by the Social Insurance Bank**

	1994	2000
Curaçao		
Construction companies		152
Hotels/casinos/restaurants		146
Service industries/cleaning services		85
Trading companies/hardware/department stores		81
Nursing homes/hospitals/old people's homes		58
Curaçao Drydock Company - CDM (dock industry)/Isla (refinery)		60
Supermarkets/bakeries		53
Factories including paper/plastic/lemonade/brewers		42
Security firms		41
Civil engineering/fitters/electricians		31
Power companies/utilities		29
Tour/transport companies/freight/loading of containers		26
Car dealers/garages		22
Dairy products/distribution (newspapers)/maintenance		27
Port industry		19
Stevedores/export/import/shipping agents		16
Other		16
Clothes shops/shoe shops/sports shops		11
Banking		10
Metal working		8
Lottery sales		7
Agents		5
Insurance companies		4
Mining companies		4
Petrol stations/gasoline companies		3
Manufacturers		3
Agriculture/cereal milling		2
Industry/joiners		2
Theatre/television		2
Heavy machinery		1
Total	1 328	966

Table 4 (continued)

	1994	2000
Bonaire		
Construction companies		33
Hospitality business/restaurants		30
Care hire/garages		5
Old people's homes/hospital		4
Wholesale trade		4
Total	100	76
Windward Islands		
Hotels/timeshares/casinos/marinas		75
Contractors/construction companies		58
Service industry/cleaning services		29
Supermarkets/bakeries		18
Utilities/energy companies		9
Trading companies/hardware		8
Industry		8
Port industry		7
Car dealers/garages		6
Security firms		4
Nursing homes/hospitals		3
Distribution (newspapers)		2
Clothes shops		2
Metal working		2
Other		5
Total	300	236
Total Netherlands Antilles	1 728	1 278

Article 8**Freedom of association**

47. The right of freedom of association is recognized. Article 10 of the Constitution of the Netherlands Antilles reads "The exercise of the right to freedom of association and assembly may be subject to regulation and limitation pursuant to a national ordinance in the interests of public order, morals or the public health."

48. Freedom of association, demonstration and assembly is guaranteed by the existence of employees' associations which have the status of legal entities. These associations must comply with the provisions of the Civil Code of the Netherlands Antilles if they wish to obtain legal personality.

49. Civil servants are free to join a trade union. With regard to strikes, if a civil servant intentionally neglects to perform his/her work and to fulfil his/her duties during working hours, he/she will not receive earnings for those particular hours unless the employer gives him/her the opportunity to present reasons that justify his/her absence.

50. With regard to the civil servants' legal position the Central Commission for Organized Labour Board will be heard. Representatives of different trade unions will participate in this meeting. Representation of trade unions in the organized meeting is based on the number of members in each union. Representation is calculated according to a ratio of the number of members of a particular union in relation to the total membership of all the unions involved.

51. Under the Public Servants' Holidays and Leave of Absence Regulations, public servants may request leave of absence with full pay on the grounds of exceptional circumstances, provided the interests of the service do not oppose this. Such leaves of absence may be granted in order for the employee to attend meetings or sessions of bodies constituted under public law (committees, etc.) to which the public servant has been appointed, or to perform activities for such bodies if this cannot take place on the employee's own time. The Regulations also state that, unless the interests of the service oppose it, a public servant may request, orally or in writing, once a year a period of leave of absence of up to two weeks on the grounds of exceptional circumstances. Once again, this is on full pay and is granted for the purpose of attending meetings of the official organs of associations of public servants, of federations to which such associations are affiliated or of international organizations of public servants provided the public servant takes part:

- As a member of the board of that association, or as a delegate or member of the board of a part of the association where meetings of public servants' associations are concerned;
- As a member of the board of the federation or as a delegate or member of the board of a public servants' association affiliated to the federation where meetings of federations to which such associations are affiliated are concerned;
- As a member of the board of the organization or as a delegate or member of the board of a public servants' association affiliated to the organization where meetings of an international labour organization are concerned.

52. It should be noted that the leave of absence on account of exceptional circumstances is only granted to public servants who are members of public servants' associations that are represented in the Collective Bargaining (Public Service) Committee.

The right to strike

53. In the Netherlands Antilles strikes are tolerated as a lawful expression of the right recognized in article 8 of the Covenant. According to the Supreme Court, such action may only be regarded as unlawful if compelling rules of procedure have been neglected or if it is concluded - taking into account the restrictions imposed by article 31 of the European Social Charter - that it was not reasonable to strike in the given circumstances. The rules of procedure also state that a strike is lawful only if it is used as a last resort. The courts should use caution in assessing the question of whether this is so (see HR 28 January 2000, *Nederlandse Jurisprudentie* (NJ) 2000, 292). According to the case law, collective action in the public health sector is unlawful if it leads to a reduction in the provision of medical care, in the sense that patients are thereby exposed to the danger of possibly irreparable damage through delays in testing and treatment (HR 22 November 1991, NJ 1992, 508).

Article 9

54. The Sickness Insurance Act applies to all employees whose income is below a certain limit. For the year 1993 the wage limit was set at 2,771.60 Netherlands Antillean guilders. In 2003 it was set at 3,758.60 guilders (US\$ 2,080).

55. In the event of sickness the insurance provides free medical care, including maternity services, and also provides for sick leave. The entitlement to medical care lasts for two years from the date on which employees report that they are ill and includes medical (general practitioner and specialist) examination and treatment, nursing and all unavoidable costs directly linked with the sickness. On 1 January 1996 the two-year limit on the entitlement to medical care was abolished. Dental surgery is covered provided that it is not necessitated by tooth decay.

56. The entitlement to sick pay expires two years after the date on which employees report sick. As of 1 January 1996, Parliament set sickness pay at 80 per cent of the daily wage for all employees (male and female), whether or not they are being treated in hospital.

57. In 1996 Parliament approved a number of changes in the field of social security, as set out below.

58. As of 1 January 1996, employees who lose their jobs under certain conditions are also insured against sickness. An employee's family (spouse and children) are insured against sickness through the breadwinner.

59. Contributions for insurance are paid in full by the employer and amount to 8.3 per cent of the employee's pay. The employee has to contribute 2.1 per cent of his pay to cover family members. For the insurance of ex-employees and their family members the island Governments have to contribute the amount of 2.1 per cent of the total pay of all employees.

60. Employees, ex-employees and their family members are able to appeal against any decision taken by the Social Insurance Bank (SVB). As of 1996 they first have to lodge an objection to the decision with the Bank. If the Bank's response is considered unsatisfactory or if the response is delayed, a written protest may be submitted under the Federal Ordinance on Administrative Procedures to the Director of the Social Insurance Bank, Pater Euensweg 9, Curaçao, Netherlands Antilles, within six weeks of the date on which the SVB's decision was issued or sent. Complainants can also apply for a judicial review on the island on which they are resident. This application must be submitted within six weeks of the date on which the SVB decision was issued or sent.

61. The Old-Age Insurance Act provides for compulsory insurance against the financial consequences of old age for the entire population of the Netherlands Antilles. Under its provisions, insured persons receive an old age pension on reaching the age of 60.

62. As a result of amendments to the Old-Age Insurance Act, effective from 1 January 1996, anyone who reaches the age of 60 and is insured has an independent entitlement to a pension irrespective of his/her civil status. In the case of married couples where the person entitled to a pension is 60 years or older but his/her partner has not reached pension age, the rule is that the partner will receive an allowance provided their joint income does not exceed 12,000 guilders annually.

