



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fiftieth session

### Summary record of the 1376th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 January 2009, at 10 a.m.

*Chairperson:* Ms. Lee

## Contents

Consideration of reports of States parties (*continued*)

*Third periodic report of the Netherlands*

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports of States parties (agenda item 4) (continued)**

*Third periodic report of the Netherlands (CRC/C/NDL/3, HRI/CORE/1/Add.66, 67 and 68/Rev.1, CRC/C/NLD/Q/3 and CRC/C/NLD/Q/3/Add.1)*

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

2. **Mr. Rouvoet** (Netherlands) explained that the Kingdom of the Netherlands had three constituent parts: the Netherlands itself — the European part of the Kingdom — the Netherlands Antilles and Aruba. Each part was responsible for implementing the Convention in its territory.

3. Youth policy was decentralized in the Netherlands and therefore regional and local authorities played a key role in implementing the Convention. The appointment of a Minister for Youth and Families in the Netherlands for the first time in February 2007 underlined the importance the Government attached to issues affecting children, young people and families.

4. The constructive recommendations made by the Committee following its consideration of the second periodic report of the Netherlands in 2004 had significantly influenced child policy and, in particular, had resulted in the adoption of a comprehensive national plan of action for children. Shortly after the Ministry of Youth and Families had been set up, a plan entitled “Every Opportunity for Every Child” which set out a number of child policy aims, had been presented to parliament. In 2009 the Netherlands would be celebrating the twentieth anniversary of the entry into force of the Convention and the principles enshrined in it by organizing awareness-raising activities in collaboration with Dutch non-governmental organizations.

5. In addition, the Netherlands had acted on the Committee’s recommendations by introducing a legislative process that would enable parliament to appoint a children’s ombudsman.

6. The Committee’s recommendation to introduce a statutory ban on violence and corporal punishment in child-rearing had also been put into effect.

7. Notwithstanding the progress made, the Netherlands would continue to focus on priority issues such as combating child abuse, ensuring faster access to specialist health care and expanding the capacity of closed facilities for juveniles as an alternative to detention.

8. **Ms. Leeflang** (Netherlands), introducing the second periodic report of the Netherlands Antilles, which formed part of the third periodic report of the Kingdom of the Netherlands, said that the Convention had entered into force in her country on 16 January 1998. The Netherlands Antilles was composed of five islands: Curaçao, St. Martin, Bonaire, St. Eustatius and Saba. Although national policies were drafted by the central government of the Netherlands Antilles, each island had its own government which was responsible for applying those policies.

9. The Netherlands Antilles attached great importance to the conclusions and recommendations of the treaty bodies and in particular to those of the Committee on the Rights of the Child, as evidenced in the adoption of the Delta Plan, a plan for education and youth that aimed to provide care for all children without exception and to prevent them from dropping out of school. A major achievement in education had been the amendment of the National Ordinance on Compulsory Education for children from 4 to 18 years of age.

10. Another achievement had been the revision of all legislation regarding primary, secondary and vocational education, which had been completed in 2008. Under the new legislation, it was compulsory for staff in schools to report any child abuse suffered by pupils, and parents had the right to choose the language in which their child was taught. Having completed their compulsory education, students in the Netherlands Antilles should be able to communicate in four languages, in order to function in their home community in the Netherlands Antilles, in the Netherlands and in the rest of the world. It was important to point out that, in the context of efforts to respect the rights set out in the Convention, all children who needed psychological treatment were able to receive it under the national health policy.

11. The efforts of the government of the Netherlands Antilles to ensure better child care had led to the adoption in October 2008 of a law to protect children from child pornography, prostitution and sexual abuse. Offering or selling alcohol to minors was also banned.

12. The Netherlands Antilles nevertheless faced many difficulties. The issue of restructuring the constituent parts of the Kingdom of the Netherlands had been at the heart of debate for the past decade and in the 2005 referendum the islands of St. Martin and Curaçao had expressed their desire to be countries within the Kingdom, while Bonaire, St. Eustatius and Saba had chosen to stay within the Netherlands, opting for the status of “a public entity of the Netherlands”. The result would be that, in 2010, the Netherlands Antilles would cease to exist and the Kingdom of the Netherlands would consist of four countries.

