



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/NLD/Q/3/Add.1
23 December 2008

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Fiftieth session
12 – 30 January 2009

**WRITTEN REPLIES BY THE GOVERNMENT OF THE NETHERLANDS TO THE
LIST OF ISSUES (CRC/C/NLD/Q/3) PREPARED BY THE COMMITTEE ON THE
RIGHTS OF THE CHILD IN CONNECTION WITH THE CONSIDERATION OF THE
THIRDPERIODIC REPORT OF THE NETHERLANDS (CRC/C/NLD/3)***

[Received on 5 December 2008]

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

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* This document contains the answers of the Netherlands, the Netherlands Antilles and Aruba. Each of these three countries, within the Kingdom of the Netherlands, bears individual responsibility for the implementation of the Convention on the Rights of the Child. Each country is therefore also individually responsible for the content of its answers.

I. ANSWERS TO THE COMMITTEE'S QUESTIONS

Alternative care and waiting lists

Question: Please inform which measures are planned to strengthen alternative care including preventive social care, outpatient and placement opportunities and decreasing the waiting lists. Please provide data on investigations or research outcomes concerning cases of waiting lists and children left without adequate care.

1. The Netherlands: The Minister for Youth and Families and the provincial (regional) authorities have agreed that there will be no more waiting lists for provincial youth care by the end of 2009. To achieve this, the provincial authorities are investing an additional €88 million and the state an additional €115 million in the years 2008 and 2009. In addition, agreement has been reached with the provincial authorities on a new method for funding youth care. In spite of the continued existence of waiting lists in youth care, the provincial authorities have succeeded in prioritising urgent cases: a solution can always be found in an emergency, even though it may well involve extra effort on the part of staff. All cases are examined to determine whether the young person involved should be offered some other form of assistance during the waiting period, and that assistance will be made available as necessary. The Youth Care Offices continues to monitor all cases, whether or not an alternative form of care has been arranged in the meantime. A study is currently being conducted to determine the exact nature and severity of the problems of young people still on the waiting lists.
2. The Netherlands Antilles: The psychiatric clinic on Curaçao is currently developing a Children and Adolescents' Psychiatric Centre, to consist of three departments: an outpatient psychiatric service, a day-care treatment facility, and a residential psychiatric clinic. This clinic provides outpatient mental health care to children and adolescents with a range of mental health problems, including suicidal behaviour, anxiety disorders, trauma, depression, obesity and other eating disorders, attention deficit disorders, and problems relating to conflict within the family. In December 2008 it is to open a day-care treatment facility as a pilot project. In 2009 the waiting lists will be tackled by expanding group psychotherapy. The Guardianship Board does not maintain a waiting list, but instead deals with all cases in order of priority. The priority of a case is determined in multidisciplinary consultations in which the cases are classified. In July 2008 the Social Insurance Bank (SVB) started reimbursing the treatment by psychologists of behavioural disorders in childhood, contingent on a referral by the child's family doctor.
3. Aruba: Currently the residential infrastructure for young people is limited. Unfortunately this leads to waiting lists. For some time the Government has been setting up a centre for children with special needs, *Orthopedagogische centrum*. Although the establishment of this centre is considered a high priority, it is very dependent on the necessary expertise and knowledge regarding residential counseling and behavioral therapy for young people with extreme behavioral disturbances. Therefore cooperation was sought with the relevant Dutch institutions in order to realize *twining programs* in which professionals and knowledge from both parts of the Kingdom are exchanged.

4. In the past professionals from Curacao were hired to provide counseling for children with psychiatric problems. At present Aruba has its own child psychiatrist who provides the necessary guidance and counseling.

Monitoring, placing procedures and complaint system of the public care system

Question: Please provide information on the monitoring and complaint system of the public care system and the placing procedures to avoid drift and multi-placement.

5. The Netherlands: All youth care offices and other institutions providing forms of youth care are required by law to have a complaints committee. However, many complaints can be dealt with by discussing them with the staff of the institution or the youth care office *before* taking the case to a complaints committee. The committee has six weeks to decide on the merits of a complaint, and to make recommendations where appropriate. The complaints committee must consist of at least three members, who may not be employed by the office or care provider. Complainants are given an opportunity to explain their complaints and may enlist the support of a confidential adviser from the advice and complaints office of the youth care office or the care sector organisation *Zorgbelang*, free of charge. After the committee has made known its decision, the care provider or youth care office has four weeks within which to indicate whether it agrees with the committee's opinion and/or plans to take any measures. For closed youth care units, supplementary rules for the special complaints procedure (section 29w of the Youth Care Act) have been incorporated into the relevant implementation decree. These new rules include the following two provisions. First, a young person may be assisted by a confidential counsellor; and second, in the case of all complaints, an attempt at mediation should in principle be made first, before taking the matter further. The membership of the complaints committee is also subject to legislative requirements. The youth care offices are responsible for establishing the formal 'indication'; the type of care to which a young person will be referred. The offices monitor the exact whereabouts and situation of all clients at any given moment during the care process, and will also monitor those clients who are still waiting to be referred to an appropriate youth care institution.

6. The Netherlands Antilles: To avoid 'drift' and 'multi-placement', meetings are held with all parties involved, such as the psychiatric clinic on Curaçao, when it is clear that a client is (or has been) attending different social services or treatment facilities. To avoid 'drift', referral takes place by telephone with the mental health or social services. Along with the new Children and Adolescents' Psychiatric Centre, a special body will be created with the task of making referrals to this and other care services. This will consolidate the logistics of care provision and help to prevent inappropriate placements. In addition, the power to arrange voluntary placements in youth treatment centres has been vested in a single government agency, Fundashon Perspektiva i Sosten Integral (PSI), which will improve clarity and prevent multi-placement. The Guardianship Board has a complaints procedure for its clients, which includes the possibility of protesting about matters such as the way in which a report was drafted, the way in which one of the board's investigators dealt with a client, or decisions taken by an investigator in the course of his duties. Finally, the National Ordinance of 2 March 2007 containing rules for institutions that provide health care (Official Bulletin (PB) 2007, no. 19) includes a general complaints procedure. The Health Care Inspectorate, which has a supervisory task, investigates and monitors the

complaints, and drafts reports with recommendations for the relevant care institution. It is possible for a report of this kind to lead to the institution's licence being revoked.

7. Aruba: A draft for a monitoring and complaint procedure is currently being prepared by the Department of Social Affairs. The results of two client satisfaction studies which were conducted in the 2008, will form the basis for proposals to improve the present system. This new procedure shall be implemented in 2009. Although no official complaints procedure within the social sector exists, the directors of the residential facilities and the authorities in charge of placing procedures meet periodically to discuss individual cases and deal with complaints as well.

Uninsured children and pregnant women in the Netherlands Antilles

Question: Please inform whether uninsured children in the Netherlands Antilles receive all necessary medical treatment, or if they only receive preventive treatment. Please also inform whether women in the Netherlands Antilles who are not insured have the right to give birth in a hospital.

8. The Netherlands Antilles: Although the Netherlands Antilles does not have a system of general health insurance, the policy is to provide health care to all, regardless of insurance. The government bears ultimate responsibility for all medical expenses incurred by the uninsured. Uninsured children receive all necessary medical treatment. Uninsured women can give birth in hospital if necessary, at the government's expense.

Care, education and social integration for disabled children

Question: Please provide information on any steps taken to provide round-the-clock care for disabled children and/or educational services or day care for all children with disabilities. Please also explain if any government plans to combat discrimination and promote the social integration of disabled children in will be introduced.

9. The Netherlands: In September 2008 the House of Representatives of the States General adopted the Bill amending the Equal Treatment (Disability or Chronic Illness) Act. The Bill is currently awaiting passage by the Senate.

10. The Netherlands Antilles: The new approach to nursery and primary education, Foundation Based Education, is child-centred, targets development and is required by law to differentiate. This enables all children to develop to their full potential, in accordance with their intellectual ability and their pace and style of learning. In consequence, all children are kept in mainstream primary schools as far as possible, and are only referred to special education in highly exceptional cases.