63. If a person entitled to a pension/allowance dies, a lump sum equal to four months' old-age pension will be paid to eligible dependants in accordance with the requirements of fairness. All who qualify for a pension receive a Christmas bonus in December which is 100 per cent (as of 2001) of the monthly pension they are entitled to in the period preceding September of that year.
64. The old-age insurance contribution is 4.5 per cent of the employee's income on the understanding that no contribution is due on that part of the income over 45,427.20 guilders per year. The contribution is deducted by the employer and remitted to the SVB. Applications for review may be lodged with the court of the island territory.
65. The widow(er)'s pension varies from 240 to 520 guilders depending on age. A widow(er) with one or more children receives the maximum amount. The orphan's pension varies from 174 to 240 guilders depending on age, whether the person is disabled or enrolled in full-time education and whether he/she is categorized as half orphan or full orphan. The widow(er) entitled to the pension receives on remarriage a lump sum representing one year's pension. On the death of the widow(er) receiving the pension, an eligible dependant receives an amount representing three months of pension allowance.
66. Pension contributions are paid by the employee and the employer equally and amount to 1 per cent of the employee's income. No contribution is due on that part of the income over 45,427.20 guilders per year. The employer deducts the contributions and remits them to the SVB. 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.
67. The Cessantia Act stipulates that when an employee has played no part in the termination of the contract of employment, he/she is entitled to severance pay from the employer. This applies to civil servants, teachers and those employed under a fixed-term contract. The amount of the severance pay depends on the employee's pay and on the number of years of service. If the employee receives a pension on termination of the employment contract and the pension is higher than the old-age pension, he/she does not qualify for severance pay. If the employer does not pay the severance pay for whatever reason, it is paid by the Social Insurance Bank. The Bank is then entitled to recover that amount from the employer.
68. For the purposes of the Cessantia Act there is a fund into which employers pay an annual amount for every employee in their service. At the request of the employee, the Director of the SVB will decide whether he/she is eligible for severance pay. An application for review of this decision may be lodged with the court of the island territory.
69. All employees who have been declared unfit for work as a consequence of an accident at work or on the way to or from work (taking the shortest route and the time the accident occurred into consideration) receive accident-related pay. In the event of complete incapacity for work 100 per cent of the daily wage will be paid during the first year. In the case of partial incapacity, the employee will receive a proportionate amount of the daily wage.

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

71. On 1 December 2001, the National Ordinance on Administrative Law (*Landsverordening administratieve rechtspraak* - LAR) entered into force. This has implications for the Appeals Tribunal of the SVB.

72. Civil servants and their family members are entitled to receive compensation for the expenses of medical treatment and care and other related costs. The Government pays 90 per cent of the expenses incurred and the employee 10 per cent.

73. With regard to the reorganization of the government apparatus, a redundancy fee will be granted to discharged employees in conformity with the Central Government's Redundancy Fee Scheme (National Gazette 1986, No. 83). Until January 2000 discharged employees could claim redundancy fee for four years at the most. As of 2000 this term was reduced to a maximum of two years. The accumulation of redundancy fee depends on the number of working years fulfilled. For each working year redundancy fee is allocated for two months up to a maximum of 24 months. In the first three months of the redundancy fee period 95 per cent of the employee's last salary will be paid; during the following seven months of the redundancy fee period 85 per cent of the last salary is paid; afterwards during 10 months 75 per cent of the last salary is paid and in the last four months of the reduced pay period the discharged employee will receive 70 per cent of his/her last salary.

74. With regard to the allocation of a pension to widows and widowers of deceased civil servants, the situation is as follows. At the death of a (former) civil servant, the widow/widower can receive a pension that is equal to five sevenths of the pension that he/she would receive if the deceased person had reached the age of 60. Children under 18 will receive one seventh of the orphan's pension.

75. As stated earlier on, the precarious financial situation in the Netherlands Antilles led to the implementation of different cost-cutting measures in the 1990s. A few measures were taken with regard to the pension scheme. In January 1996 the pensionable age was raised from 55 to 60.

76. In order to guarantee the pension rights of civil servants who had been working for the Government before 1 January 1996, the early retirement scheme was introduced. The conditions applicable to this scheme are a 20-year pensionable service, of which 5 years were accumulated in the Netherlands Antilles, and the employee must be at least 55 years of age.

77. In 1998 the revised Pension Scheme for civil servants was enforced. This revision is based on a market-related pension scheme. As from 1998 all employees working for the Government and employees in organizations made independent by the Government must enter into the Pension Scheme of the Netherlands Antilles.

78. If a civil servant has been declared unfit to work due to an accident, irrespective of the place of his/her accident, he/she will receive a disability allowance immediately. The allowance is calculated on the basis of the number of working years he/she would have accumulated if he/she had worked until the age of 60.

Article 10

Protection and assistance accorded to families

79. The introduction of reductions in working hours (see under article 7) and part-time work for permanent government employees (National Ordinance of 23 December 1997, PB 1997, No. 313 and the 1998 implementing provisions on legal status) means that work can now be better combined with care and domestic responsibilities.

Special protection during a reasonable period before and after the birth of a child

80. Pregnancy and maternity leave for women employees was brought into line with international standards through the introduction of the National Ordinance of 26 April 1999 amending the National Ordinance on Medical Insurance (PB 1966, No. 15) and the Civil Code of the Netherlands Antilles. Extending pregnancy and maternity leave, in the view of the legislature, is in line with the effort to emphasize the importance of family life and raising children within a family context, and to strengthen family values.

81. Pregnancy and maternity leave was extended by the National Ordinance to a maximum of 12 weeks. This period is deemed to be a “relatively short time” within the meaning of article 1614 of the Civil Code, so that the employee remains on full pay throughout the period of leave. These arrangements also apply to female civil servants.

Reduction in age of majority

82. The New Civil Code for the Netherlands Antilles, which entered into force on 15 January 2001, reduces the age at which a person is fully legally competent to 18.

Assistance for battered women

83. The Women’s Bureau of the island territory of Curaçao has set up a committee to establish a refuge for battered women intended to come into operation at the beginning of 2004.

Integrated youth policy

84. In July 1999, the Executive Council of the island territory of Curaçao approved the 1999-2000 Youth Policy Plan (*Kreando un Futuro*). This offers a sound framework for formulating specific activity programmes for Curaçao. In a decision of 28 June 1999 this Council set up the Integrated Youth Policy Council, which met for the first time in July 1999. The Council advises on all matters relating to young people in Curaçao. All relevant services and NGOs are represented.

85. On the basis of the 2000-2005 Youth Policy Plan, the Council drafted a youth development programme for 2000-2002 containing specific aims and activities. In January 2000 the Executive Council of the island territory of Curaçao adopted the programme. It was then submitted to the Department for Development Cooperation and incorporated into the Netherlands Antilles Youth Development Programme (NAYDP).

86. Three pilot projects for young people have also been approved: a programme combining work and study, outpatient counselling for young drug addicts and the *Mas Skol* (extended school day) project. In a statement issued on 7 January 2000, the Dutch Government announced its intention to fund these projects in anticipation of the covenant arising from the policy document on migrant Antillean youth.

87. The Curaçao Youth Monitor Working Group has been officially established. The Curaçao Youth Monitor is an instrument that follows the physical, psychosocial and cognitive development of children up to the age of 18 with a view to early identification and treatment of developmental disorders.

Overview of projects under the High Priority Programme for Curaçao

88. The following is an overview of projects under the High Priority Programme for Curaçao, which is part of the NAYDP:

(a) Prevention:

- Individualized tuition at school for 350 children;
- Education 2000: an awareness campaign targeting those raising children, focusing on compulsory education;
- Education 2000: training for parents in five neighbourhoods;
- Curaçao's Parents' Hotline;
- *Opstap opniuw* (family-oriented programme to improve the basic skills of young schoolchildren) set up in six neighbourhoods;
- Extended school day: pilot *Mas Skol* projects at two schools;
- Extended school day: pilot *Mas Skol* projects at 10 schools;

(b) Second chance:

- Ropes course for children aged 12 and over;
- Literacy and social skills programmes for school dropouts;
- *E tinu di bario*;
- Learning pathways for 50 young people aged between 10 and 24;

- Employment projects offering new prospects to disadvantaged young people between 16 and 24, community work schemes and legislation to create jobs for unemployed people between 18 and 30 years of age (*Lei di Bion*);

(c) Social rehabilitation and assistance:

- Information and advice centre;
- Pilot project offering assistance to young people and families in two neighbourhoods (Kanga and Dein);
- Intensive mobile assistance;
- Outpatient counselling for young drug addicts;
- Reorganization of residential care including training for management and group leaders and upgrading educational assistance and accommodation;

(d) Activities carried out under the 1999-2003 Curaçao Youth Policy Plan:

(i) Social and cultural education

- Opening of a Nature and Environment Centre in Parke Tropikal in August 2001 (private initiative);
- The Bos di Hubentut Centre organizes regular workshops with the media focusing on positive images of young people;
- In September 2001, Educational TV launched an educational programme for 12- to 18-year-olds entitled *Aki ta papia Kòrsou*, presented by young people and privately funded;
- The Centre for Educational Innovation has launched *Nos Mundo*, a Government-funded news programme targeting primary schoolchildren;
- Since October 2001, the Antillean Youth Taskforce has published *4 Youth*, a newspaper targeting all young people in the Netherlands Antilles which appears every two months;
- *Revista Deportivo*, a twice-monthly newspaper published in Curaçao since 2000, is devoted entirely to sport and focuses on young people who excel in a wide range of sporting activities that are initially funded on a one-off basis by the State and later under an agreement between the State and Sedreko (Sentro pa Deporte i rekreo Kòrsou);