13. Even in the current transition period, the government of the Netherlands Antilles had put in place a ministry responsible for coordinating youth, education, sport, culture, health and social development issues, and would continue to pursue the youth policy it had introduced.

14. **Ms. Peterson** (Netherlands) said that Aruba, which covered an area of 181 square kilometres, was the smallest legal entity in the Kingdom of the Netherlands. On acquiring the status of an independent entity within the Kingdom in 1986, Aruba had adopted a constitution which incorporated the provisions of the main international human rights instruments, including the Convention on the Rights of the Child.

15. The second periodic report of Aruba had been drawn up, like the initial report, by the National Committee on the Rights of the Child, whose representatives were drawn from government departments and non-governmental organizations working in the field of children’s rights.

16. Considerable progress had been made in the legislative field. The entry into force of the revised Aruban Criminal Code would enhance the legal protection of children considerably by ensuring that more practices that were harmful to children were defined as criminal offences and by imposing stricter penalties for practices that were already illegal under the current Criminal Code. The new anti-discrimination provisions would give better legal protection to children with disabilities and the new Criminal Code would update juvenile criminal law.

17. Progress had also been made in strengthening the chain of responsibility of all organizations and authorities involved in youth care, whether in the field of social care, health care, juvenile justice, education or any other area. Bureau Sostenevi, a counselling and reporting centre on child abuse, had an important role to play in that chain – all the more so as the centre had been the first to set up a database to record cases of child abuse and neglect.

18. The integration and coordination of the various youth care services remained a priority. The Aruban authorities believed that, in principle, the family provided the best environment in which to raise children and had therefore, in cooperation with non-governmental organizations, set up programmes and initiatives to provide support and guidance to parents. However, where necessary, children were cared for in professional institutions. A special residential facility had been set up for children who had run into problems with the law or who had serious behavioural problems.

19. Important developments were also taking place in education. A new national educational plan for 2007–2017, inspired by the UNESCO “Education for All” programme and by the Convention on the Rights of the Child, had been launched.

20. Although the Aruban authorities had implemented most of the Committee’s recommendations, they occasionally lacked sufficient personnel and resources to fully implement their plans. In an effort to remedy that situation, ministries and non-governmental organizations were working together to make the most of all available resources, whether human, material, public or private.

21. In order to strengthen implementation of the Convention as a whole and to ensure that all those concerned — parents, children, policymakers and professionals — participated in that endeavour, it was crucial for the Convention to be widely known. To that end, on 2 February 2009, the National Committee on the Rights of the Child would launch a website on the rights of the child in Papiamentu in order to disseminate information, including the periodic reports and the concluding observations of the Committee, on a large scale.

22. **Mr. Citarella** (Country Rapporteur) asked why the State party considered it necessary to maintain its reservations to articles 26, 27 and 40 of the Convention and whether it would consider withdrawing them in the future.

23. Recalling that the three constituent parts of the Kingdom of the Netherlands were responsible for implementing international treaties, including the Convention, in their own territories, he said there was a danger that the division of powers would lead to uneven implementation in the individual countries; for instance, the Netherlands itself had already put in place a national plan of action for children while the Netherlands Antilles and Aruba had not.

24. It would be useful to know whether the Ministry of Youth and Families, recently set up in the Netherlands, coordinated the activities carried out by the various ministries and departments responsible for children’s issues.

25. He was surprised that, since the consideration of the second periodic report of the Netherlands in 2004, the State party had not been able to establish a data-collection system to systematically record statistics disaggregated by sex, age, religion and other relevant indicators that would enable it to assess the situation regarding the rights of the child in the Netherlands.

26. It would be helpful to know whether the State party intended to remove the option to sentence young people aged 16 or 17 to life imprisonment from the new version of the criminal code currently under revision. Finally, he requested the delegation to explain why children who were non-residents were not allowed to attend certain types of school.