11. In Foundation Based Education, pupils with learning and behavioural difficulties will be integrated, essentially a partial integration that is one small step in the direction of 'inclusive education'. This change will help to narrow the gap between mainstream and special education. The government is currently taking steps to prepare a national policy on special education. As things stand, special education does not yet cater for all categories of children.

12. A national decree is currently being prepared to reimburse the care of persons with autism from the Exceptional Medical Expenses Insurance Fund (AVBZ) (National Ordinance on Exceptional Medical Expenses Insurance, PB 1996 no. 211 and National Decree on Care, PB 1996, no. 215). The National Decree has been sent to the Advisory Council for its recommendations.

13. The AVBZ multi-year plan for the period 2008-2010 has the following budget:

2008	2009	2010
880,000	1,200,000	1,800,000

The aim is to finance the treatment, care and support of clients in special ‘activation centres’.

14. Aruba: Schools adapt as much as possible to the needs of children with disabilities. Special programs are in place and teachers are given extra assistance in order to make it possible for these children to follow regular lessons. Schools receive a special subsidy for children with disabilities and transport to and from school is arranged. Schools for special education and vocational education arrange for children with disabilities to follow training programs at private sector establishments, such as hotels. After successfully completing their training program they are integrated in the labor force. For children who cannot participate in the regular school system because of their disability, the government intends to provide ambulant care within a short period of time. Presently several NGO’s are also active for children with disabilities and their families. There’s now a platform that raises awareness for the rights of people/children with limitations. In collaboration with the Aruba Youth Association (Asociacion Trabao di Hubentud na Aruba/ATHA) a brochure and website (www.heymitambetey.com) have been designed to stimulate the acceptance and integration of people with limitations.

Prevention of drug use in the Netherlands Antilles

Question: Please provide information on any measures taken by the authorities to prevent drug use by children in the Netherlands Antilles.

15. The Netherlands Antilles: The Curaçao-based umbrella organisation Fundashon pa Maneho di Adikshon (FMA) has trained 10 young people and 5 adults to provide information in primary and secondary schools on how to prevent drug addiction. In the period from March to October 2008, some 4,500 children received information on this subject, besides which flyers were distributed on addiction to marijuana and alcohol, which are the substances used most frequently by young people.

16. Furthermore, the FMA joined forces with other government agencies to develop a curriculum for each level of education, starting with nursery school, to teach children about the dangers of certain substances. This new curriculum, which will also help pupils to cope with peer pressure, will be introduced in the school year 2009-2010.

17. The Netherlands Antilles also provides clinical, semi-clinical and outpatient rehabilitation treatment tailored especially to young people’s needs. This treatment is provided

by Turning Point on Sint Maarten, and the Brasami Foundation and FMA on Curaçao. The Brasami Foundation has a clinical capacity of ten beds especially for young clients.

Prevention of bullying in schools since 2004

Question: Please describe briefly the results of the measures introduced in the Netherlands since 2004 to prevent bullying in schools.

18. The Netherlands: Since 2004 the Ministry of Education, Culture and Science has invested an annual sum of €90 million in promoting a safe environment (tackling verbal abuse as well as physical violence and offences against property) at primary and secondary schools. These resources are deployed to promote safety in numerous ways, ranging from preventive and curative measures to law enforcement and support. Schools themselves can determine how the funds are to be spent, although they remain accountable to the government via the Education Inspectorate.

19. In response to a progress report presented to the House of Representatives, pledges have been made concerning the specific content of safety measures, such as the compulsory registration of incidents, the appointment of safety quality control teams (to help schools develop their policies on safety) and the further development and professionalisation of the Centre for School and Safety, which liaises with those working in education, transmitting the relevant information in this area. An extra €1.75 million has been earmarked for safety quality control teams as from 2008.

Obtaining information about existence of commercial sexual exploitation of children

Question: Please inform the Committee whether a systematic investigation has been undertaken to obtain information about the possible existence of commercial sexual exploitation of children, including in the Netherlands Antilles.

20. The Netherlands: Aside from regular criminal investigations, which in principle focus on specific cases, no systematic and more policy-oriented research has been conducted regarding the possible existence of the commercial sexual exploitation of children.

21. The Netherlands Antilles: The public prosecution service is not aware of any systematic investigation into the existence of the commercial sexual exploitation of children in the Netherlands Antilles. Two large-scale crime surveys conducted in recent years included research into domestic violence and trafficking in human beings. However, the available information and statistics do not answer the question of whether there is any evidence of the commercial sexual exploitation of children in the Netherlands Antilles. There is nothing in the findings of these studies to indicate the presence of any significant level of exploitation.

22. In the second half of 2004, the International Organisation of Migration (IOM) carried out an exploratory study of human trafficking in the Netherlands Antilles, the main emphasis being on women and children. The findings showed that at the time of this study, no organised commercial sexual exploitation of children was taking place.

Types of crimes which may lead to pre-trial detention of children

Question: Please provide information on which types of crimes may lead to pre-trial detention of children, the availability of alternatives to pre-trial detention and any plans to reduce the use of pre-trial detention.

23. The Netherlands: Pre-trial detention (remand) can apply to offences which carry a penalty of four years' imprisonment when committed by an adult, and to a number of specific offences defined by the Netherlands Criminal Code. Pre-trial detention is therefore not applicable to petty offences.

24. Alternatives exist to the imposition of pre-trial detention. In the first place, the court can choose the appropriate surroundings for youth detention, which might be the offender's own home. What is more, under article 493 of the Code of Criminal Procedure the court must immediately investigate the possibility of suspending pre-trial detention. Special conditions may be attached to such suspension. These will not involve the deprivation of liberty, though they may impose some restrictions on the person's liberty. The conditions are enumerated in article 2 of the Decree on Influencing Youth Behaviour. One example is night detention, which allows the young person to continue attending school or going to work in the period of pre-trial detention. Suspension can also be used as a way of influencing behaviour straight away.

25. On 1 February 2008 the Influencing Youth Behaviour Act entered into effect. This Act added to article 493 of the Code of Criminal Procedure a new paragraph 6, providing that special conditions may be attached to the suspension of pre-trial detention by order in council (conditions which the court may impose after seeking the advice of the Child Protection Board and with the consent of the young person concerned). These special conditions may include various options: individual counselling of limited severity and duration, educational projects, the acceptance of help and support from youth probation services, or the imposition of a ban on contact with certain people and/or an obligation to report regularly to the authorities.

26. Plans are currently being prepared to ensure that a proportion of pre-trial detention takes place outside young offenders' institutions. The Bill amending the Young Offenders' Institution Framework Act to be presented to the House of Representatives will provide a statutory basis for night detention during pre-trial detention. This can help to preserve continuity in the young person's school career, since he or she would only be required to remain at the institution at night and in the weekends.

27. A total of 3,000 young people are placed in pre-trial detention each year (in 2005 the figure was 3,170 and in 2006 it was 3,012). The majority (approximately 75%) return home after an average of 30 days' detention.

28. The Netherlands Antilles: Only the most serious criminal offences can lead to a child being placed in pre-trial detention. Most such cases involve robbery, murder or manslaughter (or attempted murder or manslaughter), the illegal possession of firearms, false imprisonment, individual or group rape, serious cases of burglary, and escape following conviction.

29. At present, fourteen of the inmates of Bon Futuro (some of whom are in pre-trial detention) were minors when first detained. They will be (or have been) tried as minors under adult criminal law. Another six (born in the years 1991 and 1992) are currently being held at Brasami centre for drug addicts under a detention order imposed by the criminal court, and seven (born in the period 1991 to 1996) are being held in the secure unit of the Government Youth Custodial Institution (GOG) either in pre-trial detention or under a detention order imposed by the criminal court.