- For a number of years the Youth Welfare Training Centre (Stichting Vormingscentrum Jeugdwelezijswerk) has offered training courses through schools to young people from the age of 12 aimed at improving their social skills;

(ii) Parenting support

- The Antillean Youth Care Federation has drafted a project proposal together with the White and Yellow Cross Foundation to set up nine support centres linked to baby and toddler clinics for parents of children under 4;
- In 2001, the Child Protection Foundation placed advertisements funded by external backers in a number of newspapers. These ads targeted parents and highlighted aspects of raising children in a light-hearted manner;
- From 1997 to 1999 the SIFMA (Child Information and Educational Centre) broadcast on a weekly basis theme-based TV programmes providing advice to parents on bringing up children. These were financed from Dutch development funds. From 1992 to June 2001, SIFMA also broadcast similar radio programmes, paid for by a service club and Dutch development funds. In 1997 a start was made on broadcasting short items on various radio stations every week on parenting issues. These activities have halted due to lack of funds;
- A number of organizations provide parenting courses: SIFMA with the help of private funding caters to parents with children between 0 and 4 years old; the Sentro pa Guia Edukashonal funded by the Government offers training courses for parents of primary schoolchildren; the Youth Welfare Training Centre with the help of private funding provides courses for the parents of primary and secondary schoolchildren and the Departamentu pa Salú Hubenil (youth health services) provides with government funding training courses for parents of children between 0 and 18 years old;
- SIFMA offers a basic course for crèche workers at LBO (pre-vocational education) and MBO (secondary vocational education) level;
- Together with the Unidat di Bario, the Youth Welfare Training Centre launched the *Mas Moveshon ku formashon* project in 2000. The project offers training courses to people active in neighbourhood centres and is financed from Dutch development funds via Reda Sosial;

(iii) Socio-economic prospects

- One of FEFFIK's departments is concerned with various labour market-oriented programmes funded from the grant contract with Central Government;

- FEFFIK also provides a number of labour market-oriented programmes funded under the High Priority programme for children and young people;
- The innovations currently taking place in education focus on a better alignment between education and employment in order to reduce the number of pupils dropping out of school and to improve job opportunities. Such schemes are paid for from Dutch development funds and local government funds;
- Development Brigade: on 21 June 2000, the executive of the island territory of Curaçao (decision No. 2000/11888) set up the Development Brigade Committee with the task of drafting a step-by-step implementation plan within three months. The Development Brigade Council was set up in 1998 by national ordinance (National Development Brigade Ordinance (PB 1998, No. 256)). The aim of the Development Brigade is: “To accommodate, train and supervise in a residential setting young disadvantaged people and young adults who cannot be accommodated in the ordinary training institutions. The aim is to rehabilitate young people and help them acquire vocational qualifications through a Development Brigade programme (based on the Glen Mills method). Problem: funding has not yet been arranged.”

89. In 1997 the Youth Services Department of the island territory of Curaçao wrote a policy report on after-school childcare aimed at a uniform approach to this issue. This approach consisted of linking after-school childcare to the schools. The executive of the island territory of Curaçao has adopted this report. In the same year the After-school Childcare Foundation Curaçao was established with the aim of providing formation and education to the children in its programme. The formation and education are geared towards the social and emotional development of the children in such a way that they promote the children’s personality development and self-realization. After-school childcare is offered at 21 primary schools; 1 school for children with learning disabilities and at 2 secondary schools.

Article 11

90. In recent years the Government of the Netherlands Antilles has had to take stringent measures to impose order on the country’s finances. The continuous lack of money has made it impossible for the Government to fulfil some of its responsibilities adequately in the areas of education and training, improvements to neighbourhoods and housing as well as in sports. The Komishon Akshon Sosial (Capriles Commission) discussed these problems in its report *Aan de Slag! Een sociaa-economisch actieprogramma (Down to work: a socio-economic programme of action)* and recommended a two-track programme to resolve or at least alleviate the social and socio-economic problems with which the Netherlands Antilles was struggling at the time.

91. The first track was defined as an emergency short-term recovery programme, the aim being to tackle the problems that had accumulated in numerous areas over the years. It would include setting up infrastructural projects to improve roads and housing, upgrading schools, community centres and sports facilities along with renewing teaching materials and aids in schools.

92. Besides supporting children's education and providing for further training, retraining and refresher courses, the emergency programme would lay the foundations for the second track, the "structural" programme. Here the focus would be on stimulating economic growth and job creation to make the economy more resilient and boost people's self-reliance.

93. A special organization was set up in 1996 to implement the two-track policy, the Reda Sosial, also known as the Fund for Social Development and Economic Activities. Government agencies and NGOS were to deliver the diverse projects. Approximately 83 million guilders was allocated to Reda Sosial to carry out the programme.

94. This money was used to fund numerous projects on the islands of the Netherlands Antilles to upgrade housing and neighbourhoods; education and training; youth care and care of the elderly; the disabled and addicts; as well as projects to boost the economy. These include the following (some of which are still in progress):

- Approximately 3.2 million guilders were spent on redecorating or renovating houses (e.g. installing proper sanitation);
- In youth care (with facilities including 12 buildings used for scout groups or other youth work or as crèches) support was provided to some 60 projects;
- The neighbourhood improvement programme included overdue maintenance on some 30 sports facilities and 35 local facilities (including community centres, baby-and-toddler clinics, etc.);
- About 8.6 million guilder were spent on non-formal educational activities such as adult education, parenting support and the training of volunteers;
- About 32 economic development projects were carried out for a total sum of 8.3 million guilder, primarily involving sectoral support for tourism and small businesses;
- About 19 million guilder were spent on redecorating schools and on new teaching aids and materials;
- About 8.5 million guilder were invested in the care sector (medical provision and care of the disabled, addicts and the elderly).

95. In 1998 Reda Sosial launched a research project to chart poverty in four districts on Curaçao. Its findings, published in "*Pobresa Ban atak'é*" in 1999, were used as a basis for a new poverty reduction programme, which was launched in 2000. An update on the poverty research project was carried out in 2003.

Housing

96. Despite large-scale emigration (1.1 per cent in 1998, which is a fair average for the reporting period), the housing stock has increased further. According to the census conducted at the end of January 2001, Curaçao had over 51,000 inhabited dwellings, Bonaire 4,000, Sint Maarten 13,000, Sint Eustatius 873 and Saba 564.

97. Compared to earlier censuses, the quality of housing on all islands has improved:

On Curaçao: 93.4 per cent of all housing was satisfactory; 4.2 per cent poor; 0.9 per cent very poor. In 1992 these percentages were 90.4, 6.2 and 2.1 per cent respectively;

On Sint Maarten: 87 per cent was satisfactory (1992: 69 per cent); 11 per cent poor (1992: 20 per cent); 2 per cent very poor (1992: 11 per cent);

On Bonaire: 96 per cent was satisfactory (1992: 94.4 per cent); 3.5 per cent poor (1992: 4.6 per cent); 0.5 per cent very poor (1992: 1 per cent);

On Sint Eustatius: 90 per cent was satisfactory (1992: 82 per cent); 8 per cent poor (1992: 13 per cent); 2 per cent very poor (1992: 5 per cent);

On Saba: 95 per cent was satisfactory (1992: 89 per cent); 4 per cent poor (1992: 8 per cent); 1 per cent very poor (1992: 3 per cent).

98. Besides improvements in the housing stock there has also been an increase in the number and quality of facilities in homes. Each island now has its own housing association and these associations are all affiliated to an umbrella organization.

99. In view of the ageing population, housing for the elderly is receiving special attention on Curaçao. Other minority groups such as the physically and mentally disabled, returning emigrants and newcomers to the housing market are also receiving special attention.

100. Several incentives have been devised to stimulate the construction of new homes:

- The creation of a guarantee fund;
- A private/public partnership whereby the archipelago contributes land and a private partner splits it into lots and builds the houses;
- A bill to abolish land tax;
- Abolition of the addition of the imputed rental income from home ownership for the purposes of calculating income tax;

- Special efforts to build badly needed infrastructure and utilities in disadvantaged districts.

101. The figures and the incentives lead to the conclusion that the housing shortage in the Antilles should be seen in perspective. Even so, on Curaçao over 6,400 people were still registered on waiting lists for social housing at the end of 2001. Thirty per cent had been on the waiting list for 10 years or longer. The biggest problem in meeting these housing needs is the lack of money for housing development.