27. **Mr. Parfitt** said that the Committee welcomed the appointment of a children’s ombudsman and wished to know whether he or she would be authorized to monitor implementation of the Convention and the Optional Protocol, promote the principles enshrined in those instruments and intervene directly in response to complaints submitted by children or on their behalf. It would be interesting to know whether the ombudsman would be independent and would report to parliament, and whether he or she would be

authorized to make his or her reports public and to present an independent report within the framework of the consideration of the State party's periodic reports by the Committee.

28. Noting that there were many non-governmental organizations and that their close cooperation with the Government meant that they risked becoming service-providers who were no longer critical of the Government, he asked what was being done to maintain the campaigning function of non-governmental organizations. He also wished to know how they were financed and whether they could still carry out their activities if they expressed disagreement with the authorities.

29. He was surprised that the best interests of the child did not appear to have been mentioned specifically in legislation and asked the delegation to provide examples of laws that referred to those interests. He wished to know whether legal professionals were made aware of that principle, whether they received training on the provisions of the Convention and whether the Cabinet ensured that the best interests of the child were respected in all decisions relating to laws, programmes and policies.

30. **Mr. Pollar** asked what measures had been taken to ensure that the births of children born to mothers aged between 16 and 18 were registered. He noted that, according to Dutch legislation, grandparents were legally responsible for a child whose mother was under 18 years of age, and he asked for further information on the subject. He also wished to know what measures would be taken to register the birth of a child born to a migrant if the birth took place on, for example, a flight between St. Martin and Curaçao and whether a child born to migrant parents and whose birth had not been registered could attend a Dutch school. In addition, he wished to know whether studies had been carried out to assess the number of unregistered children born to migrant mothers who were minors.

31. **Mr. Puras** asked whether the State party intended to empower children, in particular in civil proceedings. Some people considered that children should have the right to institute proceedings and to have their own lawyer, notably in matters relating to their care, and he wished to know whether the State party planned to adopt measures to that end.

32. Regarding the right to life, he asked for information on the situation in the State party concerning the euthanasia of severely disabled newborn infants who had no hope of a future and concerning cases in which life support was withdrawn.

33. In addition, he asked whether measures had been taken to protect young people from information that could be detrimental to their well-being, in particular information distributed in the media and on the Internet.

34. **Ms. Khattab**, referring to the concluding observations drawn up by the Committee in 2004 (CRC/C/15/Add.227) following consideration of the second periodic report of the Netherlands (CRC/C/117/Add.1) and the initial report of Aruba (CRC/C/117/Add.2), and of those drawn up in 2007 by the Committee on the Elimination of Discrimination against Women (CEDAW/C/NDL/CO/4), said that she was concerned by the continuing discrimination against children from ethnic minorities and child refugees or asylum-seekers. According to the 2008 report of Amnesty International, less than 10 per cent of municipalities had taken steps to end discrimination and racism against certain groups at the local level. Less than 20 per cent of them had drawn up policies to combat discrimination and racism in specific areas of concern such as employment or education. According to the report, most municipalities considered that there were no such problems in their communities and more than half of them did not have specific information on that issue.

35. Aruba and the Netherlands Antilles indicated in their reports that children with disabilities suffered discrimination, that the Government had not drawn up specific plans to promote their social integration in Aruba and that the Netherlands Antilles had no residential facilities for disabled children. In the Netherlands Antilles, such children did not

receive the education they needed and on the island of Saba severely disabled children did not go to school. She asked what action the authorities intended to take in order to remedy the situation.

36. **Mr. Kotrane**, referring to paragraph 33 of the concluding observations drawn up by the Committee in 2004, asked for information on the situation in respect of euthanasia and in particular in respect of the monitoring of requests for euthanasia received from children under 12 years of age.

37. **Ms. Smith** said she was concerned that the Convention was not widely disseminated in schools and asked whether studies had been carried out to find out how often the website on the rights of the child had been consulted by children and by their parents. She also wished to know if there were systematic training programmes in place for all the professionals who worked with children, such as police officers, judges and teachers. She joined Mr. Citarella in asking the State party to withdraw its reservations to articles 26, 37 (c) and 40 of the Convention.

