



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

SUMMARY RECORD OF THE 1377th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 15 January 2009, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3:10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third periodic report of the Netherlands, periodic report of Aruba and second report of the Netherlands Antilles (CRC/C/NLD/3, CRC/C/NLD/Q/3 and Add.1) (continued)

1. At the invitation of the Chairperson, the members of the delegation of the Netherlands resumed their places at the Committee table.
2. The CHAIRPERSON invited the Committee to resume asking questions.
3. Mr. KOTRANE recalled that article 11 of the Convention called on States to combat the illicit transfer and non-return of children abroad by promoting the conclusion of bilateral or multilateral agreements. He noted that the Kingdom of the Netherlands had ratified the Hague Convention on the Civil Aspects of International Child Abduction and asked what measures were being taken to sign bilateral agreements to protect children that were being transferred both into and out of the Netherlands.
4. According to the report, children could benefit from social security only through their parents and he asked what was being done to enable them to enjoy benefits directly. The percentage of the population covered by social security was very low, particularly in the Netherlands Antilles, and only civil servants and teachers were entitled to family benefits. He asked what was being done to extend those benefits to the wider population.
5. The Netherlands had made progress regarding refugees since the Committee's previous concluding observations. For example, it had updated its definition of displaced children to conform to international standards. Some problems persisted however, such as accommodation for displaced children. He asked whether the children's best interests were taken into account by the judges deciding whether to return them to their country of origin. He noted with satisfaction that there was no longer a double criminality requirement in cases of sexual exploitation and asked whether there had been any change in the complaint requirement.
6. Mr. PARFITT asked whether there was support for families in alternative care and whether poverty, or a family's inability to pay for the needs of their children, was a reason for taking children into care. Although the Government was addressing the waiting lists for alternative care, they were still a major concern and he asked whether they were due to the decentralized nature of the services. As difficulties had been encountered recruiting foster parents in the past, he asked whether any steps had been taken in that regard and, if so, how successful they had been. He also asked at what age a child could give consent for medical treatment in the three parts of the Kingdom, especially with regard to sexual reproduction.
7. Mr. POLLAR, referring to article 45 of the Convention, asked to what extent the State party had fulfilled its commitment to give part of its GDP to international assistance and, when giving money to recipient countries, whether it discussed children's issues as a priority. With regard to article 38 of the Convention on armed conflict, he asked what the State party's position was with regard to selling arms, or providing access to arms, to countries in which children were

involved in armed conflict, as either State or non-State actors. He asked what the Netherlands' experience had been in relation to that issue when it had held the presidency of the Council of the European Union in 2004.

8. Ms. KHATTAB said that unaccompanied asylum-seeking children should not be placed in detention centres if there was any doubt about their age. Furthermore, detention should always be a last resort and she asked whether any measures had been taken in that respect. Many asylum-seekers who had been refused permission to remain found themselves on the street without any accommodation after 12 weeks.

9. With regard to the economic exploitation of children in the Netherlands Antilles, children found to be engaged in hazardous and late-night work should be removed from such occupations. She asked what steps were being taken to prevent children under 12 from joining the labour market and to ensure that domestic law was in line with international standards. She requested information on street children in Aruba and the Netherlands Antilles.

10. Ms. SMITH said that, like the second periodic report, the section of the State party report on article 12 of the Convention contained information only on youth participation. She recalled that article 12 referred to the right of the individual child to be heard in all matters. She requested confirmation that article 12, paragraph 2, regarding the right of the child to be heard in judicial and administrative proceedings was covered in domestic legislation. She asked whether the age at which children could give medical consent was the same in all parts of the Kingdom, whether asylum-seeking children who were accompanied by their parents were heard, and whether they could be heard without their parents, if they so wished. She requested information on the legislation regarding the right to be heard in a number of institutional settings, including schools and kindergartens.