The Department for Development Cooperation

102. The Department for Development Cooperation (DOS) coordinates development policy in the Netherlands Antilles. It has the following core tasks:

1. Developing, formulating and implementing national policy, including budgetary instruments, for the development of the Netherlands Antilles in general and for development cooperation with a range of donors in particular.
2. Performing and managing activities that can boost the quality and quantity of policy on development cooperation issues.
3. Coordinating, developing, implementing, monitoring and evaluating integrated national development projects.
4. Advising and supporting administrative and other entities on the development, financing, implementation, monitoring and evaluation of national and regional development programmes and projects.
5. Representing the Government of the Netherlands Antilles in relations with bilateral and multilateral development partners.

103. The Netherlands Antilles receives most of its aid from the Netherlands and the European Union (EU) in the form of projects and programmes. It also receives technical assistance from the United Nations Development Programme (UNDP).

104. Besides its relations with the EU and UNDP, the Netherlands Antilles also has observer status in certain international bodies like the Pan-American Health Organization (PAHO) and is an associate member of the Economic Commission for Latin America and the Caribbean (ECLAC) and the World Tourism Organization.

105. Development cooperation between the Netherlands Antilles and the Netherlands takes the form of project financing in various sectors. Since 1999 it has been based on the policy document *Toekomst in Samenwerking (Future in Cooperation)* and has focused on the following sectors:

- (a) Education;
- (b) Good governance;

- (c) Sustainable economic development;
- (d) Law and order.

106. These sectors are seen as key to enhancing the Netherlands Antilles' autonomy and self-reliance. The Government of the Netherlands Antilles believes that besides these key areas the health and social sectors also merit special emphasis in the development relationship between the two Kingdom partners.

107. In addition to the sectors already mentioned, the Dutch and Netherlands Antillean Governments have agreed to reserve funds for projects initiated by NGOs in the Netherlands Antilles. The Antillean Co-financing Organization (AMFO) was set up for this purpose in 2003.

108. Plans exist to effect a gradual shift from project-based to programme-based financing, the core of which will derive from multi-annual cooperation programmes and all of which will be in the priority policy sectors enumerated above. This will lead to a development relationship based on professionalism, equity and objectivity within which there will be no place for unnecessary interference from the donor in matters of detail.

109. The Dutch and Antillean Governments have agreed to transfer decision-making responsibility in relation to the funding of development activities from the Netherlands to the Netherlands Antilles. In this connection the Wijers Committee, which included representatives of both Governments, produced the report *Nieuwe kaders, nieuwe kansen (New frameworks, new opportunities)* in 2002. The report makes recommendations for the establishment of a new development fund.

110. The development funds will focus on multi-annual programmes based on the development policies of both the island territories (bottom-up approach) and Central Government. Bureaucracy will be kept to a minimum and the fund will be depoliticized. In addition, policy formulation (policy cycle) will be clearly separated from implementation (project cycle).

111. A mixed committee with representatives of the Dutch and Antillean Governments will be installed to start implementing the recommendations in the Wijers Committee's report. It is hoped that the development fund will become operational in 2004.

Cooperation between the Netherlands Antilles and the European Union

112. The financial and technical cooperation between the Netherlands Antilles and the EU is based on the Association Decision, which in turn is based on the Treaty of Rome (1957). This cooperation is unquestionably key to the social and economic development of the Netherlands Antilles.

113. The Netherlands Antilles has been an associate member of the EU since 1964. Two instruments are used to accomplish the goals of the Association Decision: trade cooperation and financial and technical cooperation.

114. Three European Development Funds (EDFs) are currently being implemented. The sixth EDF ran from 1985 to 1990 and has been closed. The remaining balances have been transferred to the ninth EDF. The most recent convention is the Fourth Lomé Convention, which ran for 10 years (1990-2000). The first five years of the Council decision were covered by the seventh EDF. The seventh EDF assigned to the Netherlands Antilles the sum of €22,725,000 excluding transfers. The second five years is covered by the eighth EDF, with a financial envelope of €26,625,000. The eighth EDF, which is still being implemented, identified two focal sectors:

- (a) Expansion and rehabilitation of the urban structure;
- (b) Shortcomings in the social sector.

115. A sum of €20 million has been reserved for the ninth EDF. The programme is expected to contribute to improvements in the following areas:

- (a) Urban infrastructure for socially deprived housing areas (indicative allocation €15 million);
- (b) Pilot projects in low-cost housing (indicative allocation €5 million).

116. The ninth EDF covers the period 2002 to 2007.

117. The Department for Development Cooperation is finalizing the Single Programme Document, which sets out the framework for the indicative programme for funding under the ninth EDF.

118. Regional cooperation is discussed in article 16 of the Council Decision of 27 November 2001 (2001/822/EC). With a view to addressing common problems and benefiting from economies of scale, EU support is provided at interregional, inter-OCT (Overseas Countries and Territories) and inter-ACP (African, Caribbean and Pacific Group of States) levels.

119. In this context, under the eighth EDP the EU allocated €10 million to regional cooperation for all OCTs worldwide on a “first-come-first-served” basis. Under the ninth EDF, €8 million will be available. However, possible alternatives to the allocation of this €8 million under the ninth EDF are currently being discussed.

120. Furthermore, the Netherlands Antilles and Aruba have embarked on an HIV/AIDS intervention for which the revised Financing Proposal will be submitted to the EU in June 2004.

Cooperation between the Netherlands Antilles and the UNDP

121. The Department for Development Cooperation prepared the draft Country Cooperation Framework (CCF) for the Netherlands Antilles for the period 2002 to 2004. Since the Netherlands Antilles is a net contributor, there is no obligation for the UNDP to have the CCF approved by the UNDP Executive Board. The CCF will therefore be approved by the Country Office and sent to the UNDP headquarters for review.

122. The focal points for cooperation within the CCF are:

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

123. The Council of Ministers has agreed on these sectors. The CCF has yet to be finalized between the UNDP and the Netherlands Antilles.

Neighbourhoods policy

124. The Island Council of Curaçao unanimously adopted a motion in November 1998 acknowledging the importance of neighbourhoods to the development of Curaçao and the importance of local involvement in new initiatives. In 2001 the Executive Council of the island territory of Curaçao decided to set up a committee to analyse, evaluate and chart the state of Curaçao's community centres. The objective is to devise a concrete plan to make changes where necessary to benefit the community in general and community centres and the Federation of Community Centres on Curaçao in particular. This committee issued its report on 8 November 2004. On the basis of this report, another committee has taken charge of implementing the recommendations, which include setting up courses (at secondary vocational level) for neighbourhood and group leaders.

Article 12

125. In order to promote health, well-being and safety amongst the employees in their work environment, the Governments have entered into a health agreement with the ARBO CONSULT foundation (health insurance foundation for civil servants). ARBO CONSULT offers the Government for its employees a package of basic facilities called the ARBO basic health programme, which includes the following:

(a) Health insurance in a work setting

Support and advice are provided in the guidance and reintegration of employees who, due to their illness, are unable to perform their work, and support is given to employers and employees with regard to questions about work and health until the employees' work contract terminates. The assessment and guidance "assessment of and guidance concerning" of absence due to illness, the assessment of health conditions at work, medical tests and social medical team consultation are included in this programme;

(b) Social care in a work setting

Support and advice are given in the guidance of employees with psychosocial problems caused either by the work or by the employees' private situation and which hinder the employees' optimal performance. Support is given to employees with regard to questions about aspects of well-being in the work situation. Social guidance at work and social medical team consultation are included in this programme;

(c) Improvement of conditions of work

An inventory and an assessment of the risks at work are made with regard to care, safety and the well-being of employees. Also, advice is given to the employers regarding the policy to be pursued on conditions of work. Inspections at work, research on working conditions, the assessment of hygiene at work and reporting processes are included in this programme.

Article 13

126. Fully conscious of the role and function of education in the process of national development, the Antillean Government has exerted itself over the past 10 years to make improvements in education, both in institutional frameworks (legislation, organization and structure) and in actual content (developing new methods and curricula and upgrading teaching staff). It has also devoted a great deal of attention to structuring and optimizing cooperative frameworks between the islands and between the Netherlands Antilles and the Netherlands.