30. At the present time there are few alternatives to pre-trial detention. The public prosecution service endeavours to keep pre-trial detention of minors to a minimum. The aim is to release them after the period of remand in police custody (i.e. after 10 days). In such cases, the examining magistrate will issue an order suspending the detention subject to certain conditions. The ten days' pre-trial detention also gives the Guardianship Board an opportunity to address the young person's social needs (arrangements with school, looking into the situation within the family etc.)

31. The Sino Fono Project focuses on dealing with offenders out of court, pending the introduction of the new juvenile criminal law. In the case of young offenders (aged 12 to 17) who have committed relatively minor offences, the police may decide not to press charges. The emphasis is on finding an appropriate on-the-spot penalty (e.g. the payment of compensation) accompanied by supervision of the young person concerned. This project is being developed by the police force of Curaçao, the Guardianship Board and the public prosecution service.

32. Aruba: Pre-trial detention is permitted for all offences carrying a penalty of four years' imprisonment or more. In principle, juvenile offenders are subject to all provisions of the Criminal Code, with only a few exceptions. When dealing with a minor, the court has the discretion to waive pre-trial detention at the committal hearing (an option which is not available in the case of adult offenders). Article 484 of the Criminal Code requires the court to consider suspension of any pre-trial detention following the official committal. A common alternative to pre-trial detention is supervision by the Probation Service.

Priorities of the State party

Question: Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.

33. The Netherlands: The Netherlands considers the implementation of the CRC as a whole a matter of priority. That is why a minister has been appointed with special responsibility for Youth and Families, and that is the focus of the programme 'Every Opportunity for Every Child', as explained at greater length in Part II. Urgent action is needed in the fight against child abuse and the effort to protect children against all forms of violence and exploitation, poverty and social exclusion. Urgent action is also required to reduce waiting lists for youth care to an acceptable level. In addition, the Netherlands emphasises preventive action, for instance by providing parenting support through Youth and Family Centres and by identifying problems quickly.

34. Another major advance is the construction of closed youth care units. In consequence, it is no longer necessary to confine children with serious problems who have not been convicted of a criminal offence to young offenders' institutions.

The Netherlands Antilles:

- Justice:*
- The opening of a juvenile prison.
 - The setting up of a youth probation unit to ensure that children who have been in contact with the criminal justice system can be supervised on their return to society.
 - The introduction and enforcement of juvenile criminal law.
- Education:*
- Addressing the problem of children who have been excluded from school in spite of the Compulsory Education Act and who are difficult to return to the education system.
 - Since the introduction of Extended Compulsory Education Act in August 2007, it has become more difficult for a school to cancel a pupil's enrolment. Schools have a statutory obligation to report all changes in enrolment (both arrivals and departures) to the school attendance officer.
 - The cancellation of a pupil's enrolment is only permitted if the child has enrolled at another school, a procedure for exclusion has been completed and exemption has been granted.
 - Another priority is to address the problems of children who are under-performing at school or who drop out of the school system due to poverty.
- Health care:*
- Setting up an advice and reporting centre for child abuse and neglect
 - The Youth Development Department has published a manual to inform the public at large about the various forms of action that are to be taken and about the bodies to be contacted if they suspect child abuse or neglect.
 - Campaigns to raise the awareness of prospective parents.
 - Identifying children who are suffering emotional, physical or sexual abuse in their own surroundings (home, school or neighbourhood).
 - The Foundation Based Education Act includes a provision obliging schoolteachers to report child abuse by bringing it to the attention of the school board.
 - Another priority is tackling the increase in aggression and other behavioural difficulties among children.

35. Aruba: Although the general welfare of children in Aruba is relatively good, there is a need for professional support to increase or maintain this level. Society is an interwoven unity in which the promotion of the welfare of one group, such as children is dependent on many factors which are of influence, either directly or indirectly. Thus the promotion of the welfare of children should be approached in a holistic manner, especially when it concerns the assistance and care provided to children (jeugdhulpverlening). More needs to be done to support parents in the care and education of their children and to provide timely and qualifiedly good assistance to children with specific needs or (behavioral) problems. On the preventive side it is necessary to intensify information campaigns and to provide more recreational facilities and leisure activities

for children. These activities provide an important contribution to the personal development and growth of children. In light of the abovementioned, a number of projects were launched:

- Project “Cu Futuro” (“With a future”). This project aims at strengthening the chain of cooperation between the different organizations and institutions that provide care and assistance to children (jeugdhulpverlening).
- Projects aimed at increasing the possibilities for useful leisure activities for children between 12-18 years by intensifying the cooperation between professional sports and cultural organizations.
- Projects aimed at the counseling of families through outreach programs and home video training.
- Projects aimed at training the social skills of children from 6-8 years and 13-18 years.

II. RECENT INFORMATION

Question: Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its reports with regard to new bills or enacted legislation, new institutions, newly implemented policies and newly implemented programmes and projects, and their scope.

The Netherlands: Interministerial programme for youth and families and the Dutch policy programme

36. In 2007, the Netherlands created an Interministerial Programme for Youth and Families.

37. Although the vast majority of young people and families in the Netherlands are doing well and although international comparative surveys have rated Dutch children among the happiest in the world, there are nonetheless some worrying trends: growing reports of child abuse, children with behavioural problems, the unhealthy lifestyles of some young people, the number of children who are neither attending school nor in employment, and an increase in problem behaviour in some young people.

38. A concerted effort must be made to tackle the above problems, with ministries, municipal and provincial authorities, youth care institutions, schools and other stakeholders all working together more closely.

39. In February 2007, André Rouvoet was appointed Deputy Prime Minister and Minister for Youth and Families in the Dutch government.

40. Four ministries work together within the Interministerial Programme for Youth and Families:

- Ministry of Health, Welfare and Sport

- Ministry of Justice
- Ministry of Education, Culture and Science
- Ministry of Social Affairs and Employment

41. In June 2007, the Youth and Families programme ‘Every opportunity for every child’ was published. The programme outlines the policy proposals of the Minister, and is based on the principles enshrined in the Convention on the Rights of the Child.

42. The programme states clearly the aims of upbringing for all children, regardless of cultural background or innate capabilities. These are to provide a safe and healthy upbringing, prepare children to contribute to society, develop their talents, and equip them properly for their future lives. The three themes of the programme are as follows:

- strong families
- a focus on prevention
- binding commitments

The Netherlands: Strong families

More Money, Time and Skills

43. The family must be a place in which children can grow up healthy and safe. This is crucial not only to the development of young people themselves, but also to producing a stable, dynamic society. The government therefore intends to provide support for families. In November 2008 the Policy Document on Families was published, containing the government’s outlook on this subject and the measures it intends to take.

44. Many families with children will find themselves considerably better off as from 2009 with the introduction of a means-tested child-related budget, as well as an additional budget for municipal authorities to prevent social exclusion. The money concerned will be provided over and above existing child benefit.

45. To help parents to spend more time with their children, the parental leave system will be expanded and placed on a more flexible basis. In addition, a separate policy track will be geared towards encouraging employers to pursue more family-friendly solutions.

46. Parents are also to be given more support in raising their children, in part to prevent problems arising among children faced with the consequences of divorce. At the beginning of 2009, the Shared Parenting and Responsible Divorce and Separation Act will also enter into effect. The Act seeks to help reduce problems associated with divorce and parental access to minor children. To help ensure that both parents take full account of the consequences of their divorce for the children and that they make agreements regarding these consequences – compliance with which can be properly verified – parents will be required to submit a parental plan along with a divorce petition (article 815, Part II of the Code of Civil Procedure). This parental plan must include agreements about three issues: the division of care responsibilities, child maintenance payments, and the exchange of information.

