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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 4 May 2007, at 10 a.m.

Chairperson: Mr. SADI  
(Vice-Chairperson)

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

CONSIDERATION OF REPORTS:

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

Third periodic report of the Netherlands Antilles (E/C.12/ANT/3; E/C.12/ANT/Q/3 and Add.1; HRI/CORE/1/Add.67)

1. At the invitation of the Chairperson, Ms. Els, Ms. Philipps, Ms. Ray, Ms. Theodora-Brewster and Mr. Vijber (Netherlands Antilles) took places at the Committee table.
2. Ms. ELS (Netherlands Antilles), introducing her country's third periodic report (E/C.12/ANT/3), said that the development tending to overshadow all others in the Netherlands Antilles was the forthcoming changes in the relationship of its five constituent islands with the Kingdom of the Netherlands and in the relations between the islands themselves. The constitutional reform involving the restructuring of the Kingdom of the Netherlands was expected to take effect by 15 December 2008; and the outcome of the referenda held in the islands between June 2000 and April 2005 had indicated a separate status within the Kingdom of the Netherlands for Curaçao and Sint Maarten and the integration of Bonaire, Saba and Sint Eustatius.
3. While the Government of the Netherlands Antilles had sought to implement the provisions of the Covenant during the period under review, it had been hampered by the limited economic growth of its largest island and by a national debt of some €2 billion, the servicing of which consumed a large part of its national income. Concerning its obligation to report on progress in implementing the rights set out by the Covenant, it had also experienced extreme difficulty in obtaining the necessary information from the respective islands, largely as a result of structural difficulties such as lack of sufficiently qualified personnel.
4. Legislative changes and other measures conducive to progress in the observance of economic and social rights included the setting up of the Ban bario bèk (Back to the neighbourhood) offices in Curaçao to integrate the procurement of unemployment benefits with effective market mediation. They had offered improved personal guidance to the unemployed and had been working to bring about a change in mentality towards social benefits by emphasizing the importance and dignity of employment.
5. High unemployment rates in Curaçao remained a matter of concern, having increased sharply overall in 2004 and 2005, although falling again in 2006; however, the islands of Sint Maarten and Bonaire had experienced a sustained reduction of unemployment in recent years. Youth unemployment remained a serious problem, amounting to 44 per cent in 2005 and 37 per cent in 2006, and a law adopted in 2006 obliged young people from 16 to 24 to reintegrate into the educational system by way of special courses enabling them to become active on the labour market. Figures for 2006 showed an increase in employment rates in Curaçao and Bonaire, and a slightly higher economic growth rate was expected in 2007.

6. Poverty alleviation was one of the main priorities of the Government. Under the Reda Soshal organization, designed to carry out a comprehensive programme of social and economic improvement in the Netherlands Antilles, projects had recently been initiated for a total of €3.3 billion, including €2.9 billion financed by the Dutch Government. They involved housing projects, the renovation of sports facilities, improved housing for the elderly, upgrading of facilities for the disabled, and special programmes to aid young mothers in bringing up their children.
7. Education was another priority, and reform of the education system at all levels had continued, with the aim of improving the quality and accessibility of education and linkages between the different stages of education in the Netherlands Antilles. The introduction of a new-style education for children aged 4-15 was one of the most salient changes effected in recent years. The law adopted very recently to curb the dropout problem would extend the period of compulsory education from 6-14 years to 4-18 years, applicable initially to Curaçao, Saba and Sint Eustatius and currently under consideration for Bonaire and Sint Maarten. Another project launched by the Minister of Education and Culture in 2006 was the Delta plan designed to better equip the Antillean child for life in terms of educational and socio-economic possibilities, including measures to improve parenting skills, strengthen innovative educational initiatives and promote a polyglot society. The language issue was closely linked to education in the Netherlands Antilles; the three languages, commonly spoken there - Dutch, English and Papiamentu - had very recently been elevated to the status of official languages, and an official orthography for Papiamentu had been approved.
8. Her delegation looked forward to a constructive dialogue with members of the Committee and hoped that the recommendations it would formulate at the end of its deliberations would help her Government in fully implementing the rights established under the Covenant.
9. Mr. KERDOUN requested clarification on whether provisions for implementing the Covenant already existed in the Netherlands Antilles and, if so, whether they were actually being applied. He would also like a clear statement of the State party's current position on withdrawal of its reservation to the Covenant on the right to strike. Finally, how would the new legislation making education mandatory for children from 4 to 18 years help to curb high school-dropout rates? What were the specific means being deployed or envisaged to address that complex problem?
10. Mr. RIEDEL asked what was meant by the statement in paragraph 2 of the third periodic report (E/C.12/ANT/3) that the Government would take the issue of direct applicability of the Covenant into consideration. Was a change likely in the present practice under which the Covenant was not directly applicable? In the replies (E/C.12/ANT/Q/3/Add.1) to item 1 of the Committee's list of issues (E/C.12/ANT/Q/3), it was said that the Government based its policies and measures on human rights principles and aimed to implement various human rights treaties such as the Convention on the Elimination of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture. He would like clarification concerning implementation of the Covenant with which the Committee was specifically concerned.