11. Mr. CITARELLA (Country Rapporteur) asked what measures were being taken to establish a systematic way of collecting data according to the principles and rules of the Convention. He noted that rights were enjoyed in different ways in different parts of the Kingdom because each part had its own legislation, which led to children being treated differently. He called for that situation to be addressed: the implementation of the Convention was the responsibility of the State as a whole and the Kingdom of the Netherlands was treated as a single State party. He requested that a single, joint report should be submitted next time for the Netherlands, the Netherlands Antilles and Aruba.

12. Ms. HERCZOG (Country Rapporteur) said that child abuse had been declared a priority for urgent action by the Government and a bill banning all forms of abuse had been passed; however, she asked how any programmes could be planned and how the extent of the problem could be explored if no data were available, as indicated in the written replies (CRC/C/NLD/Q/3/Add.1). An estimate of the number of children who suffered child abuse had been given and she asked whether any details were known about those children, such as their ages and ethnic background. She asked what kind of support was planned and whether it would be culturally sensitive. She also asked how the Government planned to introduce the mandatory reporting of child abuse cases and what kind of training would be provided, as there was a long history of confidentiality among doctors in the Netherlands.

13. She asked what, if any, services were available for the perpetrators and victims of domestic violence, with particular regard to children, and whether there were any abuse prevention programmes for children, including any to address bullying. In the written replies, it stated that there was an urgent need to set up an advice and reporting mechanism in the Netherlands Antilles and she asked whether an existing system would be used as a model or a new mechanism would be developed. She asked whether there was a system in Aruba for recognizing child abuse and neglect and, if so, who was responsible, as there was no formal social work training programme.

14. According to the young people involved and relevant non-governmental organizations (NGOs), there was a problem of drift in the placement system. Not only was there a waiting list, but those who were placed tended to have various placements and their mentors and social workers changed each time. That lack of continuity was an extra risk factor as children needed stability. She asked what preventive services were provided to avoid the considerable need for placements.

15. She asked why residential facilities for children under 6 were needed in Aruba. A placement within the extended family or foster care was more appropriate and she encouraged Aruba to consider an alternative system. She noted that there was also a long waiting list in the Netherlands Antilles, so that her questions also applied there.

16. Breastfeeding rates in the Netherlands were low considering the high percentage of child-friendly hospitals. In the Netherlands, there was no ban on advertising milk formula, despite a WHO recommendation to that effect. No information was available on the issue for the Netherlands Antilles. She applauded the Government of Aruba's decision to allow mothers to breastfeed during working hours.

17. There was no access to many buildings and in some cases to public transport for persons with disabilities, which was considered a form of discrimination. She asked what the plans were to change that situation.

18. The CHAIRPERSON asked what safeguards, if any, were in place when persons in the Netherlands adopted a child from a country that had not signed the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, for example, in cases where the parents withdrew from the adoption once the child was already in the Netherlands.

19. She asked whether the United Nations High Commissioner for Refugees (UNHCR) guidelines on determining the best interests of the child were taken into account when decisions were being taken regarding the return of unaccompanied asylum-seekers.

20. Mr. ROUVOET (Netherlands) said that the current Government had established the Ministry of Youth and Families to address social issues. It brought together civil servants employed by various ministries to cooperate on issues, such as child abuse, which required action to be taken in several sectors. The Ministry of Youth and Families policy programme was based explicitly on the Convention and therefore one of its main aims was to disseminate

information about the Convention. The Ministry had a website, used by children, professionals and parents, which received about 15,000 hits per month. Initiatives were taken by NGOs sponsored and funded by the Ministry to promote information about the Convention.

21. A data collection system called “Youth Monitor” had been established with Statistics Netherlands. Its website provided a wealth of data on more than 60 indicators. Users could edit data and create graphs and figures. Quarterly and annual Youth Monitor reports were published and copies could be provided. There were plans to develop the Youth Monitor system further and to integrate data collected by the municipalities. An improved system for the collection of data on youth care was being developed, with the support of the provinces, and should be in place by 2010. The aim was to make the data more reliable, decrease the bureaucracy involved and collect only necessary data.

