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## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

### SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 10th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 4 May 2007, at 3 p.m.

Chairperson: Mr. SADI (Vice-Chairperson)

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 3.20 p.m.*

CONSIDERATION OF REPORTS (*continued*)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (*continued*)

Third periodic report of the Netherlands Antilles (*continued*)

E/C.12/1/Add.25; E/C.12/ANT/3; E/C.12/ANT/Q/3 and Add.1; HRI/CORE/1/Add.67)

1. *At the invitation of the Chairperson, the delegation of the Netherlands Antilles resumed its place at the Committee table.*

2. Ms. ELS (Netherlands Antilles), replying to outstanding questions, said that her Government had drafted an ordinance for promoting equality that listed and prohibited all grounds for discrimination, including religion, gender, health status and age. The draft was not mentioned in the report because it could not be put into effect until it had been adopted by Parliament.

3. The abolition of the minimum wage was a societal choice. It had been made on the basis of a study that could be transmitted to the Committee if so desired. Each island had its own labour inspectorate, which had the power to carry out on-site inspections and to settle disputes. Provisions adopted in 2007 should allow the number of labour inspectors to be increased in the near future.

4. Ms. RAY (Netherlands Antilles) said that all illegitimate children living at the same address as their father or receiving maintenance from him had the same social security and social insurance rights as legitimate children. On the death of one or both parents, a child was entitled to receive an orphan's benefit, on request, if the parent(s) had contributed to the social security scheme as either an employee or a former employee. If the child was still a minor and was attending school at the time of the parent's death, the benefit was paid to and must be administered by the surviving parent or the legal guardian. If the child was aged 18 to 25 and was still in full-time education, he or she received the benefit directly.

5. The appeal court judge was not chosen from among the three judges who had tried the case in first instance. Once domestic remedies had been exhausted, proceedings could be brought before the European Court of Human Rights.

6. The CHAIRPERSON noted that "born out of wedlock" was a more respectful term than "illegitimate" and was therefore considered preferable in the United Nations system.

7. Mr. VIJBER (Netherlands Antilles) said that lack of resources had forced his country to become highly indebted to pension funds, donors and the Netherlands, so much so that at the current time a third of its budget was spent on debt servicing, which seriously limited its investment capabilities. Following agreement by the Netherlands to restructure the debt, the Netherlands Antilles should soon have much more room for manoeuvre.

8. A May 2006 mid-term review external audit had concluded that the education reform should be continued, but with clearer guidelines. The local authorities of the five islands were cooperating with the Netherlands Government through an ad hoc joint committee, which was responsible for monitoring the proper implementation of the reform and for ensuring educational continuity between the Netherlands Antilles

and the Netherlands. It should be noted in that regard that all diplomas awarded in the Netherlands Antilles were recognized by the Netherlands and the European Union and that the University of the Netherlands Antilles was accredited by the competent Netherlands/Belgian authority. While the Netherlands Government provided the bulk of the investments for improving educational quality, the authorities of each island were responsible for pursuing the changes that had been introduced, with the aim of reducing the school dropout rate and the youth unemployment rate to below 10 per cent by 2011. By that date, all the changes envisaged by the reform should have been put in place at all educational levels. The programme to identify and provide individualized support to school dropouts, which had been launched on a pilot basis in 2006 and was now being introduced throughout the country, should offer many young people a second chance to gain a qualification.

9. Dutch was the official language of the entire Kingdom of the Netherlands, but Papiamentu was the mother tongue of the inhabitants of the islands of Curaçao and Bonaire and English was both the mother tongue of the inhabitants of Sint Maarten, Saba and Sint Eustatius and widely used as a language of communication throughout the islands. Only those three official languages could be used as a language of instruction. Even though it was a former colony of the Netherlands and was heavily influenced by the United States, the Netherlands Antilles was committed to a policy of cultural emancipation that would make room for everyone's identity. At the same time, Dutch-speaking schools were no longer discouraged as they had once been and their numbers were a function of parental demand. Parents could choose between registering their children in a school with a single language of instruction or one with a combination of several languages. Children from minority groups could also attend optional after-school language or religion classes if they wished.

10. Children of illegal immigrants had the right to attend school, in accordance with the Act on Compulsory Education and the Convention on the Rights of the Child. It should be noted that conventions applicable in the Netherlands were also applicable in the Netherlands Antilles, subject to ratification by the Parliaments of both countries. Centres of expertise were special education centres with multidisciplinary teams that took care of children with special needs. Physical education was not just an integral part of the school programme but was actively encouraged, for instance through inter-school sports competitions.