Adoption

47. The Act amending Book I of the Civil Code to shorten adoption procedures and the amendment of the Placement of Foreign Children for Adoption Act to provide for the adoption of a child by spouses joined in a same-sex marriage has entered into effect. The Act makes it possible for a same-sex couple to adopt a child of foreign nationality. It also abolishes the requirement that the parent seeking to adopt a child must have been living with his/her partner for a minimum of three years if the child was born of the relationship between that parent and his/her partner. Finally, the Act shortens to one year the period of care and upbringing of a child prior to adoption in the event of adoption by a single person.

The Netherlands: Focus on prevention*Youth and Family Centers*

48. A major new development is that by 2011, each municipal authority that now has a child health clinic must have its own Youth and Family Centre. Parents and young people must have easy access to these centres for healthcare issues as well as for questions and assistance in minor problems of upbringing. The available funding is set to rise to an annual €448 million. From 1 January 2009 onwards, antenatal information will be added to the Centres' remit.

Diversity in Youth Policy

49. Migrant children are over-represented in youth care services dealing with serious problems and in young offenders' institutions. For this reason, a programme is to be implemented under which €10 million is to be made available up to the end of 2011 in order to ensure that migrant parents and children are helped faster and more effectively. The programme is geared towards obtaining information on effective approaches and on strengthening professionals' expertise.

State Vaccination Programme

50. Since 2006, several additions have been made to the state vaccination programme:

- vaccination against Hepatitis B within 48 hours of birth for all babies born to a carrier
- combination vaccine against diphtheria, whooping cough, tetanus, polio, Haemophilus influenza B and hepatitis B for children at risk
- combination vaccine against diphtheria, whooping cough, tetanus and polio for children of 4 years of age
- vaccination against Hepatitis B for children with Down's syndrome
- vaccination against HPC

Medical Research Involving Children

51. The Doek Committee was appointed to make recommendations on medical research involving children.

Action against Child Abuse

52. Children must be protected from all forms of child abuse. To promote this objective, an action plan for tackling child abuse was published in July 2007. It describes a nationwide plan that will extend the successful regional approach applied earlier to the country as a whole. The guidelines for identifying child abuse and prosecuting offenders will be introduced across the board in 2009. In addition, there will be a national campaign, and each professional will be furnished with a child abuse reporting protocol in 2011.

53. The electronic child database and register of at-risk juveniles are digital systems that will help carers to work together more effectively and to guard against 'losing sight' of certain children. These systems will be introduced in 2009.

Participation and Protecting Young People's Interests

54. It is important to exploit the potential of the country's youth and to encourage children and young people to take an active part in their community. From 2008 onwards an annual prize will be awarded to the municipal authority that comes up with the best scheme to involve young people in their neighbourhoods. Examples of good practice will be spread to other areas. Next year Rotterdam will be European Youth Capital 2009, and the priority areas of the programme will be strengthening young people's participation; reducing the gap between young and old and between ethnic minorities and ethnic Dutch, and promoting a more balanced public image of young people.

55. From 1 January 2008 onwards, an additional structural €10 million will be made available for organisations serving the interests of patients, the disabled and the elderly, to strengthen their position.

Sport

56. From October 2008 onwards a new policy framework 'sport, exercise and education' will be introduced, with priority areas such as increasing the range of opportunities for sport and other forms of physical exercise for young people; providing more sport and exercise within secondary vocational education (MBO) to curb drop-out rates; tackling the problem behaviour of certain children from non-Western ethnic backgrounds by encouraging them to participate in sport; and devoting extra attention to sport for young people with disabilities such as ADHD and autism, and those in special education.

Prevention of Alcohol Abuse

57. The most important new proposals aimed at protecting young people from alcohol abuse are the following:

- stricter enforcement of the minimum legal age for sales of alcoholic beverages;
- better aftercare for young people admitted to hospital with alcohol poisoning;
- a ban on TV and radio advertisements for alcohol until 9 p.m.;

- tougher sanctions against supermarkets found to be selling alcohol to young people aged under 16;
- making it a criminal offence for a young person under 16 to be found in the possession of alcohol in the street.

58. The necessary changes in legislation (Media Act, Licensing and Catering Act) are currently in preparation. At the request of the House of Representatives, the government will shortly be making its position known on warning texts regarding the use of alcohol during pregnancy on bottles containing alcoholic beverages.

Children's Ombudsman

59. The Minister for Youth and Families wishes to ensure that the government's efforts to ensure the observance of children's rights are fully visible. There will be a new bill submitted to parliament regulating the creation of a Children's Ombudsman.

The Netherlands: Binding commitments

Tackling Waiting Lists and Bureaucracy

60. Agreements have been made with the responsible regional authorities and provinces to eliminate waiting lists by the end of 2009. The provincial authorities will be given more scope to make agreements with care providers and funding will be simplified to reduce the bureaucracy in youth care by 25% by 2011, so that young people and their parents can receive more prompt and better assistance, a project was launched in 2007 to reduce 'perceived regulatory pressure'.

61. An action plan to provide shelters in the community (see third report), the aim being to provide care for homeless young people, has now been put in place in all municipalities but one. When more than one institution is involved in providing assistance to children and their families, one will have a coordinating role. Local authorities will be given responsibility for coordinating the care for children and families in accordance with the principle 'One family, one plan'. This will be laid down in the new Youth and Family Centres Act.

Youth Protection

62. Since the third report, work has continued in line with the policy set out in the 'Strategy for tackling youth crime' (already announced) and the 'Better Protected' programme. Under the 'Better Protected' programme, public authorities and partners collaborate to improve the quality of youth protection, under the responsibility of the Minister for Youth and Families. The programme consists of projects focusing on coordinating methods within the system, information management, the implementation of supervision orders and family guardianship, and legislation.

63. The time that elapses between the reporting of a case to the authorities and the issue of a child protection order will be reduced to two months by 2010 at the latest.

Closed Youth Care Units

64. The capacity of closed units for youth care will be further expanded. The required capacity will be achieved by building new institutions and by transferring responsibility for a number of young offenders' institutions to the Minister for Youth and Families. These will then be converted as required. The treatment too will be modified. From 2010 onwards, children will no longer be placed in young offenders' institutions if they have not committed a criminal offence.

Campuses

65. For young people who are neither attending any kind of education nor in employment, and who are at risk of becoming involved in crime, and cannot be reached with the usual instruments, a new plan of action is to be tried out. Nine pilot projects have been launched, with a potential capacity of about 500 young people. If these prove successful, a basic campus model will be introduced in 2011.

Domestic Exclusion Orders Act

66. On 1 January 2009, the Domestic Exclusion Orders Act will enter into effect. This act makes it possible to impose a restraining order on anyone posing a serious threat of domestic violence, including child abuse. Under such an order, the person concerned will not be permitted to enter his/her home for a specified period or to have contact with other occupants, such as his/her spouse, partner or children. The imposition of an exclusion order is intended to prevent escalation and to provide help in an emergency.

Curbing Youth Crime

67. Since the third report, work has continued in accordance with the policy laid down in the programme on tackling youth crime already referred to.

68. All measures to curb youth crime fall under the 'Tackling youth crime' programme, which is part of a government programme called 'Safety begins with prevention'. The objective is to reduce the proportion of young offenders who re-offend from almost 60% in 2002 to 50% in 2010. The programme measures focus on early intervention, improving the quality and speed of disposal of cases, improving the effectiveness of sanctions, and following up with aftercare.

The Netherlands: International effort

Violence against children and child labour

69. The focus in Dutch Human Rights policy in international perspective is on child protection in the broadest sense of the term: from combating child labour to protection against violence. The Minister of Foreign Affairs, the Minister for Development Cooperation and the human rights ambassador, in their political work and in the course of bilateral meetings on the ratification and implementation of the relevant treaties and resolutions, all emphasise the importance of prevention and assistance. In November 2007 the new Human Rights Strategy was

presented, with children's rights as a priority area. Combating child labour is one of the biggest challenges. In June 2008 the Minister of Foreign Affairs organised a round-table discussion to brainstorm with academics, politicians, NGOs and representatives of the private sector to devise instruments to combat child labour.