22. With regard to the right to information under the Youth Care Act, he quoted article 49 of the Act, which stated that, if requested to do so, care providers must allow a client access to and copies of any documentation they held concerning that client.

23. With regard to the right of children to be heard in administrative and legal proceedings, under the Youth Care Act the client had to be involved in the planning of his or her treatment and approve the treatment plan once drafted, except in the case of care imposed by a child protection order.

24. The Netherlands family policy focused on empowering families to develop their strengths, which required an investment of time, money and skills. Additional assistance could be provided in times of difficulty. A policy document entitled “The power of the family” had been published in 2008, which focused on issues including combining work and family life, providing parenting support and identifying problem families. An addition to the Youth Care Act was being drafted containing provisions pertaining to local Youth and Family Centres, which would be opened in every municipality, thereby facilitating the provision of preventive support to families. At the local level a care coordinator would ensure that the plan developed for each family made full use of its strengths and network. Providing families with preventive support would have a positive effect on waiting lists as it would avoid the need for more intensive youth care.

25. A number of measures were being taken to eliminate the waiting list for youth care, some of which by care providers. A performance agreement had been drawn up with the Association of Provinces, under which the Ministry of Youth and Families would provide additional budget for 2008/09, and the provinces would invest more of their budget in youth care. Investing more funds would prevent children from transferring to other systems, such as the youth prison system. Under the agreement, the Advice and Reporting Centres for Child Abuse and Neglect would have to carry out additional enquiries in order to work through their waiting lists.

26. Ms. KEUZENKAMP (Netherlands) said that in order to eliminate waiting lists, the provinces were focusing on identifying problems and child abuse, which led to an increased demand for care. The budget available under the agreement would enable more care to be provided. At the same time, the provincial authorities were taking steps to be in a position to help more children with the same budget, by promoting the preventive measures implemented by the youth care offices, and improving the diagnostic process in order to ensure that children received appropriate care. There was a focus on improving the effectiveness and efficiency of the youth

care services by, for example, shortening the duration of treatment, if possible, and monitoring the effectiveness of care. There were also plans to cut overhead expenditure, shift the emphasis from residential to ambulatory or foster care, and develop integrated youth care programmes involving youth mental health services, but that was dependent on the waiting lists in that area.

27. Mr. ROUVOET (Netherlands) said that round-the-clock care for children with disabilities would be financed under the Exceptional Medical Expenses Act and that the funds provided could be used for care or day care; parents could choose their own arrangements.

28. Almost all children in the Netherlands visited health services on a regular basis, and psychological and behavioural development was an essential facet of those programmes. Guidelines were currently being formulated to improve detection of possible autistic disturbances. Once a child was identified as being at risk, he was referred to a specialist and special care could commence at an early stage. The Ministry of Youth and Families expected to receive special advice from the National Health Advisory Board on autistic disturbances by summer 2009.

29. In general, adolescents visited their family doctors, and special provisions existed for sexually transmitted diseases. Eight regional health services were working to combat such diseases, and as of 2008 each of those regions had to have facilities to offer free and anonymous assistance to young people up to the age of 25 on sexuality, including contraception. Adolescent lifestyle was a particular concern; a policy document was in preparation on the behaviour and well-being of adolescents.

30. Measures to tackle alcohol abuse by children and adolescents included the provision of information to parents and schools. The law prohibited selling or serving alcohol in general to children under the age of 16, and hard liquor to children under the age of 18, and those limits were enforced. Recently, laws had been passed to prohibit the advertisement of alcohol on television and radio before 9 p.m., to impose fines on children under 16 for drinking in the street, to establish tougher measures against stores selling alcohol to children under 16, to improve aftercare for young people hospitalized for alcohol poisoning, to establish tougher measures against drunk driving, to impose higher taxes on alcohol favoured by youths, and to broadcast the message “no alcohol under 16”, with the assistance of the business community.