11. Mr. PILLAY asked whether the Covenant could be invoked before the courts of the Netherlands Antilles and whether there was any corresponding case law. Further to a report by the International Organization for Migration on trafficking of persons in the Caribbean, the State party had maintained that fundamental human rights were protected in the Netherlands Antilles. He would like its representatives to specify which rights enjoyed such protection and whether they included economic, social and cultural rights.

12. Ms. WILSON requested more information on legislation concerning the principle of non-discrimination. Was there any general or specific legislation on the subject and what measures had been taken to protect the vulnerable, particularly the disabled and migrant children? Concerning discrimination against women, particularly in regard to wages, it was not sufficient to say that there were no legal provisions impeding equal wages for men and women. What had the Government done, or what was it envisaging doing, to bring women's wages into line with those of men?

13. Mr. TIRADO MEJIA recorded his reservations in principle about the submission of a separate report by territories forming part of the Kingdom of the Netherlands. The replies to the issues raised by the Committee were too brief and lacking in substance. For example, the response to issue 4 on non-discrimination stated that the Government had "taken measures" to combat one form of discrimination without specifying the type of measures involved. On issue 5 concerning measures taken to remedy inequalities between the islands in terms of access to health services and schooling, the response was confined to a reference to ordinances applicable to health care, to the exclusion of all other measures that had or should have been adopted. Finally, on issue 6 regarding information on legislative and practical measures to ensure equality between men and women in the enjoyment of their rights, it was simply stated that the inequalities that had existed in the past had been abolished as of 1 January 1996. If such were indeed the case, it would still be necessary to specify the kind of measures involved and whether their application was effective. He would also like to know whether the Constitution continued to distinguish between legitimate and illegitimate children and, if so, what steps had been taken to address the problem. Finally, he requested a response to the question concerning the existence of a national human rights plan in the Netherlands Antilles and, if no such plan existed, would like to know whether there had been civil society participation in the formulation of the replies to the Committee's questions.

14. Ms. BRAS GOMES requested clarifications concerning the State party's reservations in respect of international instruments it had ratified. For example, it had accepted the provisions of article 26 of the Convention on the Rights of the Child subject to a reservation concerning the independent entitlement of children to social insurance coverage. Had there been a change of mind on the question in view of the strong trend towards giving children such entitlement, particularly in cases where they were not living with their families? Again, what was the Government's intention regarding ratification of the International Labour Organization (ILO) Equality of Treatment (Social Security) Convention No. 118? The third periodic report referred to gender policy development and the establishment of a policy network to promote gender mainstreaming at the Government level and inform and educate the public at large. The Committee needed concrete examples of how such educational measures were to be carried out.

15. Mr. ATANGANA observed that the question of the direct applicability of the Covenant's provisions had been raised by the Committee in 1996 and that a decade later the Government was saying only that it would take the issue into consideration. Regarding the judicial system, why did trial judges also serve as appeal-court judges, contrary to the principle of the separation of jurisdictions? What was being done to reorganize the justice system?