70. December 2007 saw the adoption of the European guidelines on the rights of the child. The Netherlands is an active member of the EU task group that has been mandated to implement them. In this respect, 10 pilot countries have been identified. In several of those countries child labour is a serious problem. The EU member states and the Group of Latin America and the Caribbean (GRULAC) jointly table a resolution on the rights of the child each year in the Third Committee of the UN General Assembly in New York.

71. Since 2006, the Netherlands has played an important role in the negotiations on the follow-up and implementation of the recommendations ensuing from the UN study on Violence against Children (Pinheiro). In this context, and in line with the Human Rights Strategy of November 2007, an international conference will be organised to find ways of tackling violence against girls at the beginning of 2009. In the same period, the Netherlands will launch a version of the Pinheiro study for children.

72. In September 2008, a representation was made to the UN Secretary-General seeking the rapid appointment of a Special Rapporteur on Violence Against Children.

73. Activities aimed at combating child labour focus on prevention and on the rehabilitation and reintegration of victims of the worst forms of child labour, as well as promoting education for working children and seeking to achieve the ratification and implementation of ILO conventions 138 and 183.

74. Since 2008, the Netherlands has supported several projects in Asia in the areas of child prostitution, trafficking in children and child sex abuse. Activities focus on training police and line ministries, raising awareness within the wider community, providing services for victims, and prevention.

75. Internationally, the Netherlands has played a major role in pressing the Council of the European Union to ask the European Commission to research the possibility of trade sanctions to combat the worst forms of child labour. In addition, the European Commission has stated that it will look into the scope for banning goods on the European market that have been produced using the worst forms of child labour. As soon as it has presented its findings, an in-depth discussion will follow. The Netherlands' preference would be to impose an embargo.

76. Within the EU, the Netherlands has also taken the initiative to follow up on individual cases: e.g. the use of children to harvest cotton in Uzbekistan, and the scope for withdrawing certain trade preferences.

77. In connection with the development of the EU's external policy strategy on child labour, the Netherlands has successfully advocated a more integrated approach. Instead of using only development cooperation and humanitarian assistance to promote child rights in foreign countries, trade and political instruments should be used as well.

Education

78. The budget for primary education was increased from €500 million to about €720 million in the period 2006-2008.

79. The Netherlands was one of the countries that launched the Fast Track Initiative (FTI), and it still plays a leading role in both substantive and financial aspects of the FTI. The majority of the 32-odd countries receiving educational support from the FTI (at the beginning of 2008) have witnessed an enormous influx of pupils into primary schooling over the past few years, partly through the abolition of tuition fees. In 32 countries receiving FTI support, there were 60 million children attending primary education in 2005, 12 million more than in 2000 – an increase of 26% in five years. There were 13 FTI countries with equal numbers of girls and boys attending school in 2005-2006; in 2000 this applied to only seven of these countries.

80. According to recent figures, the number of children not attending school has fallen since the latter half of the 1990s from about 100 million to 77 million (2006-2007). Since the statistics for countries that are in crisis or war situations are incomplete, there is good reason to believe that the real figure is much higher. At the beginning of 2007, the Netherlands and UNICEF set up a joint programme to provide education in emergency situations and in fragile states. The Netherlands has made the sum of €166 million available for this purpose for the period 2007-2011.

81. In the first 21 countries that received support from this programme in 2007, progress was made in setting up school and educational facilities in emergency situations, improving quality, reconstructing education systems and introducing national education plans, for instance in Liberia. In the countries that received support in the wake of a natural disaster, programmes were also set up to ensure that these countries would be better prepared for storms, flooding and earthquakes in the future. In southern Sudan, the Democratic Republic of Congo and Ivory Coast – all three conflict or post-conflict zones – supplies of educational materials, repairs on classrooms and other facilities and the abolition of tuition fees and money for books made it possible for millions of children to return to school.

82. Since 2007, the Netherlands has given its support, through the UN children's fund UNICEF, to set up centres for pre-school education and care (toddler and nursery education) in developing countries. Experience with these programmes for early childhood development has shown that children who have received pre-school education do better at primary school later on.

83. In recent years, the Netherlands has collaborated with a number of donor organisations to develop a 'toolkit' to tackle the problem of HIV/AIDS through education. The toolkit is intended for teaching staff and for the staff of aid organisations who are confronted with the causes and consequences of HIV/AIDS in education: from sexual violence to the death of teaching staff and children being kept home to care for sick relatives. The toolkit can be used in class or as training material for prospective teachers.

84. To ensure that more girls attend school and to keep them there, the Netherlands supports the African organisation FAWA (Forum for African Women Educationalists), which frequently takes unorthodox initiatives. FAWA has promoted measures to make schools more welcoming

for girls, such as ensuring that schools have separate toilets and washrooms and disseminating informative material to young people and teachers about sexual development. To make them safer, schools are often built closer to villages than before. In Kenya the FAWE strategy led to the abolition of VAT on sanitary towels, so that these are now more affordable and girls do not have to miss school. In Zambia, FAWE has set up 'safe clubs' that teach girls strategies for coping with sexual and other forms of physical violence, and how to stand up for themselves.

Health

85. In the Millennium Development Goals (MDGs), the area in which progress lags behind most significantly is in reducing maternal mortality. MDG 5 seeks to reduce by three-quarters the number of cases of maternal mortality. The Netherlands has selected this particular MDG as a priority and has earmarked resources of €50 million for it. In addition, the Netherlands exerts itself to impress upon donors and recipient countries the need to honour the undertakings they have previously made in relation to MDG 5. MDG 5 is of course closely related to MDG 4, which seeks to reduce child mortality. Investing in MDG 5 will therefore also help to achieve MDG 4.

86. The importance that the Netherlands attaches to both these MDGs is emphasised in particular by Prime Minister Balkenende's membership of the Network of Global Leaders for the Health MDGs (MDG 4, 5 and 6).

The Council of Europe Convention

87. An extremely important development in the protection of children under the criminal law from sexual exploitation and sex abuse was the adoption of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The new convention was opened for signature in Lanzarote on 25 October 2007, on which occasion it was signed by the Kingdom of the Netherlands. The legislation to implement the Convention in Dutch law is currently under preparation. In several areas, this implementing legislation will lead to tougher laws on sex offences.

1. The definition of offences relating to child pornography (article 240b of the Criminal Code) will be broadened by the addition of the words 'obtaining access to'; making this behaviour a criminal offence is new in international law and was included in the Convention after an extensive debate, instigated by the Netherlands, on the question of whether making the 'possession' of child pornography a criminal offence takes sufficient account of modern methods of gaining access to child pornography through the internet.
2. The corruption of children will be criminalised.
3. The solicitation of children for sexual purposes ('grooming') will be made a separate offence.
4. There will be an expansion of jurisdiction in cases of sex abuse and human trafficking committed outside the Netherlands where the victim is a Dutch national.

5. Legislation currently under preparation will lead to tougher sentences for trafficking in human beings (article 273f of the Criminal Code). The proposal envisages an increase in the sentence for non-aggravated human trafficking (article 273f, paragraph 1 of the Criminal Code) from six to eight years, and a staged increase in the sentence for aggravated forms of human trafficking (article 273f, paragraphs 3 to 6 of the Criminal Code) as a result of which these offences will be punishable in due course by prison sentences of up to twelve (now eight), fifteen (now twelve) and eighteen (now fifteen) years. Article 248 of the Criminal Code, which provides for a higher maximum sentence when sex offences are committed under the same aggravating conditions as those referred to in article 273f, paragraphs 5 and 6 of the Criminal Code, will be changed in the same way.