127. All policy and other measures implemented thus far can be summarized under a single common denominator: educational reform. The process will take its cue from two key indicators: first, the need to redress existing shortcomings, and second, the crucial importance of tackling the country's growing social and economic problems. The central principle remains that human development, through education, is the key to socio-economic and political progress. Other factors underlying the policy of educational reform have had to do with globalization and rapid technological developments (knowledge economy).

128. Another aspect of the Government's outlook on education is its commitment to the principle of lifelong learning, which enables citizens to continue their development throughout their lives.

129. With a view to achieving the desired educational reform and improving the quality of education, an integrated education policy plan for the Netherlands Antilles was finalized in 1998, entitled *De Doorbraak (The Breakthrough)*. A pathway to improvement and structural change had already been embarked on at all levels of education in the years leading up to this policy plan. In this context, the following activities were carried out between 1995 and 1998.

Cooperation between the Netherlands and the island territories

130. The National Joint Consultative Body on Education for the Netherlands Antilles was set up to ensure harmonization of policy issues at administrative level. National agreements were made in areas including basic secondary education, new-style education for ages 4 to 15, student grants and loans, and education statistics.

Cooperation between the Netherlands, Aruba and the region

131. Cooperation between the Netherlands and Aruba was formalized in a protocol. For two successive years a programme of action was set up scheduling activities in the sphere of educational development, quality assurance systems and cooperation between ministries and educational institutions. In the case of three projects, concrete agreements were made on funding and implementation:

- Pension contributions of Dutch teachers;
- WSF (scholarships) for students of the University of the Netherlands Antilles;
- Twinning of schools within the Kingdom.

UNESCO Commission

132. Agreements were made with the National Antillean UNESCO Commission to use UNESCO's resources to boost the reforms in the Antilles. Thus in 1996 the UNESCO Commission adopted a Day of Tolerance and focused on the theme of non-violence for celebrations on all the islands, especially at schools. This led to a regional project ("*Met alle geweld*") on non-violence in education. Antillean schools also took part in the regional Caribbean Sea Project for the protection and preservation of the Caribbean Sea.

Quality assessments

133. Quality assessments were carried out during this period in the special education sector, including the government reformatory (GOG). The quality of teaching in Papiamentu for native speakers and the qualifications possessed by teachers of Papiamentu were also assessed. A policy document on social studies in schools was published issuing some general guidelines, and the subject was made compulsory in primary schools as of August 1997. The policy document on education for all children of compulsory school age, *Stappen naar een betere toekomst (Steps towards a better future)* was discussed with all partners in the education field and adopted as a policy intention for 4- to 15-year-olds. The policy document on basic secondary education in the Netherlands Antilles was adopted and elaborated in specific implementation plans on matters such as strategy, approach, further training and communication. A project bureau was set up and attainment targets for each subject were defined in draft form. The details of the various curricula were worked out by special curriculum committees.

Legislation

134. National decrees were promulgated on junior secondary technical education (LTO), junior secondary vocational education (LBO), pre-vocational education (BVO) (short) and junior secondary home economics education. The draft national ordinance on educational experiments (*Ontwerp-Landsverordening Onderwijskundige Experimenten*) was submitted for approval to Parliament, creating a legal basis for future educational experiments. The new draft national ordinance on the country's official languages (*Ontwerp-Landsverordening Officiële Talen*) incorporates all previous drafts on this matter, including the draft national ordinances on Papiamentu and Dutch spelling. This opens up the possibility of regulating the spelling of English as well at some time in the future. In addition, guidelines have been drafted for school regulations, the number of examination subjects in pre-university education (VWO) has been increased from six to seven, and the number of hours timetabled for religious education has been increased from one to two a week.

Teacher training

135. An agreement was reached with the IPSO and the college of education (PA) about short vocational courses as a possible solution to the shortage of teaching staff. A further training plan was drafted for basic secondary education and a start was made on extra training for all junior general secondary education (MAVO) teachers as part of the Dutch language project *Anders Nederlands* and in the subjects arithmetic and mathematics.

Courses for detainees

136. It is worth mentioning that as part of the effort to resocialize detainees, courses are provided for inmates of Curaçao Prison and are to be extended. Courses vary from basic education to written courses at the level of junior or senior general secondary education (MAVO/HAVO) and include vocational training. They are obviously provided free of charge.

137. The government reformatory (now known as the Glen Mills School) for minors who have been detained by court order also provides schooling in parallel with the educational opportunities generally available on the island of Curaçao. The package ranges from primary to junior general and senior general secondary level.

138. It should also be noted that both the Court of Guardianship and the Family Supervision Agency monitor the conditions under which minors can receive an education.

139. The key changes since 1998 have been: the introduction of basic secondary education; preparations to introduce new-style education for ages 4 to 15 (*funderend onderwijs*) and changes to secondary and vocational education.

Introduction of basic secondary education

140. The gist of basic secondary education is that in their first two years, secondary school pupils receive a general education. This implies, for instance, that all pupils attend the same number of classes in the same subjects, regardless of the type of education (pre-vocational secondary education (VSBO), combining pre-vocational education (BVO), junior secondary technical education (LTO) and junior general secondary education (MAVO), or senior general secondary education (HAVO)/pre-university education (VWO)). In the Netherlands Antilles, unlike in the Netherlands, the teaching materials and course books have always remained attuned to the level of education (i.e. VSBO (BVO, LTO and MAVO) or HAVO/VWO). Basic secondary education was introduced in the 1998/99 school year.

Introduction of new-style education for children aged 4 to 15

141. Educational reforms do not arise in a vacuum but are devised as answers to shortcomings in the education system brought to light by evaluations. When evaluating education, the key question to be answered is whether the educational objectives have been achieved. In general, education is expected to fulfil three objectives:

- At the individual level: to contribute to personal development;
- At the social and cultural level: to prepare pupils to function effectively in society;
- At the socio-economic level: to prepare young people to work in a given occupation.

142. Numerous reports had been published in the Netherlands Antilles over the years, analysing the qualitative and quantitative success rate of its schools. Their findings were alarming, prompting calls for educational reform. In April 1989 an educational policy plan was drafted presenting a view of future education policy, entitled “*Enseñansa pa Un i Tur*/Education for one and all”.

143. In 1993 the debates on improving cooperation between the Central Government and the island territories led to the signing of a cooperation protocol on education. This protocol set up a national consultative body for education (NOONA).

144. All those concerned agreed on the content of education policy: it must be geared towards short-term, innovative educational measures leading to the same ultimate goal of improving the future of Antillean children.

145. To achieve the aim of giving every child at every school in the Netherlands Antilles a firmer basis through education, with the lingua franca at schools being Papiamentu on the Leeward Islands and English on the Windward Islands, the then Education Minister instructed the Department of Education to draft a detailed multistage plan in 1994. This led in March 1995 to the Policy and Multi-Stage Plan for the renewal of primary education in the Netherlands Antilles entitled “*Stappen naar een Betere Toekomst*” (“Towards a better future”). The plan is based on the guiding principles, points of departure and objectives regarding education on the Netherlands Antilles, as contained in the education policy memorandum “Education for one and all” and the Constitution of the Netherlands Antilles. The cooperation protocol also served as a frame of reference for this plan between the Minister and education representatives.

146. In 1997 a plan was drafted on the basis of the multi-stage plan, to introduce new-style education for ages 4 to 15. It provides for a programmatic structure to shape the implementation of this new-style education from the moment of decision-making up to and including aftercare, and to monitor its progress.

147. A third plan was subsequently drafted in February 2002 that defined structural frameworks for primary and secondary education. It endorsed the national goals for education and built on the outlook, mission and objectives of education for ages 4 to 15 as described in the two earlier plans. Setting guidelines for the people in the field, it identified and described the various factors involved, providing a general picture of what schools should look like in practice. The new system of education for ages 4 to 15 was finally introduced in the Netherlands Antilles in the 2002/03 school year.

Problems in nursery school and primary education in the Netherlands Antilles

148. The new-style education for ages 4 to 15 seeks to resolve the problems that have been identified in Antillean nursery and primary schools, namely:

- High dropout rates;
- The large number of children repeating a year;
- The large proportion of pupils referred to special schools;
- The small number of pupils going on to general secondary education.