38. **Mr. Siddiqui** asked for additional information on the four-language policy adopted by the Netherlands Antilles. He wished to know what the four languages in question were, how the policy had been adopted and whether it overburdened children in their studies.

39. **The Chairperson** said that the Committee had expected the third periodic report to contain more new elements and it had hoped to receive a report from the ombudsman, as it was the practice for human rights institutions to submit reports to the treaty bodies.

40. Noting that there was no obligation for doctors to report cases of child abuse — even if the Netherlands did have a code of conduct on the subject — she asked whether the State party was considering introducing such an obligation.

*The meeting was suspended at 11.05 a.m. and resumed at 11.40 a.m.*

41. **Mr. Rouvoet** (Netherlands) said that the Netherlands had entered a reservation to article 26 of the Convention because children were not entitled to benefit from social security directly; they received social security benefits through their parents. Where necessary, the State also provided financial assistance to children through their parents. In practice, that method only posed a problem when the parents used the payments for purposes other than to meet the needs of a child, which happened when families were heavily in debt. In such cases, the authorities intervened to ensure that the child did not lack the essentials. After having carefully reconsidered the question, and taking into account that the social security system had not changed significantly in the previous four years, the Government of the Netherlands considered that it did not have any reason to change its position and it had decided to maintain its reservation to article 26.

42. In respect of the reservation to article 37 (c) of the Convention and the fact that young people between the ages of 16 and 18 were subject to the same legal proceedings as adults, the Government of the Netherlands, in accordance with the Committee's recommendation in 2004, had amended its legislation so that minors could not be sentenced to life imprisonment. Minors aged between 16 and 18 years were sentenced in accordance with the legislation applicable to minors, except where the offence was of an extremely serious nature or where justified by the personality of the minor and the circumstances of the offence, which was the case in less than 1 per cent of criminal cases concerning minors. The Government considered that the judge must have that option available although, for the most part, the sentences passed were within the limit for prison sentences for minors, which was set at a maximum of two years.

43. With regard to the reservation to article 40 of the Convention, the Netherlands permitted proceedings relating to minor offences, which were dealt with by district courts, to be conducted without a lawyer, although that did not mean that a lawyer was not allowed

to be present. The right to the assistance of a lawyer was maintained. The main argument in favour of the practice was that it allowed matters to be expedited, which in most cases was in the best interests of the child. In all other proceedings, the right to legal representation was guaranteed and a minor's parents were required to be present alongside their child during the trial. His Government therefore saw no persuasive reason to lift the reservation.

44. **Ms. Smith** noted that the only obstacle to withdrawal of the reservation to article 37 (c) seemed to be the second sentence, which stipulated that "every child deprived of liberty shall be separated from adults". She wondered what the obstacles preventing such a separation could be.

45. **Mr. Rouvoet** (Netherlands) said that the main advantage of creating the Ministry of Youth and Families was that it would have direct responsibility for areas, such as youth care, health care for youth, the protection of children at school, youth employment and family policy, which had traditionally been dealt with by several different ministries. The second advantage was that all issues concerning youth and families could be specifically dealt with in Cabinet meetings by the Minister for Youth and Families, who considered them from the perspective of the best interests of the child. Thirdly, the existence of the Ministry encouraged public debate on parental and family responsibilities. Finally, it encouraged greater participation by parents and young people in policymaking.

46. **The Chairperson**, noting that Mr. Rouvoet was not only Minister for Youth and Families but also Deputy Prime Minister, asked whether that did not limit the independence of the new Ministry; and requested further details on the subject.

47. **Mr. Rouvoet** (Netherlands) explained that the current Government was a coalition of three political parties. The fact that the Minister for Youth and Families was also Deputy Prime Minister did not affect the operation of the ministry for which he was responsible, but simply meant that he was the lead minister of his party within the Government.

48. He emphasized that non-governmental organizations were completely independent and that the Government only funded some of their projects.