The Netherlands Antilles

Legislation

- In August 2004 an amendment to article 251 of the Criminal Code of the Netherlands Antilles was adopted, giving teachers the authority to report their suspicions if they believe, or have been informed, that a child is being abused.
- In January 2006 the National Ordinance on Compulsory Youth Training was enacted.
- In October 2008 the National Ordinance amending the Criminal Code of the Netherlands Antilles (amendments and additions to criminal offences consisting of sex offences against minors) was adopted by Parliament, and will be published by the government in due course.
- Amendment of the old National Ordinance on Compulsory Education (PB 1991 no. 85). The amended national ordinance (PB 2007 no. 43) widens the age range of children covered by this ordinance to 4-18 years of age.
- Passage of the National Ordinance on Secondary Education (PB 2008 no. 33), whereby the reform of secondary education in the Netherlands Antilles becomes law.
- Passage of the National Ordinance on Secondary Vocational Education and Training (PB 2008 no. 37) intended to ensure that education is better attuned to the labour market.

Preparation of Legislation (ongoing)

- Introduction of a comprehensively revised regulation of juvenile criminal law in title X of the new criminal Code.

Implementation of new policy/ new programmes

- In 2007 a system of case consultation (*justitieel casusoverleg*) was launched on Curaçao between the Guardianship Council and Public Prosecution Service. In these consultations, criminal cases involving minors (whether or not detainees) are discussed and information is exchanged.
- In consultation with the Youth Development Department, a criminal law enforcement protocol has been mapped out for Curaçao for the enforcement of the compulsory

youth training programme (Public Prosecution Service enforcement protocol). This protocol is not yet operational, partly because of a lack of capacity and partly because attention has thus far focused primarily on implementing the programme.

- The two-year experimental project for supervised independent lodgings 'Ban Kas Bèk' run by the probation service focuses primarily on young people of 18 to 24 years of age who have been detained at an early age, frequently as minors. The project prepares these young people to return to society as independent adults. The project has proved successful and will most probably be continued after the pilot stage has been completed, in mid-December 2008.
- In 2009 the psychiatric clinic on Curaçao plans to launch a psychiatric treatment facility (daytime only) for children and adolescents.

Policy Preparation (ongoing)

- The Sino Fono project (settling cases involving relatively minor offences without recourse to the courts).
- Preparation of a model for youth 'safe houses'.
- Setting up a youth probation service.
- 'Natural Helpers' is a pilot project that is part of the programme for the prevention of violence and crime, which is also still at the developmental stage. The plan develops the concept of preventive community justice and instruments to implement it. It focuses mainly on action to be taken at school. Two 'natural helpers' have been appointed: young offenders who have not yet finished serving their sentence, and whose task it is to visit schools to discuss the subject of juvenile crime.
- Compulsory education police office. The police and education inspectorate are to join forces to enforce compulsory education. Police inspectors will lead actions to be taken in cooperation with schools to tackle cases of entrenched truancy.

Research

88. A PhD research project is currently being conducted at the University of the Netherlands Antilles under the project name 'Deprivation of liberty of young people in the Netherlands Antilles'. The objective is twofold: on the one hand to examine current legislation on the deprivation of liberty of young offenders in the Netherlands Antilles in the light of the legislature's original intentions and in the light of the standards arising from current public international law, and on the other to examine the actual implementation of the law in the light of the above-mentioned standards and to make recommendations based on the findings.

89. Juvenile prison: In response to a request from the Minister of Justice, Dutch experts will be visiting the Netherlands Antilles in November 2008 to conduct a feasibility study for the plans relating to treatment in a young offenders institution (*PIJ-maatregel*).

90. A research project is being conducted on the subject of 'Gender differentials in school participation on the islands of the Netherlands Antilles'.

Aruba

National Education Plan

91. The National Education Plan (NOP) 2007-2017: 'The learner - Our focus' was approved by the Council of Ministers in February 2008. Its main objectives are to broaden public support for education, promote a culture of quality management and innovation, establish an uninterrupted learning pathway for Aruban children and increase the professionalism of teaching staff. The NOP was drafted through participation. Its vision of the Aruban student in 2017 is of a 'responsible, satisfied, global citizen, who is a life-long learner and contributes to the community's quality of life'. The NOP sets out nine objectives to be reached in order to achieve that vision. The objectives relate to:

- a. Broader societal support for education
- b. National educational approach
- c. Quality of educator workforce
- d. Educational language policy
- e. Culture of quality and innovation management
- f. National educational fund
- g. Universal access to education
- h. School responsibility and accountability
- i. Infrastructure and facilities

The government recently received €8.8 million from the European Union to implement the NOP.

Introduction of Papiamentu in Teaching

92. Preparations are currently under way to introduce Papiamentu as the language of instruction in primary education. For the time being, this will be up to the fourth grade.

93. The introduction of a new curriculum in Papiamentu entails a great deal of preparation for schools and teachers, as well as the development of new teaching materials. In 2009-2010, a pilot project will start at three schools. An evaluation will follow to determine whether Papiamentu will also be introduced as the language of instruction in the fifth and sixth grades.

Developments Concerning the Centre for Children with Special Needs (OC)

94. After a great deal of preparatory work, significant progress was made on the Centre for Children with Special Needs (OC) in 2008. The OC is intended for children between the ages of 12 and 18 who are suffering from serious behavioural problems, developmental problems, communication disorders and, frequently, psychosocial problems. Its aim is to teach these young people to take responsibility for themselves and their behaviour, to live as independently as possible and, having understood the consequences of their behaviour, to be able to adapt it in a socially desirable way.

95. The OC can currently house and support ten young people with serious behavioural problems in its open wing. In the second quarter of this year, the first semi-open wing opened on Aruba, with capacity for eight young people with more severe behavioural problems, who need a tighter regime. The intention is to have a secure wing up and running by 2010, which will have a capacity of fifteen places for young people sent there by order under criminal law. Where possible, the trend in Aruban criminal law is to provide young people with professional treatment in an institution, rather than imprisoning them. A specialist referral will be necessary for placement in the OC.

The New Legislation Concerning Breastfeeding

96. The Act giving mothers the right to breast-feed their children for nine months was adopted by the Aruban parliament on 19 May 2007 and incorporated in the Civil Code. Under the new legislation, female workers breast-feeding their children are entitled to interrupt their work during the first nine months of the child's life in order to breast-feed the child in peace and in private, or to express milk for the child. Employers must give employees the opportunity to do this and, if necessary, must provide a closed space for this purpose. Such interruptions may be as frequent and as long as necessary, providing they do not exceed one quarter of the contracted working hours.

Program to decrease obesity

97. The Department of Public Health will implement a programme in kindergarten schools in 2009 to reduce the percentage of children who are overweight from 30% to 25% over a period of ten years. With the aid of guidelines promoting physical activity and healthy nutrition among children in the 4-6 age group, the programme seeks to curb weight gain and encourage children to adopt a healthy lifestyle.

New Sentencing System for Young Offenders

98. New bills based on Dutch models, intended to establish an integrated, new sentencing system for young offenders, have been incorporated in a draft of a new Criminal Code for Aruba, and were presented by the government to the Advisory Council in September 2008. If the Advisory Council approves the draft, it can be presented to the Aruban parliament. If the new Criminal Code is introduced, a more differentiated sentencing system will enable courts to take more account of the specific circumstances of offenders who are minors.

Renovation of Aruba's Prison (KIA)

99. Aruba's prison (formerly known as the *Korrektie Instituut Aruba* or KIA, now renamed the *Instituto Correccional Nacional* or ICN) recently underwent alterations, during which the entire youth wing was renovated and expanded to 36 places for young offenders on pre-trial detention. At present, the ICN is working to improve the preparation of young prisoners (up to the age of 20) for their return to society. To this end, contacts have been established with young offenders' institutions in the Netherlands, where ICN staff will undergo training.

Project “cu futuro”

100. In October 2008, the Ministry of Social Affairs, Education and Infrastructure launched the Cu Futuro project (Cu Futuro meaning ‘having prospects’). The objective is to improve cooperation between organisations and agencies operating in the field of youth services. A conference with all stakeholders took place on 23 October. Working groups will soon submit concrete proposals.