31. Drug policy was under review, and a new drug strategy would be presented to parliament in the coming year. According to the principle that prevention was better than cure, information was being disseminated to discourage drug use and to spread information on health damage costs. There were school programmes to combat drugs, and an infoline telephone service. Young people with alcohol problems were treated in special centres for the care of addicts.

32. Figures showed that teenage pregnancies had significantly decreased from 2005 to 2007. The care provided for teenage mothers depended on the situation of each mother, from light support at home to 24-hour care. The Government had recently invested a supplementary 1 million euros in a home for teenage mothers. There were also special mother and child homes for mothers with more complex problems.

33. Under the Dutch Criminal Code, it was an offence to advertise or mediate a deal involving a surrogate mother, or for a woman to advertise her availability as a surrogate mother or to seek a

surrogate mother for her child. Children born to surrogate mothers had the right to request information regarding a biological parent, but did not have the right to the information itself. It was for the court to determine whether it was in the best interests of the child to be provided with such information.

34. Cooperation between the Government and civil society was considered essential for society as a whole. An additional 18 million euros had recently been allocated to create more cooperation with parents and children, and between youth professionals and volunteers. Efforts were also being made to improve the empowerment of families in the social environment, in conjunction with the so-called Empowerment Conference.

35. As the Minister for Youth and Families, he considered it his responsibility to be informed about what was important to the young people of the Netherlands and to stimulate local and provincial authorities to shoulder their responsibilities and to ensure that youths assumed their own social responsibilities. He would do so through the creation of youth programmes and youth panels, and by organizing biennial meetings with the National Youth Council. All students were required to do social work in a non-profit or volunteer organization during secondary school.

36. Some orphan children originated in countries that were not parties to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, such as Haiti, Kyrgyzstan and Ethiopia. In allowing their adoption by Dutch families, the Government applied the principles of that Convention. Legislation was currently being drafted to prohibit “weak” adoptions, in which ties to the birth family were not completely severed.

37. Under Dutch law, it continued to be a criminal offence to end the life of a newborn child. However, in some exceptional circumstances, the family and doctors could, in compliance with the law, make the difficult decision to end the life of a newborn in order to spare the child from unbearable suffering.

38. No changes had been made to Dutch legislation on euthanasia since the consideration of the second periodic report to the Committee. All euthanasia cases were reviewed by regional committees, which determined whether the procedure was carried out correctly and reported their findings to the Government and to parliament. Each case report was published anonymously for reasons of transparency. Children from the ages of 12 to 15 could apply for euthanasia, subject to parental consent. Doctors must determine that in each case the child was suffering unbearably, and without prospect of improvement. Ninety per cent of all euthanasia cases were associated with terminal cancer; that was the same percentage for minors. The Government was working on developing stronger palliative care as an alternative to euthanasia, but was not considering revising the euthanasia law.

39. Turning to the question raised about the reservation of the Kingdom of the Netherlands to article 37 (c) of the Convention, he said that the criteria for the application of adult criminal law to children aged 16 and older were, firstly, the nature of the crime, secondly, the circumstances of the case, and thirdly, the personality of the juvenile offender. It was not at the discretion of the public prosecutor to try a juvenile under adult criminal law. The courts made the decision to try a minor of the age of 16 or 17 as an adult if he or she was unsuitable to serve out a sentence in the company of other juvenile offenders. Such youths were held in special juvenile treatment sections of the adult prison.

40. The right to legal assistance was guaranteed, but that did not mean the right to have a lawyer present during a police interrogation - a topic of much debate in the Netherlands. An experiment was currently being conducted for serious criminal cases and cases involving minors, in which lawyers were present during interrogations. On an experimental basis, in some of those cases statements by suspects were videotaped for later viewing. Consideration was being given to adopting that practice as policy. The Ministry of Justice was currently studying a recent judgement of the European Court of Human Rights in the case of Salduz v. Turkey, in order to determine its impact on Dutch legal practice, and would send an opinion to Parliament shortly.