49. **Mr. Parfitt** said that, while it was praiseworthy to have delegated authority and competence in regard to youth services to municipalities, it nevertheless seemed to have led to inequalities in the funding of non-governmental organizations. How precisely did matters stand? How did the Government intend to remedy the situation?

50. **Mr. Rouvoet** (Netherlands) said that the representative of the Association of Netherlands Municipalities would reply to that question at the following meeting. Concerning training for judges, he said that there was a training institute and juvenile judges received additional training on communicating with children and on child development. Other public officials who worked with children, including police officers, health workers and social workers, also received special training, which focused on the best interests of the child.

51. Some laws specifically mentioned the principle of the best interests of the child. For instance, paragraph 4 of section 5 of the Youth Care Act stipulated that, in carrying out their duties, youth care services must take the interests of the child into consideration, and paragraph 1 of section 24 stipulated that care providers working with children and young people must offer care that was appropriate and tailored to their needs.

52. The bill relating to the children's ombudsman currently being considered by parliament stipulated that the ombudsman would be independent, would monitor the implementation of the Convention, would be authorized to hear complaints made by children, and would be answerable to parliament and that his or her reports would be made public.

53. **Mr. Parfitt**, supported by Mr. Filali, said that he would like to know whether the Office of the Children's Ombudsman would be independent of the Office of the National Ombudsman or whether it would be part of it.

54. **Mr. Rouvoet** (Netherlands) said that the bill stipulated that the children's ombudsman would perform the functions of the ombudsman in matters concerning children. The institution of the children's ombudsman would therefore be linked to the national ombudsman and would have the same independent status as the latter in relation to the judiciary and the executive. There would be no hierarchical relationship between the two ombudsmen and the children's ombudsman would not be expected to report to the national ombudsman.

55. **Mr. Parfitt** asked for specific examples of ways in which the best interests of the child were taken into account by the Cabinet.

56. **Mr. Rouvoet** (Netherlands) said that, as Minister for Youth and Families, he ensured that the best interests of children, youth and families were taken into account in all Cabinet discussions, whether the subject was foreign policy, human rights around the world, child soldiers or development aid. He was involved in all issues associated with families and children and could therefore guarantee that the best interests of the child were taken into account at all stages of the decision-making process.

57. **Ms. Leeftang** (Netherlands) said that the Netherlands Antilles had a national action plan for children called the Delta Plan, under which all laws on education had been revised. For example, compulsory schooling began for children at the age of 4 and had been extended to the age of 18; teachers were obliged to report all cases of child abuse of which they were aware, or face sanctions; and parents had the right to choose whichever of the three official languages they believed to be the most appropriate for the education of their child.

58. The policy of teaching four languages in the Netherlands Antilles was based on the belief that it was in the best interests of the child. The Netherlands Antilles was a small island in a world without borders and in order for its children to be free and able to make choices they needed to be introduced at a very early age to as many languages as possible and to have access to the widest possible range of information. In economic terms, a mastery of languages would be their main asset. The intention was not to teach languages formally in schools to very young children but, initially, to provide an introduction to them through songs, poems and games. It was only when children were older that the required level of attainment was raised. The four languages taught were the three official languages — Papiamentu, Dutch and English — and Spanish, the most widely spoken language in the Caribbean.

59. Her government was making a conscious effort to apply the principle of the best interests of the child. There were numerous examples of laws that took those interests into account. In addition to the laws already mentioned, there was a law on child pornography and child prostitution, which had been drawn up in order to provide one comprehensive law for the protection of minors rather than scattered references in different laws. Similarly, in order to serve the best interests of the child, her government had set up a special team to enforce compulsory school attendance. The team reported to the Ministry of Education, not to the police, in order to make clear that its role was not to punish but to intervene in a child-friendly manner and encourage children to attend school.

60. The Government had translated its report into the three official languages and had distributed it widely to libraries, educational establishments, hospitals, doctors and other relevant services.