III. FACTS AND STATISTICS

Budget allocations in the areas of health and education

Question: In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the Kingdom in the areas of education and health.

The Netherlands

Public Health (under 18s)

101. The public health programme is geared towards both young people and adults. It is not possible to draw a strict line in expenditure between persons aged under and over 18. The following paragraphs provide information on the Netherlands’ public health expenditure.

Healthcare Insurance

102. The state contributes to the healthcare insurance risk equalisation fund. This contribution reduces the expenditure on health care for households with minor children (€2.2 billion); children under 18 years of age do not pay nominal contributions, which are paid for out of the state’s contribution.

Healthy Lifestyles

103. The government seeks to promote healthy lifestyles by discouraging smoking, preventing alcohol abuse, stimulating exercise, combating drug use, promoting healthy eating and combating obesity. The following steps have been taken to date:

- Implementation of the National Programme for Tobacco Control 2006-2010.
- Encouraging healthy lifestyles by commissioning projects and awarding grants (to the tune of €19 million with the aim of promoting health and preventing disease, lifestyle campaigns, and a school-based drug and alcohol prevention programme.
- The Netherlands contributes to EU legislation on labelling, claims and fortified foods with a view to enabling consumers to make better-informed choices (€0.2 million).
- Implementation of policy to combat obesity: a policy document will be published on this issue at the end of 2008 (€1.8 million available).

- Preparation of proposed amendments to the Licensing and Catering Act. These include tougher controls on compliance with age limits. A start will be made on the temporary introduction of stricter controls, starting in 2009 (€3 million).
- It has been decided that all children with serious dyslexia who are attending primary school are entitled to one programme of special dyslexia care from the age of seven. This policy will produce added costs of €27.9 million in 2009, rising to €33.5 million in 2013. The measure will be evaluated in 2011.
- Over the next few years, a variety of measures will be taken to encourage municipal authorities to develop (or improve) their policies for homeless youth. The amount set aside for these measures is €0.5 million for 2009.
- A sum of €1.5 million has been set aside for a project to use sport at school to reduce drop-out rates.
- The Neighbourhood, Education and Sport (BOS) incentives scheme seeks to foster cooperation between the three areas. The aim is to use sport to help young people who are disadvantaged in the areas of health, sport, education and participation to catch up. A sum of €13.7 million is available for this purpose.
- The Sport for All Incentive (BSI) is intended to make permanent improvements to local sport provision (€0.9 million). The aim is to complete these BSI measures in 2008.
- Grants are awarded to sports providers and other organisations (€12.2 million) and contributions made to other authorities (€2.5 million) to encourage young people from ethnic minorities to take more advantage of the available sports options, and to use sports to provide extra supervision and care for young people.

Girls and women

- A sum of €1 million has been made available for support to teenage mothers.
- When pregnant girls who have become pregnant unintentionally choose to keep their child, they sometimes receive no support from friends and family. These girls therefore require specific help and support to prepare themselves for an independent life with their child (and partner, if present). A sum of €1 million has been made available for this purpose on a permanent basis to boost residential capacity.
- In 2009 we are to start expanding residential capacity for victims (both under and over 18 years of age) of honour-related violence, domestic violence, and human trafficking (€3.9 million). The money will be used to add 100 places a year, so that an extra permanent 500 places will be available by 2012.

The Netherlands Antilles

104. Given the brief time for submitting responses, this subject will be raised during the subsequent discussions.

Aruba

105. See annex for statistical information.

Trial as adults of persons below 18 and reported cases of abuse

Question: Please provide updated data for 2005, 2006 and 2007 for all three parts of the Kingdom on the number of persons below 18 who have been tried as adults. Please also inform the Committee on the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.

The Netherlands

Children (16 or 17 years of age) tried and convicted under the adult criminal law

Year	Total number of cases (12 to 17 years of age)	Cases disposed of under the adult criminal law (16-17 jarigen)	%
1998	7798	206	2,7
1999	8291	198	2,4
2000	8930	170	1,9
2001	8489	205	2,4
2002	9531	204	2,1
2003	10 462	174	1,7
2004	11 584	143	1,2
2005	11 547	149	1,3
2006	11 596	134	1,2
2007	12 146	124	1,0

Source: OMDATA

Cases involving the physical and/or verbal and/or psychological abuse of children during their arrest and/or detention

106. During arrest: the police are entitled to use force within the limits prescribed by law. Police officers who have used force must immediately report this occurrence to their superior officer (art. 17 of the 1994 police code of conduct). This superior officer then fills in a form which has a standard format nationwide. The chief of police is obliged to report the incident to the public prosecutor of the district in which the incident took place within 48 hours in the following cases: if the chief of police or police commander believes that there is good reason to do so, given the consequences of the use of force; if the use of force led to physical injury of more than minor significance or to the person's death; or if a firearm was used and one or more shots were fired. The public prosecutor examines the case in the light of the criteria of the principle of minimum coercion and proportionality and decides whether the force was used lawfully; if this is not the case, the police officer concerned may be prosecuted.

107. The reports on the use of force submitted by all police forces are not registered in a national database. To ascertain whether force has been used on minors during arrests, it is necessary to request all the reports submitted by individual police forces and check the age of those arrested.

108. This was done with all reports dating from 2005 in a study carried out by R. Bleijndaal et al. (2008), entitled 'Kracht van meer dan geringe betekenis. Deel A: Politiegeweld in de basispolitiezorg', ('Force of more than minor significance. Part I: The use of force by police in basic police duties') published in *Politie & Wetenschap* no. 45a. The study found that in the year 2005, there were no incidents whatsoever in which force was used on minors under 12 years of age. During arrests of minors aged 12 to 17, force was used in 133 out of a total of 7,295 arrests (1.8% of cases). It is not known how many of these cases involved the unlawful use of force and how many of these incidents led to the prosecution of the police officer concerned.

109. In 2007 the Ministry of Justice (Youth Policy Department) asked the various police forces to send in all their reports and checked them for any involvement of children under 12 years of age. This study showed that none of the reports involved the use of force on children under 12 years of age.

110. During detention: all young offenders' institutions (JJIs) in the Netherlands are obliged to report all incidents involving violence (whether committed by the young detainees against personnel or vice versa, or among the young detainees themselves) to the Youth Sector of the Custodial Institutions Agency. Until 1 August 2008, all incidents reported by young offenders' institutions were dealt with and stored in records, but no statistics were compiled from them. As from 1 August 2008, a database was set up in which all reported incidents are registered. This database makes it possible to generate statistics on variables such as the type of incident involved. Since this registration began, there has been one incident involving a measure of 'ill-treatment of children during detention'. The member of staff involved was sent on special leave immediately after his actions came to light. The ensuing enquiry may lead to further action being taken. The State Secretary for Justice was informed of the nature and details of this incident in a report issued by the duty officer.

The Netherlands Antilles

111. No statistics can be supplied at present regarding the number of minors who were tried and convicted under adult criminal law in 2005, 2006 and 2007. These statistics will have to be compiled by hand and will be provided during the forthcoming discussion of the national report.

112. The vast majority of minors accused of a crime are not tried under the adult criminal law but are made subject to a detention order. Another common practice is to impose a suspended sentence with the attached condition of an alternative sanction (involving work or study) under professional supervision.

113. It is possible, however, to provide a picture of the number of cases in which minors suspected of committing relatively serious crimes were placed in police custody on Curaçao. For instance, in the two-and-a-half-year reporting period (from 2005 to the first half of 2007, according to the draft crime pattern analysis for Curaçao 2008), six teenagers were suspected of homicide and three of attempted manslaughter (in total 7%). More than one-third of all those accused (48 cases, 37%) had been placed in police custody for the crime of robbery with violence. Juvenile crime is conspicuous for the relatively high incidence of violence in relation to crime as a whole: 68% as opposed to 17% for the entire population of offenders.