16. Ms. BARAHONA RIERA said she wished to know more about the constitutional reforms likely to result from the change in the relationship with the Netherlands. What would be the fundamental human rights principles on which those reforms would be based - with regard, for example, to non-discrimination, gender equality, improved human rights monitoring and reform of the criminal and civil codes? How was the question of nationality to be dealt with under the new Constitution? What new measures could be anticipated with regard to the promotion of women's rights?

17. Ms. BONOAN-DANDAN said she wondered about the role that economic, social and cultural rights would have under the new Constitution. She would like to have confirmation that part of the €2 billion debt of the Netherlands Antilles would be taken over by the Netherlands. She noted that the country was facing the same problems as when it had last appeared before the Committee. She would appreciate information on the often-overlooked problems of the boy child in the Caribbean, with particular reference to issues of health and education. What was being done to combat the brain drain by encouraging qualified people to remain in the country? Had consideration been given to seeking technical support from international bodies to tackle some of the difficulties mentioned? Finally, had the Covenant been translated into the most widely used languages in the Netherlands Antilles, as had been done with the Convention on the Rights of the Child?

18. Mr. ZHAN Daode requested information on how the Government of the Netherlands Antilles had managed to incur a debt of €2 billion and how it planned to repay it in order to accumulate resources for domestic development, including the implementation of economic, social and cultural rights.

19. Ms. RAY (Netherlands Antilles) said that the Government of the Netherlands Antilles would consider the issue of the direct applicability of the provisions of the Covenant and would include in its fourth periodic report information on case law concerning rights recognized by the Covenant.

20. Mr. VIJBER (Netherlands Antilles) said that there were two types of compulsory education in the Netherlands Antilles: one concerned ordinary education for children between the ages of 4 and 18; the other concerned young people between the ages of 16 and 24 who had dropped out of school and who had no job qualifications. The latter were obliged to receive training in personal and social development and job skills. The Government's aim was to reduce the number of existing dropouts and to prevent new dropouts.

21. Ms. RAY (Netherlands Antilles) said that there were no legal provisions impeding equal pay for equal work in the Netherlands Antilles. Furthermore, equal promotion opportunities, which were based on performance, existed in both the public and private sectors.

22. Ms. PHILIPPS (Netherlands Antilles) said that the third periodic report of the Netherlands Antilles was being considered separately from that of the Netherlands owing to its late submission. The constitutional relationship between the Netherlands Antilles and the Netherlands could be explained in the following manner: the Netherlands, the Netherlands Antilles and Aruba together constituted the Kingdom of the Netherlands. The relationship between the three parts of the Kingdom was governed by the Charter of the Kingdom of the Netherlands, which had come into effect on 15 December 1954. The Charter accorded full internal self-government to the Netherlands Antilles; however, a few matters lay outside its authority. Those so-called “Kingdom matters” included foreign affairs, defence and nationality issues, responsibility for which rested with the Kingdom of the Netherlands. All other matters, including responsibility for the implementation of the Covenant, belonged to the internal authority of the Netherlands Antilles.

23. There were a number of factors that had contributed to the Government’s difficulty in gathering the information needed to draft its report, including lack of awareness of the Covenant, inadequate qualified personnel and resources, and problems of communication resulting from the vast distance between the two island clusters making up the country.

24. Ms. RAY (Netherlands Antilles) said that the issue of social insurance had been addressed extensively in the second periodic report of the Netherlands Antilles (E/1990/6/Add.12).

25. Ms. PHILIPPS (Netherlands Antilles) said that specific examples of how education and training were carried out by the gender networks on the various islands would be sent to the Committee in due course. A process of constitutional reform had been under way in the Netherlands Antilles for several years. Subsequent to the holding of plebiscites on all five islands of the country, Curaçao and Sint Maarten had voted to withdraw from the Netherlands Antilles and to seek separate status, such as that enjoyed by the Netherlands Antilles, within the Kingdom of the Netherlands. The islands of Bonaire, Saba and Sint Eustatius had voted to become special entities of the Kingdom of the Netherlands. Pursuant to an agreement with the Government of the Netherlands, the constitutions envisaged for the new countries of Curaçao and Sint Maarten would incorporate all the rights guaranteed by the provisions of the international treaties currently in force for the Netherlands Antilles, including those of the Covenant. The citizens of all the islands would retain Dutch nationality.