41. The judicial case consultation was a meeting of the police, the public prosecutor, and the Child Protection Board, to decide how to handle the case of a child who had committed a crime, in particular whether to apply protection measures or to initiate a prosecution. A factor in that decision was whether a child had responded well to earlier measures or was continuing to commit crimes.

42. Ms. KHATTAB asked how the Netherlands dealt with the abduction of a child by one parent in cases of mixed marriages.

43. Mr. ZERMATTEN asked whether counsel could be present during proceedings to determine whether a child would be prosecuted or offered protection measures.

44. Mr. KOTRANE said that the Committee had expressed concern, during the consideration of the second periodic report, that the regional committees responsible for reviewing cases of euthanasia did so after the act and not before. Was that still so? He would like to know whether children under the age of 16 could in fact opt for euthanasia without parental consent.

45. Mr. ROUVOET (Netherlands) said that no changes had been made to Dutch euthanasia legislation, with the exception of new measures to forestall requests for euthanasia by offering palliative measures.

46. Turning to an earlier question about DNA, he said that the Convention on the Rights of the Child did not oppose the storage of children's DNA. The decision to store DNA of either an adult or a child was based on the nature of the crime and the seriousness of the offence, not on the age of the offender. It was in the public interest to preserve DNA for the purpose of transparency and fact-finding.

47. Education for children in the Netherlands was compulsory for both residents and non-residents, and all had access to schools. However, a child unable to identify himself might not be able to attend certain special schools, for example. There were no precise figures for the number of illegal minors living in the Netherlands. Whenever the existence of a non-resident teenage mother and child was brought to the Government's attention, it registered them and assigned a guardian for the duration of their stay.

48. The Coalition Agreement 2007 stipulated that segregation in schools was undesirable and should be discouraged. Efforts to combat segregation involved, inter alia, school boards, parent initiatives, and task forces. Local authorities were instructed to make annual arrangements with



school boards for coordinating admission policy with a view to discouraging segregation. The Ministry of Education, Culture and Science supported parent initiatives by funding organizations that promoted school diversity, among other initiatives.

49. Turning to the question of bullying, he said that the same Ministry had invested 9 million euros annually in primary and secondary school safety programmes since 2004. Those resources were for prevention, treatment, discipline and safety. Measures were also envisaged to create an incident register, establish safety quality teams, and to further professionalize the Centre for School and Safety.

50. Lastly, he explained that the Charter for the Kingdom of the Netherlands stipulated that the Kingdom was responsible for foreign relations, and as such was the legal entity that was the State party to international instruments. The Kingdom was made up of three partners, the Netherlands, the Netherlands Antilles and Aruba, all autonomous countries with distinct cultural and economic realities. He would give high priority to coordinating the participation of those three countries in the preparation of the next report.

51. Ms. LEEFLANG (Netherlands Antilles) said that from 1992 to 2007 the school dropout rate in the Netherland Antilles had fallen from almost 47 per cent to 25 per cent, and, with the passing of the Compulsory Education Act, that rate had decreased still further to 10 per cent. A vigorous information campaign had been carried out to inform the community that education had been made compulsory for all children. She herself had campaigned on all the Netherlands Antilles islands.

52. St. Martin, an island shared by France and the Netherlands, had a unique problem: illegals entered from both sides. The islands surrounding St. Martin were anglophone. When English-speaking illegals entered the French side, their children were sent to school on the Dutch side, which had English-speaking schools. Therefore, the Dutch side was concerned that with the enforcement of compulsory education they would attract more illegal immigrants. However, a choice had to be made, and it was preferable to educate children than to have them land in lives of crime. She had accordingly decided to enforce the Compulsory Education Act in St. Martin, which had been done in 2007. The Government of the Netherlands was generous with its funds for innovation in education, and moneys had been earmarked for the implementation for the Compulsory Education Act, including the building of new schools.