These problems have been attributed to the following causes:

- A lack of clarity concerning educational objectives;
- Classes taught in a language that is not the mother tongue of either pupils or teacher;
- The system of teaching the same set material to all the pupils of each year, which takes too little account of differences in individual abilities, experience and rate of development;
- The rigid system of whole-class teaching, which leaves little scope for individual attention;
- Teaching aids, which are in general of poor quality and in short supply;
- Curricula, which are completely out of date;
- School buildings, which have numerous shortcomings;
- The lack of parental interest in what happens at school;
- The fact that neither schools nor teachers are properly equipped to help socially disadvantaged pupils or pupils lacking a good command of the school's lingua franca;
- The lack of space allotted in the curriculum to pupils' physical, expressive and social development;
- (In some cases) dysfunctional school management;
- The lack of professional development and supervision of teachers;
- Operational problems within the organizational structure of schools.

Educational objectives of new-style education for ages 4 to 15

149. New-style education for ages 4 to 15 has the following educational objectives:

(a) It must lay the foundations on which Antillean citizens can build their lives. Hence, the primary objective is to provide a general education within the context of Antillean society, the Caribbean region and the world at large;

(b) Within the time-span of 10 years, Antillean children are to be taught skills, attitudes and values that will help them throughout their lives even if they do not continue formal education afterwards. Besides literacy and numeracy skills, children must also learn assertiveness, flexibility, responsibility, helpfulness, independence and self-confidence to enable them to participate fully, and in a spirit of fellowship, in the cultural, social, political and economic life of the Netherlands Antilles within the Kingdom, the Caribbean region and the world at large;

(c) The aim must be to instil the knowledge, skills and understanding that will lay the foundations of personal development and help children become effective members of society. It also constitutes a basis on which subsequent education can build. To encourage personal development, young children must be given the scope to achieve their full intellectual, moral, social, emotional and artistic potential, as well as developing motor skills. To achieve these goals, teaching must initially be attuned to children's everyday lives, encouraging and satisfying their natural thirst for knowledge, and then go on to transcend their world.

Characteristic features of new-style education for ages 4 to 15

150. To achieve these new goals, education for ages 4 to 15 must meet the following criteria:

(a) It should extend the period of shared, basic and non-selective education to cover all pupils aged 4 to 15, thus postponing any definite decisions on training and occupation. This will lay stronger foundations for any subsequent education and for joining the employment market:

- It will provide an uninterrupted and non-selective pathway of learning, divided into three successive stages focusing on the age groups 4 to 8 (first stage), 8 to 12 (second stage) and 12 to 15 (third stage), with regular evaluations to monitor quality;
- It will integrate the existing nursery schools into the reception classes of primary education to constitute the first stage of education. On the basis of the natural developmental process of children, it makes sense to regard the period from 4 to 8 years of age as one cohesive stage of development. This also eliminates adjustment difficulties between nursery and primary school. In the preparatory phase, it will be important to ensure that all schools are properly equipped for the entire age group;
- The first two years of secondary school are to be converted into the last two years - the third stage - of new-style education for ages 4 to 15;

- The language of instruction will be that spoken by the majority of the population: Papiamentu for the Leeward Islands and English for the Windward Islands;
- Flexible progression by abandoning the system of standardized material for each school year;
- Greater individualization by using differentiation in groups;
- Integration of special education (i.e. schools for children with learning and behavioural difficulties) into mainstream education;
- Expanding the scope of education by introducing a wider range and spread of subjects - both theoretical and practical - in the third stage, and by paying more attention to developing pupils' social, cultural, technical, artistic and physical skills;
- A greater emphasis on orientation towards society at all three stages.

New-style education for ages 4 to 15 in practice

151. The new system adopts a holistic approach to children, whose physical, social, emotional, cognitive and spiritual development is seen as closely interconnected. Although children in general go through the same stages of cognitive development, each is nonetheless a unique individual with a specific pace of development and style of learning. This means that each child has a specific developmental pathway, and that teachers should encourage and supervise them and help them to follow it - allowing scope for, and appreciating, each child's pace of learning and learning style. Every child must be valued for what he or she can do. One distinctive feature of the new system is working with flexible groups of different ages. An important goal here is creating a "community of learners", every member of which is given encouragement and support. In the first stage these groups may include children aged 4 to 6, for instance, or 5 to 7, thus providing more scope for interaction among children of these different ages and breaking away from the old system of offering standard material to each age group. The groups are formed on the basis of shared interests or a particular subject, not according to learning ability or age. So groups are heterogeneous in terms of sex, age and skills. This flexible system of grouping teaches younger children to work together with older children, who have acquired a more "mature" approach to learning. The older children model themselves on their teachers in their mentor's role, and take the initiative to "teach" the younger group members. The advantage is that in taking the lead, the older child will acquire more self-esteem and self-confidence. This is significant to, and influences, the "zone of proximal development", the gap between actual development and the level of potential development that can be fostered by the teacher, a peer or another group member. The implication is that a younger child can be temporarily helped to carry out tasks that are beyond his or her real capabilities. As the teacher focuses on the child's development and sees it as a continuous process, there is no room left for repeating a year. Each child's individual development is stimulated, with the teacher in the facilitator's role.

152. Proceeding from the basic premise that learning is a process in which the child constructs knowledge, curriculum goals are selected on the basis of the child's individual needs, interests and strengths. Teachers devise a child-centred curriculum. In order to follow and document the child's development and progress, teachers use qualitative reporting instruments such as

portfolios, anecdotal annotations, observations, journals and videotapes. No use is made of tests, whether standardized or devised by the teacher, nor of any textbooks or course books. Instead, teachers focus on each area of development, evaluating children in terms of their progress and potential. The child's results are not compared with averages. Since pupils keep the same teacher for several years, the teacher can build up a good picture of every aspect of their development.

153. Teachers can record the child's development using a graph or verbal report. This development is documented using quantitative instruments, which serve as a basis for supporting and instructing children on the basis of their individual needs. This working method enables children to see themselves as competent learning individuals.

Changes in secondary education

154. Secondary education is being modernized with the following aims:

- To raise standards and to ensure that education is better attuned to society's social, cultural and economic needs;
- To eliminate problems with a view to improving and safeguarding quality;
- To find an adequate response to new demands arising from the radical economic and technological modernization that accompanies the development of a knowledge-based economy;
- To safeguard opportunities for pupils to pursue further courses of study at home or abroad, especially in the Netherlands.

Reform of pre-vocational education (BVO) and junior general secondary education (MAVO)

155. Both BVO and MAVO exhibit many failings that suggest that they are poorly attuned to pupils' cultural and social backgrounds.

156. The reform of BVO and MAVO is geared towards:

- Modernizing education;
- Creating a smooth transition from basic secondary education to secondary vocational education;
- Improving the transition from BVO and MAVO and other forms of secondary education to society and the labour market;
- Safeguarding the link between pre-vocational education and sectors of the labour market by providing wide-ranging programmes that are attuned to work. In some cases this makes it possible to postpone career choices. Wide-ranging programmes help to meet demand while addressing problems of scale.

157. The modernization of BVO and MAVO courses will consist of their merger into pre-vocational secondary education (VSBO), after which students can go on to do secondary vocational education (SBO). A start was made on this merger in the 2002/03 school year.

158. The idea is to ensure that the content is better attuned to subsequent stages of education. To put VSBO in place, study programmes are to be set up, with coherent sets of exam subjects for each sector. Subject content will be harmonized with basic secondary education and developed within the context of the quality structure of the SBO. In due course pupils will choose a sector as well as a study programme.

159. Three sectors will be distinguished within VSBO:

- Technology;
- Health;
- Economics.

In addition, each sector will have a range of occupationally oriented programmes.

160. To improve the link between VSBO and the social context of the Netherlands Antilles, the Department of Education, Culture and Sport has commissioned new syllabuses.

161. To reduce VSBO dropout rates and to give all students fair and equal opportunities to complete their education successfully, care for the educational needs of individual students will be built in structurally. The aim of this care structure is to cater for differences in students' learning potential, skills and learning styles as well as their socio-economic and cultural backgrounds, and responding appropriately to the differences between boys and girls and the specific problems boys face at school.

162. The facilities are intended to support all students who need it in their school careers to prevent them from falling by the wayside. They will enable a particular, well-defined group of students who are not expected to complete VSBO successfully to do work-oriented education (AGO).

163. Work-oriented education will not be attuned to a particular sector but will be student-centred. Only a limited number of specially classified students will be referred to AGO, and candidates must complete a strict admissions procedure. AGO takes full account of each student's individual abilities and is intended to serve as tailor-made education, with internal and external practical work experience playing a key role.

Reform of senior general secondary education (HAVO) and pre-university education (VWO)

164. Of all the various types of education provided on the Netherlands Antilles, the current HAVO and VWO schools are modelled most closely on their Dutch counterparts. Most of their syllabuses, teaching materials and examinations come from the Netherlands.