26. There was a Directorate of Social Development within the central Government of the Netherlands Antilles that was responsible for gender issues. Sint Maarten had a unit to deal with gender issues, and Curaçao was currently carrying out a campaign to reduce violence against women. In November 2006, an agreement had been signed between the Government of the Netherlands and the small islands of Saba, Sint Eustatius and Bonaire, according to which the Government of the Netherlands would assume a portion of the debt of the island Governments. A similar tentative agreement between the Government of the Netherlands and Curaçao and Sint Maarten, in which the Government of the Netherlands had offered to take over the majority of the debt of those island Governments in exchange for the fulfilment of certain conditions, had been rejected by their parliaments.

27. Mr. VIJBER (Netherlands Antilles) said that the reason the Netherlands Antilles was experiencing a “brain drain” was that many of its university students studied in the Netherlands and decided to settle in Europe after completing their studies. The Government was therefore attempting to improve the local university and to obtain international accreditation in order to encourage its students to study in the Netherlands Antilles.
28. Ms. PHILIPPS (Netherlands Antilles) said that the Government of the Netherlands Antilles was also offering students the incentive of cancelling a large amount of their student loans in exchange for a certain number of years of employment in the civil service. The Government was very interested in the possibility of receiving technical assistance from the Committee for the preparation of its next periodic report. The Covenant had been translated into Dutch and English and efforts were under way to translate it into the third most commonly spoken language in the Netherlands Antilles: Papiamentu.
29. Ms. LEE (Secretariat) said that, with regard to the second periodic report of the Kingdom of the Netherlands, separate reports had been submitted simultaneously for the Netherlands, the Netherlands Antilles and Aruba and had been considered separately but simultaneously by the Committee. The third periodic report of the Kingdom of the Netherlands had been handled differently in that the report of the Netherlands had already been submitted and reviewed, the report of the Netherlands Antilles was currently being reviewed and that of Aruba was still outstanding.
30. Ms. BARAHONA RIERA said it was difficult to assess the status of the Netherlands Antilles’ compliance with its obligations under the Covenant without a clear understanding of its specific responsibilities. Since the Netherlands had signed the Covenant on behalf of the Netherlands Antilles, she presumed it was also responsible for the latter’s compliance with its treaty obligations.
31. Mr. TIRADO MEJIA agreed that it was important to clarify the question of responsibility for implementation of the Covenant. It was one thing for a sovereign State to deal with its own affairs and another for an entity elsewhere to be granted the powers to do so. In his view, responsibility for implementation of the rights in the Covenant should rest with the Kingdom of the Netherlands.
32. Mr. DASGUPTA observed that the Government of the Kingdom of the Netherlands had contributed generously to the new poverty alleviation programme. However, according to the information contained in paragraphs 114 and 115 of the report, there had been a decrease in development funds received from the European Union. He asked why that was so, particularly at a time when the Netherlands Antilles faced economic problems.
33. Ms. PHILIPPS (Netherlands Antilles) confirmed that, under the new constitutional order, the Kingdom of the Netherlands would retain responsibility for foreign affairs, defence and nationality issues. On the other hand, although the Government of the Kingdom of the Netherlands had signed the Covenant, responsibility for fulfilling the obligations thereunder lay with the Government of the Netherlands Antilles.

34. The delegation was not in a position to explain the reasons for the decline in European Union funding. Information on the subject would be submitted to the Committee in due course.

35. Mr. RIEDEL said that, while a good explanation of the three different minimum wage levels and hourly wages had been provided in paragraphs 39 and 41 of the report, the statement in paragraph 40 to the effect that individuals were at liberty to seek work in a sector with a higher minimum wage required clarification. He wished to know more about the subsistence function of the minimum wage.

36. Referring to the figures given in table 3, he asked whether the positive trend in average monthly income had continued after 2001.