11. Ms. THEODORA-BREWSTER (Netherlands Antilles) informed the Committee that policies for children applied equally to boys and girls. The fact that emphasis was placed on helping girls did not mean that boys did not receive some kind of assistance if they needed it. In fact, the aim of any measures taken was to help those in greatest need. It was in that spirit that a specific programme of training and assistance in setting up a business had been launched a year and a half previously for women: there were simply far more women than men looking for work. In 2006, a foundation had been set up on Sint Maarten to provide social assistance to female-headed single-parent families. Other similar projects were under way. Single-parent families received financial assistance on request from the Bureau of Social Affairs.

12. The reduction in unemployment on the islands of Sint Maarten and Curaçao was due mainly to the construction of vast hotel complexes and the emigration of inhabitants of the Netherlands Antilles to the Netherlands. Over the past three years,

with assistance from the Netherlands, a large-scale study had been carried out to gain a clearer understanding of the problem of poverty, particularly among young people, women and older persons. It was estimated that around five per cent of the inhabitants of the Netherlands Antilles received social assistance. Based on the findings of the study, a poverty reduction plan would be drawn up by each island, taking account of its own situation. The Netherlands was providing the Netherlands Antilles with financial resources to combat poverty and build social housing on the five islands. The island authorities had set themselves the goal of defining a poverty threshold so that they could assess the precise percentage of poor people on each island and take measures appropriate to the scale of the problem.

13. Since there were no refugees in the Netherlands Antilles, there were no laws on the subject. There were a number of people who, for a variety of reasons, could not return to their own country, but they were not considered refugees. A standing committee dealt with issues related to migrants and foreigners. In the event of a natural disaster, everyone was treated equally and could receive assistance from the island authorities on the same terms, with no distinction being made between nationals and foreigners.

14. The sexual exploitation of minors was criminalized, but neither the Criminal Code nor current legislation contained express provisions on the particular case of 16 and 17 year olds. The Government was to take up the issue shortly, with a view to adapting its legislation on the subject.

15. The number of homicides, particularly those related to drug trafficking involving young people, had declined. The Ministry of Justice and several non-governmental organizations (NGOs) had conducted information and awareness-raising campaigns, which seemed to be bearing fruit. Because preventing drug addiction was a priority for the island authorities, the Ministry of Justice had implemented DARE (drug abuse resistance education) projects, under which officials or police officers visited schools to alert children to the dangers of drugs and teach them to say no to dealers. Local authorities were also funding several programmes to combat drug addiction and many volunteers were involved in information campaigns. A system for gathering statistics on drug addiction and prostitution in the Netherlands Antilles was currently in place. Those statistics would be presented in the next periodic report. It was difficult to know how much prostitution went on in places other than brothels, since the authorities generally did not know who was a prostitute. NGOs were trying to make contact with such prostitutes in order to alert them to the dangers of HIV/AIDS and provide them with condoms and other means of contraception.

16. Ms. PHILLIPS (Netherlands Antilles) said that the Netherlands Government had undertaken to draft a new action plan for people with disabilities in the Netherlands and the Netherlands Antilles. On Curaçao, 10 to 20 homes were built each year for people with disabilities. With regard to efforts to combat domestic violence, in 2006 the Public Prosecutor's Office had issued instructions to the police and the judiciary on ways to improve the prevention and eradication of domestic violence. Curaçao had a victims assistance bureau and, since 2004, a shelter, "Socorro", which was funded by the island government. Police officers attended a domestic violence awareness programme as part of their initial training. The Netherlands Government also intended to include provisions criminalizing intra-family violence in the new Criminal Code.

17. As already indicated, her delegation had no disaggregated statistics on the country's ethnic composition. The population was very heterogeneous, with over 60

nationalities distributed among the five islands. Most inhabitants were of African origin, but there had also been a Jewish community on the islands since the seventeenth century. Chinese immigrants and immigrants from Muslim countries had arrived more recently, in the twentieth century.

18. At a later point, her delegation would provide statistics on early pregnancy and abortion among teenage girls. Older persons had free access to health care and benefited from big reductions in many sectors such as public transport. Curaçao built 20 to 30 homes for older persons each year. Poor people also had free health care and were eligible for public housing and received financial and other assistance (such as uniforms) for their children's schooling.

19. Funding for the development of the Netherlands Antilles did not come only from revenues from economic activity but also from assistance provided by the Netherlands, the European Union and the United Nations Development Programme (UNDP). Development assistance was used primarily to finance programmes in the following three areas: education, governance and security.