165. HAVO and VWO is in need of renewal for three reasons:

(a) Problems currently affecting HAVO and VWO schools, including: a shortage of materials and financial resources; outmoded methods of study whereby the same set material is taught to all the pupils in a particular year; a shortage of local teachers; teaching materials that have not been adjusted to the specific needs:

- The first pupils to have completed basic secondary education entered the third year of HAVO and VWO in the 2000/01 school year, and had to continue their education along the same lines. So the short-term reform of these two types of education will build on the innovations already introduced in basic secondary education;
- The reform of HAVO and VWO has already been launched in the Netherlands, with the introduction of subject combinations.

166. Starting in the 1999/2000 school year, teaching in the upper forms of Dutch HAVO and VWO has been based on four distinct, coherent subject combinations or teaching programmes that prepare students for similar courses in higher education. Some subjects have been integrated and new ones added to the curriculum. The schools use a new approach to teaching and the examination requirements too have been revised.

167. This operation in the Netherlands has major implications for HAVO and VWO in the Netherlands Antilles:

(a) From 1 August 1999 onwards, the fourth year of HAVO or VWO will be confronted with the demands of Dutch establishments of higher education, whose entry requirements will be attuned to the new subject combinations:

- The old-style examinations will be valid and available in the Netherlands Antilles until June 2003 for HAVO students and until June 2004 for VWO students. Those in possession of such “old-style” certificates (HAVO or VWO) can be admitted to higher education in the Netherlands on their strength until the end of August 2004;
- If current policy is maintained, “old-style” Dutch examinations will no longer be available after the above dates.

168. In 2000/01 a start was made on reforming HAVO and VWO. The remaining three years of HAVO and four of VWO are now to be based on subject combinations along the lines already introduced in the Netherlands. There will be three subject combinations:

- Culture and society (humanities);
- Economics and society (social sciences);
- Natural sciences (science).

169. Each subject combination will consist of a common core of subjects, a specialized component and subjects to be chosen freely. Students can also decide to take extra optional subjects. The common core is largely a continuation of the subjects taught in basic secondary

education, some of which are taught in an integrated form, while the specialized component is attuned to the particular subject combination. In the “free” space, students can choose from the remaining subjects, possibly to strengthen their particular specialization or to maximize their opportunities for further study.

Changes in vocational education

170. The changes in vocational education affect both VSBO and SBO: the VSBO prepares students for SBO and is hence no longer a terminal form of education. SBO is attuned to the learning pathways in the VSBO and allows students to take school-leaving certificates at four different levels. More scope for learning practical skills has been built into all forms of vocational education.

Article 15

The following cultural activities took place between 1995 and 1998

171. A framework policy for culture was adopted. A functional evaluation of the Consultation Organ for Cultural Cooperation in the Netherlands Antilles (OKSNA) was also completed and a proposal for a new method to be adopted by OKSNA was presented to the island territories. Clear rules were introduced for cooperation with OKSNA officials. As a result of these efforts, the KABNA funds for cultural development were again allocated to project leaders, and a new Protocol for Cultural Cooperation was signed between the Kingdom partners. It is worth adding that the matter of exemptions from duties on books and other educational material was dealt with. Finally, an “Antilles Day” was introduced (in 1996) and the Antilles has finally acquired its own national anthem.

172. At the end of 2001 the cultural policy plan for the island territory of Curaçao, entitled *Rumbo pa Independensia Mental*, was completed, providing a blueprint for Curaçao’s cultural policy in the twenty-first century. This highly detailed document provided, inter alia, for a new *Kas di Kultura*, which was to become the primary implementing body for this cultural policy. Its duties include:

- Research, policy development and documentation;
- Stimulation, promotion, evaluation and development of culture and art;
- The provision and scrutiny of grants.

173. The *Kas di Kultura* started work in 2002. At the end of that year it staged a highly successful cultural festival, with performances by groups of musicians from Aruba, Bonaire and Curaçao.

University of the Netherlands Antilles (UNA)

174. The national University of the Netherlands Antilles was founded in 1979 by the Central Government of the Netherlands Antilles and possesses an independent legal personality. The National Ordinance on the University of the Netherlands Antilles constitutes the UNA’s statutory basis. The university has the task of providing higher education to prepare students to

take on positions in society for which such education is either essential or useful. It is also expected to inculcate an understanding of the cohesion between different disciplines and a sense of civic responsibility. The university serves the pursuit of scholarship and research for the benefit of higher education and the development of society, and can organize courses for third parties wishing to acquire additional expertise at their request. The university does what it can to foster efficient cooperation with other centres of learning, both in and outside the Netherlands Antilles. Its strategic plan states that it aspires to become a regional knowledge centre.

175. There are five faculties: law, social and economic sciences, technology, general faculty of linguistic and cultural studies along with medicine; the latter is to be operationalized in the near future.

176. The university provides full-time and part-time courses of higher education and higher professional education. All those who have successfully completed secondary education or senior secondary vocational education (MBO) are eligible for admission. Persons aged 23 and over who do not possess the required qualifications may sit a special entrance exam. UNA's courses are provided in cooperation with universities and colleges in the Netherlands and the United States.

177. The university is funded almost entirely by the Central Government, which makes higher education affordable for everyone in the Netherlands Antilles. The disadvantage, however, is that it is dependent on public funds. To limit this financial dependency, a financial care contract with the Government is currently under preparation. Under the terms of this contract the Government will give the university subsidies for certain products in the spheres of education, research and public services, which must be provided within an agreed period. The university has to raise the remaining costs by creating a third flow of funds. The university has full administrative autonomy, which is laid down by an act of Parliament. This creates distance between the university authorities and the Government, while a Supervisory Board monitors observance of the act on the Government's behalf.

178. The National Ordinance on Higher Education in the Netherlands Antilles, which is currently being drafted, will provide the statutory framework for institutes of higher education. In the near future, the university will therefore be obliged to operate in accordance with these new statutory provisions.

National Museum of Archaeology and Anthropology (NAAM)

179. In 1994, as part of the Netherlands Antilles Government's effort to reduce the national Government's responsibilities to a series of core tasks, the Government of the day took the policy decision to assign the work of the National Institute of Archaeology and Anthropology of the Netherlands Antilles (AINA) to one or more autonomous institutions. The Minister of Education, Culture, Youth Affairs and Sport then appointed a committee to advise the minister on setting up a National Museum of Archaeology and Anthropology under the management of a foundation. A working group made the necessary preparations and the foundation (Stichting NAAM) was established on 26 March 1998. Its primary objective is to disseminate knowledge of the cultural history and cultural heritage of Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten, and to strengthen the population's cultural education and identity.

180. In 1999 NAAM mapped out a plan of action that was not confined to traditional museological tasks - collection, documentation, research, conservation, registration and exhibition - but also included public education as well as supporting and helping to professionalize museums.

181. In March 2001, NAAM decided that its immediate goal was not to set up a central museum but to create a wider support base for the museums in society. This new policy is conveyed in the motto "Not just a museum, but a safeguard for our cultural heritage."

182. In applying this policy, NAAM takes account of the fact that museums are relatively new to the Netherlands Antilles: the first one, the Curaçao Museum, opened in 1947. In 2003, the Antilles had over 20 museums, including country estates with their original furniture, churches, synagogues and family homes. These museums, almost all of which were founded by private initiative, shed light on different aspects of the Antilles' past and its cultural history.

183. The increase in the number of museums has been outpaced by advances in our knowledge of preventive conservation, systematic documentation, registration and modes of presentation as well as by advances in related research. It is in these important areas that NAAM performs a supportive and complementary role.

184. NAAM implements the above policy principles by mounting educational projects, disseminating knowledge of conservation, and encouraging the digital registration of the cultural heritage, for instance in courses, workshops and lectures for the staff of museums and other heritage organizations. It also supports the Antillean museum network by publishing documentation on the cultural heritage in bimonthly newspaper articles, and translating and disseminating relevant information on conservation and about the statutory protection of underwater heritage. In 2002 NAAM had a coordinating role in helping all island delegations to prepare for the Festival del Caribe in Santiago de Cuba. On 18 May 2002, the museums of Curaçao, united in the Plataforma di Musea di Kòrsou, independently organized - for the first time - the International Museum Day, which NAAM helped to coordinate. NAAM also arranged for a special museum edition of the *Ñapa*, the Saturday supplement of Curaçao's daily newspaper, *Amigoe*.