61. **Ms. Peterson** (Netherlands) said that the report of Aruba had been translated into Papiamentu for the first time, allowing her government to engage in a wider consultation on the issues covered in it with the relevant professionals and representatives of non-governmental organizations. The National Committee on the Rights of the Child had set up a website on which the public could consult the Convention as well as all information and reports relating to it.

62. Aruba was following with great interest the process begun by the Netherlands to set up the post of children's ombudsman. The issue had also been debated in Aruba but it was believed that, for the time being and taking into account the resources available, it would be preferable to focus efforts on improving the care provided by existing services and organizations and on following up on their activities. Those efforts, together with the campaigns to promote awareness of the Convention, should eventually win the support of the public and parliament, without which no law establishing a children's ombudsman would be adopted.

63. The National Committee on the Rights of the Child was a joint enterprise in that it worked in cooperation with non-governmental organizations. The latter were free to express their views, which were sometimes highly critical; they contributed to the drafting of reports, the aim being that, ultimately, they would draft their own parallel reports. Child-care professionals were often also members of non-governmental organizations as it was difficult on such a small island to separate completely the two types of activity. The National Committee on the Rights of the Child helped schools and institutions such as the police to draw up programmes to raise awareness of the Convention while the Department for Social Affairs gave training to child-care workers.

64. The legislative provisions aimed at protecting the best interests of the child included the 2007 law on breastfeeding, which allowed women to breastfeed during working hours for a period of nine months, and the many provisions of the Criminal Code which specifically gave greater protection to children and young people.

65. **The Chairperson** invited members of the Committee to move to the second round of questions.

66. **Ms. Herczog** (Country Rapporteur), emphasizing the need to implement an integrated approach to child protection, requested information on existing intersectoral coordination mechanisms. She wondered what role non-governmental organizations and civil society played in coordination, and in what way their activities and views were taken into account. She also wished to know in what way children could make their voices heard before decisions were taken.

67. The results of the survey carried out by the Youth Council, which showed that most children trusted their friends, parents or teachers more than social workers and other child-care professionals, were worrying. It would be interesting to know why children and young people did not turn more readily to social services. There was also the question of whether child-care professionals were correctly trained in how to take children's needs and opinions into account.

68. She asked whether there were any plans to realign policies in order to strengthen the role of the extended family and the community and hence to reduce waiting lists in the various institutions and compensate for the shortage of local services. The delegation might also specify whether any arrangements had been made with non-governmental organizations to remedy the lack of qualified social workers in the Netherlands Antilles.

69. The report of the State party indicated that the quality of child-care services in Aruba was far from optimal. She wished to know what measures had been taken to improve them and whether statistics were available on the number of children looked after by the

services. Finally, why did the new Aruban criminal code not ban the use of all forms of corporal punishment?

70. **Mr. Puras** asked for information on the policies adopted for children with disabilities. Noting that measures to promote integration of disabled children in schools had not been welcomed by the general public, he wondered what was being done to facilitate their implementation. In addition, he wished to know what medical care and education was offered to autistic children. Taking into account the specific situation in the Netherlands Antilles and in Aruba, could the delegation indicate what measures had been taken to improve the situation of people living with disabilities in those countries?

71. He asked the delegation to clarify the contents of the plan to reduce waiting lists for access to mental health care and to indicate whether the emphasis would be on reducing demand or strengthening community services?

72. It would be useful to know what the main problems encountered by youth health services were, and what steps had been taken to make such services more welcoming and to guarantee confidentiality. More generally, how were adolescents encouraged to take care of their own health? Finally, what decisions had been taken recently to limit the use of drugs and alcohol by young people and what had their impact been?

73. **Mr. Filali** said that he was concerned that young people aged 16 and 17 could be tried as adults and placed in detention with adults. He was also concerned that DNA samples could be taken from minors for judicial purposes, as that went against the spirit of the Convention. Furthermore, he did not understand why parents and lawyers of minors were not allowed to attend the first stage of the police interrogation.

74. He asked for detailed information on the collaboration between the police, the public prosecution service and the child protection committee, and for an explanation of the context in which it took place and the methods used.