Annual figures for minors remanded in police custody, 2005 to the first half of 2007 (Curaçao)

	Minors accused of a crime (aged under 18 when placed in police custody)
2005	65
2006	41
2007 (first half)	43
2008 (first 7 mths)	48

Source: Public Prosecution Service of the Netherlands Antilles (Figures processed by Curaçao police force), included in the 2008 draft Crime Pattern Analysis for Curaçao (Criminaliteitsbeeldanalyse Curaçao), p. 22

Minors remanded in police custody by type of crime, 2005 to the first half of 2007¹ (Curaçao)

Criminal offence	Minors accused of a crime (charges not dropped; out of a total of 149 cases)	%
Offences involving violence	89	68%
Sex offences	11	8%
Property offences	10	8%
Offences against the Opium Act	13	10%
Other offences	7	5%
Total	130	99%

Source: Public Prosecution Service of the Netherlands Antilles (Figures processed by Curaçao police force), included in the 2008 draft crime pattern analysis for Curaçao, p. 23

114. On the second or third day of police custody, every detainee is brought before an independent examining magistrate, who will examine the lawfulness of the police custody, in the course of which the accused is asked how he or she has been treated by the police. An official report is drawn up of this hearing.

115. The Public Prosecution Service does not know of any cases of minors having been subjected to ill-treatment by police officers or by others who are responsible for dealing with accused persons in custody.

¹ Similar provisional statistics apply for the year 2008: 23% of cases involved robbery, 11% involved homicide, 11% assault, 18% possession of drugs or arms, 30% theft, and only 7% related to minor offences ('Alarmerende stijging criminaliteit jongeren' ('Alarming rise in youth crime figures'), *Amigoe*, 6 August 2008, reprinted in the 2008 draft crime pattern analysis for Curaçao (Criminaliteitsbeeldanalyse Curaçao)).

Aruba

Year	Total number of cases brought before the court (12-17 yrs)	Tried as adults (16-17 yrs)	Alternative sanction (diversion) imposed by the Prosecutor (15-17 yrs)	Cases that were dropped/dismissed
2005	10	7	4	52
2006	20	14	15	41
2007	16	12	32	9

116. There are no reported cases of abuse or ill treatment of children occurred during their arrest and/or detention.

Children involved in sexual exploitation

Question: Please provide updated data for 2005, 2006 and 2007 for all three parts of the Kingdom on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.

The Netherlands

117. In answering this question, we have relied on the sixth report of the National Rapporteur on Trafficking in Human Beings.

- Table showing the age distribution of victims (or possible victims) reported to the Coordination Centre for Trafficking in Human Beings (Comensha) for each year from 2001 to 2006:

Age	2001		2002		2003		2004		2005		2006	
	N	%	N	%	N	%	N	%	N	%	N	%
10 to 14 years	2	1%	-	-	2	1%	3	1%	1	0%	10	2%
15 to 17 years	25	9%	41	12%	18	7%	23	6%	23	5%	93	16%
18 to 23 years	86	30%	130	38%	112	44%	165	41%	167	39%	222	38%
24 to 30 years	39	14%	56	16%	54	21%	141	35%	150	35%	151	26%
31 to 40 years	12	4%	19	6%	25	10%	61	15%	50	12%	66	11%
41 years and older	1	0%	5	1%	5	2%	-	-	15	4%	9	2%
Unknown	119	42%	92	27%	41	16%	12	3%	18	4%	28	5%
Total	284	100%	343	100%	257	100%	405	100%	424	100%	579	100%

- Table showing the age distribution of persons with (or who have applied for) a B9 (i.e. a special residence permit granted to victims of human trafficking and to witnesses/informants in human trafficking cases) in 2005 and 2006:

Age	B9 applications 2005		B9 applications 2006		B9 awards 2005		B9 awards 2006	
	N	%	N	%	N	%	N	%
0 to 10 years	2	3%	1	1%	-	-	-	-
11 to 17 years	5	7%	33	18%	5	8%	27	18%
18 to 25 years	36	47%	82	46%	29	48%	70	47%
26 to 30 years	22	29%	29	16%	18	30%	23	15%
31 to 40 years	10	13%	25	14%	8	13%	24	16%
41 years and older	2	3%	10	6%	1	2%	6	4%
Total	77	100%	180	100%	61	100%	150	100%

- Table showing the age distribution of persons accused of human trafficking in the years 2002 to 2006 (next page):

Age	2002		2003		2004		2005		2006	
	N	%	N	%	N	%	N	%	N	%
Younger than 18 years	3	1%	7	4%	4	2%	4	3%	11	5%
18 to 25 years	70	35%	29	19%	79	36%	58	42%	62	31%
26 to 30 years	44	22%	29	19%	35	16%	23	17%	27	13%
31 to 40 years	48	24%	60	38%	59	27%	21	15%	49	24%
41 to 50 years	24	12%	19	12%	24	11%	20	14%	35	17%
51 to 60 years	7	3%	8	5%	15	7%	10	7%	11	5%
61 to 70 years	3	1%	3	2%	2	1%	-	-	3	1%
n.a. (legal entity)	-	-	1	1%	1	0%	-	-	1	0%
Unknown	1	0%	-	-	1	0%	2	1%	2	1%
Total	200	100%	156	100%	220	100%	138	100%	201	100%

- Table showing the age distribution of those convicted of human trafficking in the years 2003 to 2006:

Age	2003		2004		2005		2006	
	N	%	N	%	N	%	N	%
Younger than 18 years	-	-	2	2%	1	1%	4	6%
18 to 25 years	15	19%	35	30%	31	38%	29	41%
26 to 30 years	23	29%	19	16%	14	17%	11	16%
31 to 40 years	24	30%	40	34%	23	28%	17	24%
41 to 50 years	11	14%	12	10%	8	10%	5	7%
51 to 60 years	5	6%	6	5%	3	4%	2	3%
61 to 70 years	2	2%	2	1%	-	-	1	1%
Unknown	-	-	-	-	1	1%	1	1%
Total	80	100%	116	100%	81	100%	70	100%

118. The advent of the specific registration of youth prostitution will shed more light on its extent. Since registration has not yet started, it is not possible to provide any specific data about it. However, the tables compiled by the Coordination Centre for Trafficking in Human Beings are available (see the sixth report issued by the National Rapporteur on Trafficking in Human Beings).

The Netherlands Antilles

119. The Public Prosecution Service does not have any statistics on this issue. It does not possess any evidence that would indicate the existence of sexual exploitation of children, including child prostitution, pornography and the trafficking of children, on a systematic basis.

Aruba

120. There have been no recent criminal law cases involving the sexual exploitation of Aruban minors. There were however two cases regarding the possession and sale of child pornography, which became a criminal offence under the new legislation on sex offences referred to in the previous report. In both cases, the perpetrators were tried and convicted. It should be noted that the video material in question was not actually produced in Aruba. It was downloaded to computers and then either distributed or retained for personal use.

121. Various bodies on Aruba assist the victims of child smuggling/child prostitution. They include the police department that deals with sex offences and juvenile offenders and the Guardianship Board, which has special powers to exercise authority over children in all kinds of situations in which they are at risk of abuse, whether or not in connection with the above-mentioned crimes. They also include the Social Affairs Department which provides accommodation, support and counselling through the social services. Mention should also be made in this context of the Buro Sostenemi, which falls under the Minister of Social Affairs, and whose task is to register and report cases of child abuse and neglect. This office has not received any specific reports of child smuggling or prostitution. Finally, there is the Victim Support

Office, set up two years ago, whose task is to house, support and assist the victims of crimes during legal proceedings, and to refer them to other bodies.

122. Wherever there is a clear indication of possible child exploitation, the Public Prosecution Service has the power, pursuant to Book 1, article 272 of the New Civil Code, to remove children directly from parental responsibility or other authority and to make the Guardianship Board responsible for the child. The Department then considers with whom the child should be placed and what kind of supervision it should receive.