185. As yet the Netherlands Antilles has developed little expertise on methods of researching, conserving and registering its material and non-material cultural heritage. It is essential to promote local expertise on diverse aspects of conservation and NAAM has enlisted the help of local and international external experts. It also arranges practical training abroad, for instance at the Royal Tropical Institute in Amsterdam.

186. The sound management of museum collections depends on accurate registration and descriptions. In 2001, it was therefore decided that NAAM would phase in the Museum System registration system. In March 2002 NAAM held a three-day introductory course for its own staff and for representatives of museums on Saba, Sint Eustatius, Sint Maarten, Bonaire, Curaçao and Aruba.

187. In 2002 NAAM succeeded in getting knowledge of cultural heritage included in the attainment targets for new-style primary and secondary education, for which it carried out the project “Cultural heritage, treasure-house for students” to develop teaching material. This material, intended for pupils in the second stage of primary education (previously classes 4 to 6), will be published in three languages and disseminated on all islands of the Netherlands Antilles. Efforts to finance this project foundered in 2002.

Central Historical Archives (CHA)

188. The Netherlands Antilles National Archives Ordinance regulates public access to all information gathered by government bodies and stored electronically or on paper in archives. In adopting this legislation (PB 1989, No. 64) the Antilles has safeguarded an important social right for its citizens. Scope is being created for citizens to consult, free of charge, original documents after 40 years have passed (shortly to be changed to 20 years) by arranging for their selective transfer to the National Archives. This Ordinance was adopted in 1996. But in 1991 a master plan was drawn up for the management of archives in general, with rules on the following:

- Legislation;
- Accommodation;
- Organizational structure; and
- Projects.

Legislation

189. At the same time as the National Archives Ordinance was formally adopted (PB 1996, No. 96), an archives decree with provisions to implement the new legislation and a draft amendment were submitted to the Department of Legislation and Legal Affairs. One of the details of the amendment is a proposal to reduce the period after which full public access is granted from 40 to 20 years, in line with international trends. The new bill also makes more provision than the original ordinance for digitally formed archives.

190. The policy is geared towards drafting cooperation protocols with the island territories, so that their archives too can be open to public inspection after 40 years. For this purpose these archives also must undergo selective transfer to an archival service. A protocol was drafted with the island territory of Curaçao in 1998 in which the Island Council of Curaçao designated the depository of the National Archives as the place where archives to be made public are to be deposited.

Accommodation

191. Full public access means that all those wishing to consult documents can do so free of charge. This calls for an adequate public archival service with sufficient facilities for the public and enough storage capacity. The National Archives has reached its maximum storage capacity, at three linear kilometres of archives from the period of roughly 1810-1940. Several studies have been

performed (in 1991, 1994, 1999 and 2002) with a view to accommodating those from 1940 onwards. In January 2003, the Government of the Netherlands Antilles submitted a request for funding to the Representation of the Netherlands in Willemstad. If it is approved, the National Archives will be able to arrange to transfer and accommodate the archives since 1940 of the various national archival services and those since 1954 of the island territory of Curaçao. These archives, which extend to 35 linear kilometres, are currently housed by these individual services.

192. After selection, about 10 per cent of archives deemed to be of cultural historical value will be removed and transferred to the new depository, the rest being destroyed. Another request for funding was submitted in 2003 to pay for the selection process. The National Archives' public facilities were expanded in 1997, when they were assigned their own space, separate from the administrative departments.

Organizational structure

193. Since a clear organizational structure is essential if the National Archives is to follow trends in policy effectively, the Archives underwent reorganization in the 1990s to streamline the apparatus. Based on the national Government's analysis of core tasks and several rounds of cuts around 2000, the Archives were structured according to the agency model, or as an executive service. The National Archives Business Plan was adopted in 2001. If the agency organization model is adopted in full, personnel and financial management will also have to be transferred to the executive service.

Projects

194. The National Archives carries out numerous projects to help conserve the country's heritage, its "national memory". One of them is singled here: the project "Digital durability". While the Antillean Government's paper sources have been damaged by the effects of climate and vermin, its computer files are at risk of succumbing even faster. It is not easy to turn the digital information that is now being formed on a daily basis into a format that will be readable in 20 years' time. Without special data management rules and technological applications the durability and authenticity of this information will not automatically be safeguarded. The problems have already been noted and they are addressed in the Central Government's ICT policy plans under the heading "Digital durability". The aim is to ensure that the Government can continue to account for its actions with reliable and authentic digital sources in the very long term.

Conferences

195. In 2003 and 2006 the National Archives is organizing several major international conferences to promote and professionalize its fields of operation:

(a) In June 2003, in conjunction with UNESCO, a conference to mark 140 years of emancipation;

(b) In November 2003, in conjunction with the International Council on Archives (ICA), the Netherlands National Archives, the Caribbean Branch of the International Council on Archives, the Asociación Latinoamericana de Archivos and the International Centre for the Study of the Preservation and Restoration of Cultural Property, a conference entitled “Preservation of Archives in Tropical Climates”; in 2006, in conjunction with ICA, the ICA Round Table Conference.

Cultural policy

196. In 2001 the Executive Council of the island territory of Curaçao approved the Integrated Cultural Policy Plan for Curaçao 2001-2005, entitled “*Op weg naar een mentale onafhankelijkheid*” (“*Towards mental independence*”) and has set up the foundation Kas di Kultura to implement it. Among the topics to receive special attention is fostering knowledge of Antillean history, culture and identity, encouraging the community in general, and vulnerable groups in particular, to become more aware and self-reliant, to stand up for themselves and take the initiative. Another aim is to create opportunities for everyone to take part in cultural life. In short, the policy plan seeks to take all Curaçao’s citizens on a journey to emancipation through radio programmes, lectures, workshops, exhibitions, publications, and cultural exchanges with the other islands of the Netherlands Antilles, Aruba and Venezuela.

197. On 6 February 2004 the island territory of Curaçao signed a cultural agreement with the province of Santiago de Cuba of the Republic of Cuba. On the basis of this agreement there will be exchanges of experts to deepen and enrich the cultural life of both countries.

Fundashon Pro Monumento (“ProMo”)

198. In response to the decision by UNESCO and the United Nations to proclaim the World Decade for Cultural Development (1988-1997), an urban renewal plan for Willemstad was drafted in 1988. That same year the Interregional Committee “Action Willemstad” was set up. In this framework, the authorities of Curaçao and the Antilles signed the protocol “Action Willemstad”. The authorities of Curaçao undertook to prepare a plan for monuments and historic buildings within 12 months, which the Island Council approved in January 1990. On 4 December 1997, “Historic Willemstad Inner City and Harbour” was added to UNESCO’s list of World Heritage Sites.

199. Unfortunately, the Monument Plan did not take into account the World Heritage Site status that Willemstad’s historical centre acquired in 1997. The policy pays too little attention to ways of safeguarding the cultural and historical qualities of this World Heritage Site.

200. Up to now, 745 buildings in the city centre and 2 outside it have been selected, described and designated for protection as listed buildings, as well as 32 country houses and one archaeological monument. Also selected for protection were four strongholds outside the city centre that may be nominated, together with others in the Caribbean region, for inclusion on the World Heritage List.

201. In the past 10 years some 180 restoration projects have been completed by Curaçao Monuments Foundation, Fundashon Kas Popular (Curaçao Housing Foundation), NV Stadsherstel (Willemstad Urban Rehabilitation Corporation) and other private agencies, some but not all funded by Curaçao Monuments Fund Foundation.

202. Unfortunately, not all the projects devised have actually been implemented since the Monuments Plan was adopted in 1990. This is attributable to a variety of causes: lack of administrative decisions, long decision-making lines, lack of financial resources, lack of decisiveness, limited expertise, failings in observance and enforcement of the ordinance, high restoration costs, and the fact that the World Heritage Site status had not been explicitly incorporated into the policy.

Intellectual Property Office (BIE)

203. The Intellectual Property Office was privatized in November 2000. In 2001 the National Trademarks Ordinance 1995 entered into effect. In 2002 the Intellectual Property Office organized a condensed introductory course on intellectual property rights for the public. The course, which was well attended, explained copyright, trademark law, patent law, the law on business names and parallel imports. The Office set up a website to provide the public with further information.

204. The Bureau enjoyed a positive development in the international arena in 2003 with the Netherlands Antilles' accession to the 1989 Protocol Relating to the Madrid Agreement Concerning the International Registration as from 28 April 2003. This made it possible for other countries to protect brand names on the Netherlands Antilles by means of a single international registration.