37. According to the written reply to question No. 9 of the list of issues, there were currently no laws or policies banning unequal remuneration between men and women. He enquired whether the State party envisaged any measures along those lines, failing which it would be in breach of article 7 of the Covenant.

38. Referring to the written reply to question No. 11, he stressed the importance of maintaining labour inspection services.

39. Ms. BRAS GOMES sought clarification regarding the comment in the delegation's opening statement that the Ban bario bèk offices in Curaçao had been working to bring about a change in mentality towards social benefits by emphasizing the importance and dignity of employment. Surely social benefits were not so high as to discourage people from working?

40. She noted that, while the overall unemployment rate in the Netherlands Antilles was high, there had been a sustained decrease in the rate of unemployment in the islands of Sint Maarten and Bonaire; perhaps they might have some good practices to share with the other islands. She welcomed the changes introduced to the education system to address the issue of youth unemployment. She asked whether any specific measures had been adopted to deal with unemployment among women, who were very underrepresented on the labour market, particularly in the technical sector. She sought confirmation of plans to open technical schools for women.

41. She expressed concern about the fact that children in the Netherlands Antilles were still not entitled to social security benefits in their own right, and was not satisfied with the explanations given in that connection. It was not in keeping with current trends elsewhere or the relevant international instruments, and was tantamount to discrimination against minors who for reasons beyond their control lived alone.

42. She sought clarification regarding the statement in the written reply to question No. 14 to the effect that the ratification of ILO Convention No. 118 for the Netherlands Antilles had taken place under certain conditions. How could that be reconciled with the statement in the written reply to question No. 5 that the national ordinances applying to medical care precluded discrimination in matters of social security?



43. It appeared that poverty in the islands was partly attributable to the low level of social security benefits, which left many people, including the elderly, without adequate protection. Statistics dating from 2000 indicated that 5 per cent of the population received social welfare benefits, and she enquired whether the situation had improved since then.
44. Ms. BARAHONA RIERA said that little information was provided in the written replies and the third periodic report on the employment situation of women and whether they received equal pay for equal work. She noted that legislation alone was not sufficient; what mattered was its practical implementation.
45. She asked whether there was specific legislation relating to domestic violence and, if so, what protection it provided for victims. Were any amendments to criminal and civil legislation envisaged that would afford women greater protection against discrimination? It was important to classify domestic violence as a criminal offence and not to overlook the possibility of male victims.
46. She wished to know more about services catering for the particular needs of vulnerable groups, such as the elderly.
47. Mr. PILLAY said that the written reply to question No. 24 was not satisfactory. The Government must have some idea of the extent of poverty on the islands. He asked whether the poverty alleviation programme took account of the rights enshrined in the Covenant. In that connection, he referred to the Committee's statement on poverty, adopted in 2001.
48. He was also dissatisfied with the information provided on the housing situation. He asked whether there were any plans to build more social housing for the disadvantaged sectors of society.
49. Ms. WILSON asked whether it was true that there was no specific legislation relating to refugees in the Netherlands Antilles. If that was the case, what was the State policy vis-à-vis refugees? Surely some people must occasionally seek refuge on the islands, for instance in the event of natural disasters? She also wished to know what percentage of the population did not have access to adequate housing.
50. Mr. TIRADO MEJIA, referring to the written reply to question No. 22, asked for more information on the results of work done by the working group on trafficking in persons established in 2004, as well as on the new instructions on trafficking in persons issued by the Council of Ministers in 2007. He also wished to know more about the scope of provisions relating to trafficking under the new Criminal Code and, pending the entry into force of the new Code, what protection was provided against trafficking and to victims by existing legislation.
51. Ms. BRAS GOMES welcomed the fact that single-parent families were eligible for the same benefits as other families, but stressed the need for single women with sole responsibility for the upbringing of their children to be provided with special assistance.
52. She suggested that greater efforts should be made to encourage foster families to come forward, given the shortage of foster homes on the smaller islands and the practical and emotional problems that entailed for the placement of children there.