75. With respect to Aruba, it would be useful to know the exact content of the national decree regulating national custodial institutions and to learn why it had not yet entered into force. In respect of the Netherlands Antilles, could the delegation describe the measures taken to prevent drug addiction in children and young people?

76. **Mr. Krappmann** said he was surprised by the contrast between the stated wish that children should grow up in a multi-ethnic and multicultural environment and the composition of classes in most primary schools, which was relatively homogenous from a socio-economic, cultural and religious point of view. He was concerned that the argument that children had the opportunity to experience different cultures simply by mixing with their friends masked the absence of a real strategy; he invited the delegation to provide clarification on that point.

77. Given that human rights and the rights of the child appeared to receive little attention in the school curriculum and that the Ministry of Education generally encouraged educational establishments to correct that shortcoming, it was difficult to understand why some subjects, such as civic education, had been made compulsory, while human rights education had not. He asked the delegation to comment on that matter, and also on the question of security in schools.

78. He asked the delegation to specify whether undocumented children had access to education and to provide details on the integration of migrant children in schools, and in particular on the measures taken to facilitate language acquisition and learning for the migrant children. With regard to Aruba, it would be helpful to know why it was so difficult to enforce compulsory school attendance and what the current situation was in regard to school dropout rates. With regard to the Netherlands Antilles, he asked if the delegation could provide figures on school dropout rates and on the proportion of children who went

on to secondary school after primary school. He also asked if it was true that undocumented children were not admitted to schools in St. Martin.

79. **Ms. Ortiz** asked why the Netherlands recognized overseas adoptions that did not fall within the scope of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which it had ratified, and why it had not incorporated the same protection guarantees as those established under the Convention in bilateral adoption agreements. She also asked what was meant by the conversion of a “weak” international adoption decided by a foreign court into a “strong” one based on Netherlands law.

80. She asked the delegation to indicate the number of illegal adoptions in the Netherlands Antilles, what measures had been taken to put an end to that problem, if there was a central authority responsible for that task and if adequate legislation was in place. She also asked the delegation to specify whether engaging the services of a surrogate mother was legal in the Netherlands and how the rights of the child were guaranteed in that context.

81. Finally, it would be interesting to learn whether measures had been taken by government bodies and services to give priority to strengthening the family and limiting the placement of children in institutionalized care, which was given priority in current policies despite the fact that it was not always in the best interests of the child.

82. **Mr. Zermatten** said that he wondered why juvenile reoffending had considerably increased despite the implementation of ambitious juvenile justice programmes. He also wondered whether the increase in complaints against minors and in the number of minors placed in closed facilities called into question the effectiveness of the Government’s policy or whether it reflected the fact that public opinion and the authorities were paying more attention to the problem of juvenile delinquency, with a resulting increase in repressive measures. Finally, he wished to know more about the deficiencies in the HALT system and the solutions envisaged to make the system more effective.

83. He asked the delegation to indicate what procedural guarantees in respect of the police and the public prosecution service accompanied measures to divert cases from the courts to alternative procedures and to mediation. He also asked for clarification on the criteria applied in cases where a minor over the age of 16 who was suspected of a crime was treated in the same manner as an adult. Were those criteria specifically set out in law or were they left to the discretion of the judge? Finally, were steps being taken to provide better care for young offenders who had mental health problems or who had committed sexual offences?

84. **Ms. Aidoo** requested detailed information on the implementation of the agreement between the Ministry of Youth and Families and the provincial authorities to eliminate waiting lists for youth-care institutions. In particular, she wished to know whether the youths concerned might be sent to prison or inappropriately placed in some other closed institution, and whether there was a national mechanism to monitor the process and ensure that the best interests of the child were taken into account in all provinces.

85. With respect to adolescent health, she asked the delegation to state what measures had been taken to discourage teenage pregnancies in each of the three countries, to improve assistance to teenage mothers and their families, and to change the way they were viewed by society. Finally, it would be useful to know what was being done to provide children and adolescents with suitable education and services in the field of sexual and reproductive health.

*The meeting rose at 1.05 p.m.*