20. The Kingdom of the Netherlands was responsible for foreign policy, but the Charter of the Kingdom, which regulated the internal autonomy of the islands of the Netherlands Antilles, afforded the latter some leeway in their relations with the States of the Greater Antilles. In that connection, the Netherlands Antilles had maintained informal ties with the Association of Caribbean States from 1994 to 2001, when it had become an associate member.

21. The Netherlands Antilles would provide the Committee with additional information in writing on the question of human trafficking, including the instructions concerning trafficking in women recently adopted by the Council of Ministers and the conclusions of the Working Group on Trafficking in Persons.

22. Mr. MARCHAN ROMERO said that it was regrettable that the State party had no policy for the protection, promotion and development of cultural identities and requested more precise information on the different ethnic groups living in the territory of the islands of the Netherlands Antilles. It was not enough to note the existence of the various ethnic groups; political measures must be taken for their benefit.

23. Mr. TIRADO MEJIA asked whether people living in the Netherlands Antilles could, as citizens of the Netherlands, institute legal proceedings at the European level if their fundamental rights were violated.

24. The CHAIRPERSON, speaking as a member of the Committee, asked on what institutional basis and according to what modalities the Netherlands Government had been able to take on the debt of the Government of the Netherlands Antilles. He also requested further information on human rights education programmes in the five islands.

25. Mr. VIJBER (Netherlands Antilles) said that as nationals of a European Union member State, people living in the Netherlands Antilles could assert their rights before European courts. Human rights education was an integral part of school curricula and was an important component of the university social science curriculum.

26. The Netherlands Government had taken on the debt of the Netherlands Antilles because it had realized that that was the only way to help the country get back on its

feet and to ensure that the fundamental rights of all its citizens were respected. In doing so, it had made it clear that it would only take such action once; in other words, it had stipulated expressly that the Government of the Netherlands Antilles must do everything to ensure that it never found itself in that situation again.

27. Ms. BARAHONA RIERA asked whether any inhabitants of the Netherlands Antilles had ever applied to the European courts to assert their rights and, if so, which international instrument they had invoked. She also asked how, in practice, it was possible for the Government of the Netherlands Antilles to enjoy a measure of independence in establishing ties with countries of the region while remaining dependent on the Netherlands Government in matters of foreign policy.

28. Ms. PHILLIPS (Netherlands Antilles) acknowledged that her Government had no policy for the protection, promotion and development of the cultural heritage and cultural identity of its different groups. Currently, it was the culture of the dominant group that prevailed over the others and Curaçao's population of African descent did in fact feel threatened in that regard. The fact that no policy had been put in place for those groups did not mean that they suffered discrimination, however. She assured members of the Committee that all necessary attention would be paid to any recommendation that it might make on the subject.

29. With regard to the new constitutional system that was to take effect on 15 December 2008, the Charter of the Kingdom would be amended only insofar as to incorporate the changes arising from the expansion of membership of the Kingdom of the Netherlands to include the new countries of Curaçao, Sint Maarten and Aruba, the small islands of Bonaire, Saba and Sint Eustatius having decided by referendum to remain attached to the Kingdom of the Netherlands. As a result, foreign relations would remain the exclusive responsibility of the Kingdom, even though Curaçao and Sint Maarten would continue to enjoy a measure of freedom in their relations with neighbouring countries. The Governments of the Netherlands and of the Netherlands Antilles had agreed that upon the dissolution of the Netherlands Antilles, the international treaties and agreements to which the Netherlands Government was a party would take effect automatically in Curaçao and Sint Maarten and that accession by the Netherlands to new international instruments would be the exclusive responsibility of the Netherlands Government.

30. As citizens of the Netherlands, all nationals of the Netherlands Antilles held a Netherlands passport and could thus travel freely within the Schengen countries.

31. Mr. VIJBER (Netherlands Antilles) welcomed the constructive dialogue established with the Committee and assured Committee members that his country would spare no effort to enhance the exercise of the rights enshrined in the Covenant. His Government would give all necessary attention to the Committee's concluding observations, to be formulated at the end of its consideration of the third periodic report.

32. The CHAIRPERSON thanked the delegation of the Netherlands Antilles for the quality of its replies and announced that the Committee had concluded its consideration of the State party's third periodic report.

33. *The delegation of the Netherlands Antilles withdrew.*

*The public part of the meeting rose at 4.45 p.m.*