53. According to the Committee's sources, the Netherlands Antilles relied heavily on NGOs and religious institutions to provide alternative care for children. It should be aware, however, that cuts in social expenditure would ultimately affect the services offered by those bodies. Either the State should provide them itself or it should give the civil sector the support required to provide them in its place. She would welcome the delegation's views on the need for a social safety net that provided minimum levels of protection.

54. Ms. BONOAN-DANDAN said that almost 10 per cent of documented live births were to teenagers aged between 13 and 19 years. She would welcome more information on the incidence of pregnancy and abortion rates among teenagers, which jeopardized their rights to education and health respectively.

55. At present the sexual exploitation of girls was a criminal offence if committed against children under the age of 16. However, that was not in line with the definition of a child as a person under the age of 18, contained in the Convention on the Rights of the Child. She asked whether any steps had been taken to amend legislation along those lines and to make the sexual exploitation of boys a criminal offence too.

56. She enquired what progress had been made with studies into the root causes of youth homicide, as recommended by the Committee on the Rights of the Child, given that homicide was one of the main causes of death among young persons in the Netherlands Antilles.

57. It was reported that, despite the existence of legal brothels, most sex workers operated illegally. How were their labour rights and right to health protected under such conditions?

58. Ms. BRAS GOMES asked what measures, preventive measures in particular, the Netherlands Antilles had taken to protect its population from the scourge of drug abuse.

59. Mr. KERDOUN, referring to the right to education, requested more information on the cooperation between the Government of the Netherlands and that of the island territories in the educational reform process under way, and on the type of assistance the Netherlands was providing in that regard. He wondered whether that took the form of funds, technical assistance or assignment of teachers to the islands, and whether the Netherlands Antilles had taken stock of that reform process, and set a date for its completion.

60. Ms. WILSON said that according to the report (para. 150), the language of instruction was that spoken by the majority of the population. She wondered how that majority was decided on, given that the islands now had three official languages - Dutch, English and Papiamentu - and whether there was one main language of instruction. She also wished to know whether there was provision for teaching minority languages, and whether the numerous European Union conventions on minority languages that the Netherlands had ratified also applied to the island territories.

61. Mr. MARCHAN ROMERO said that he was concerned about the Government's lack of a long-term policy to promote and preserve the values, cultural identity and language of the different ethnic groups in the Netherlands Antilles (E/C.12/ANT/Q/3/Add.1, p. 27). He wished to know what measures the State party had adopted to promote and preserve the values and cultural identity of those groups, and in particular to preserve the various mother tongues spoken there.

While the Government seemed to respect those groups' right to express their cultural identity, that did not exempt it from its obligation to protect that right and fulfil its obligations to the maximum of its available resources, in line with article 2 (1) of the Covenant. In that regard, the Netherlands Antilles clearly had sufficient resources at its disposal: according to the International Monetary Fund, the Netherlands Antilles had a high standard of living in comparison to other countries in the region, stemming from its close relationship with the Government of the Netherlands and the revenue from its oil refinery and its position as an international financial centre. It was therefore well placed to progressively achieve the full realization of the rights recognized in the Covenant.

62. Ms. BARAHONA RIERA requested clarification on the recent transfer of decision-making from the Dutch to the Antillean Government for the funding of development activities (E/C.12/ANT/3, para. 109). She also requested information on the proposed development fund and wished to know who would contribute to that fund - whether the Netherlands Antilles itself, the Netherlands, or other countries and international organizations.

63. While the Netherlands Antilles had developed a relationship with the European Union through the Netherlands, had observer status with the Pan American Health Organization and was an associate member of the Economic Commission for Latin America and the Caribbean and the World Tourism Organization, there were numerous other regional and international borders with which it might consider establishing or reinforcing its status. She wished to know whether the Netherlands Antilles had considered enhancing its relationship with the Office of the United Nations High Commissioner for Human Rights (OHCHR), for example, by requesting assistance in the preparation of its reports to the treaty bodies and in the follow-up to relevant recommendations.

64. Mr. ZHAN Daode requested clarification on the criteria on which the Netherlands Antilles proposed to base its selective transfer of 10 per cent of its archives of cultural historical value to the new archival service. He was concerned about the remaining 90 per cent which the Government had plans to destroy (E/C.12/ANT/3, para. 192). He suggested making use of electronic storage technology rather than destroying those archives.

65. Ms. BRAS GOMES enquired whether the Government of the Netherlands Antilles had adopted measures to address the problems facing migrant children, especially those who were undocumented, in relation to their school enrolment, dropout rate and families' lack of means. With regard to the lack of afterschool care, it took a little creativity rather than a lot of funds to implement quality afterschool programmes. The Government could envisage training its young unemployed population to help staff such programmes.

66. She requested clarification on the Government's statement in its written replies that most pupils learned to read in Papiamentu, with the exception of four schools where the language of instruction was Dutch. She also wished to know what was meant by the reference to developing special schools into "centres of expertise". Did that signify vocational training?

67. Ms. BONOAN-DANDAN said that she shared Mr. Marchán Romero's concern about the lack of a long-term policy to promote and preserve the values, cultural identity and language of the different ethnic groups in the Netherlands Antilles.

68. She was also concerned about the problems youths faced in the island territories, including teenage pregnancies, youth homicide, sexual abuse of children and school dropout rates. In that regard, she stressed the importance of including sports and games in school curricula, as such activities helped young people to learn life and cooperation skills and to channel their energy in a positive direction.

69. She agreed with Ms. Bras Gomes on the issue of afterschool care, and added that the Netherlands Antilles did not appear to provide enough free sporting facilities. In that regard, many traditional games required very little resources, and were simply a matter of creativity. She suggested setting up an afterschool sports and games programme and a programme for out-of-school youths. Girls must be encouraged to participate in those activities, to help curb the problem of teenage pregnancy.

70. Mr. VIJBER (Netherlands Antilles) said that the educational reform process, which had been initiated in 2002, was due to be completed in 2011. The aim was to prepare young people in the Netherlands Antilles to be an active part of the community by helping them to find work, have a good home and start their own family. Education had been made compulsory for youths aged 4 to 18 years, with new measures to check on school attendance.

71. Undocumented migrants, who comprised an estimated 50,000 out of a total population of 200,000, according to the Ministry of Justice, were indeed a problem. While his Government insisted on the right to education for all children, there had been a long-standing quarrel with the Government of the island of Sint Maarten, for example, which did not want to implement the law on compulsory education because of the substantial financial burden that entailed in terms of building additional schools to accommodate the children of the many undocumented migrants on that island - an estimated 30,000 out of about 50,000 inhabitants.

72. Since the constitutional changes being introduced included a provision for the elimination of the central Government of the Netherlands Antilles, the Governments of the different island territories argued that the issue of educational reform should be left to their own discretion. Nevertheless, the Government of the Netherlands Antilles was determined to fully implement its educational reforms by 2011, as planned. Current laws would remain in place after the constitutional transformation, but could then be changed by the different islands' Governments.

73. His Government strove to align its educational laws and practices with those in the Netherlands, since many of its students went to the Netherlands for their studies. However, cooperation between the Government of the Netherlands and that of the Netherlands Antilles in the area of education was quite complex, especially as the Government of the Netherlands, which had financed a large part of the educational reforms, had cut off that funding in 2006. The Government of the Netherlands Antilles had been trying to negotiate continued funding with the Government of the Netherlands ever since. On the matter of teaching assistance, he said that teachers who came from the Netherlands were not part of any technical assistance programme, but simply applied for teaching positions independently.

74. The language issue was highly topical and controversial. On the islands, most people viewed Dutch as a means to improve their social status. The Government respected the fact that the language of instruction should be the mother tongue - Dutch - but also respected parents' right to choose the language of instruction for their children. A governmental decision had been made whereby, after the primary education level, all children should be able to communicate well in English, Dutch and Papiamentu. That multilingualism was up to the various school boards to implement. Ultimately, the choice of language of instruction for children was their parents' prerogative. He added that education was provided free of charge, regardless of the language of instruction.

The meeting rose at 1 p.m.