53. Traditionally, education in the Netherlands Antilles was conducted exclusively in Dutch, although Creole children came to school speaking Papiamentu. Although teachers were experienced in handling the language problem, a programme had been developed to assist children who had difficulty surmounting the barrier. In addition, under the new law on primary education, it was mandatory for all schools to provide special programmes for immigrant children.

54. Rates for graduation to secondary school currently stood at 15 per cent. One of the goals of the Delta Plan was to raise the rate to 25 per cent. To that end, the Government would be subsidizing a larger number of secondary schools.

55. With regard to protection of children in the media, she said that the Netherlands Antilles was in the process of adopting a media law to regulate the question, but it was a very difficult

piece of legislation, given the need to ensure that it did not adversely affect freedom of expression. In 2005, the Government had drafted a code of conduct with representatives of the media, which included specific measures for the protection of children. As no sanctions were contemplated, however, the code was not always complied with.

56. Turning to questions on health care, she said that new legislation had made it possible to guarantee funding for a centre for autistic children set up in 2008. With regard to mental health, she had authorized financing to provide psychiatric care to children in the Netherlands Antilles as from July 2009.

57. On the question of teenage pregnancy, she pointed out that its prevalence was a Caribbean and Latin American problem which had to do with mentalities. Research in the Netherlands Antilles showed that women regarded having a child as part of their status, and thus the problem was difficult to address. However, the fact that the Netherlands Antilles had compulsory education until the age of 18 had helped deal with the phenomenon, because schools could no longer exclude such girls, who must remain enrolled while pregnant and must return to school after giving birth. Previously, compulsory education had ended at the age of 15, and girls who had then become pregnant had no longer been required to return to school. The Government sponsored institutions which disseminated information aimed at preventing teenage pregnancies.

58. The Netherlands Antilles had special education for blind and deaf children, children with visual and hearing impairment, the mentally disabled and children with motor, learning and behavioural disabilities. The island of Saba posed a special problem, because it had only 2,500 inhabitants, of whom 300 were medical students from elsewhere: it was very difficult to set up a special facility for perhaps no more than four children. Indeed, that was one of the reasons why, with the constitutional reform, the small islands of the Netherlands Antilles had chosen to become an integral part of the Netherlands - the help needed was too specific and costly for it to be provided by Netherlands Antilles structures alone.

59. Disabled adults and children received care under the general health insurance scheme. Children who were mentally or physically disabled, including those with visual or hearing impairment, were entitled to medical care, dental care, long-term home and residential care, day care and district nursing, artificial aids and appliances, including home adjustments, paramedical care and transport between home and place of treatment.

60. With regard to residential facilities for disabled children, it was important for such children to remain in their families as long as possible. As that was not always possible, some day-care facilities and limited residential facilities had been made available.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

61. Ms. VICENTO (Netherlands Antilles), referring to a question by Mr. Filali, confirmed that the current Criminal Code provided for the possibility of trying a minor aged 16 or 17 as an adult. In deciding to do so, the public prosecutor and the judge had discretion to take into consideration the seriousness of the crime, the personality of the accused minor and the circumstances under which the crime had been committed. However, when the new Juvenile Criminal Code came into force, all three of the above criteria would have to be taken into account if a minor of 16 or 17 years of age was to be tried as an adult. Replying to a question by

Mr. Citarella, she said that such minors could in fact receive a life sentence under the current Criminal Code, but when the draft Criminal Code was adopted, it would abolish life sentences for minors tried as adults.

62. With reference to a query by Mr. Filali, she said that minors aged 16 or 17 who had been tried and sentenced as adults were in fact placed in institutions for adult offenders. Regarding his question on whether counsel or the parents of minors could be present during interrogation, she said that under the Code of Criminal Procedure, such presence was not permitted during the interrogation, but the interrogation must be temporarily suspended when the lawyer arrived at the police station to allow him to see his client. The lawyer could be present during the hearings of the examining judge, and the parents could attend when the case came to court. No lawyer was appointed when cases were settled outside court, and such settlements did not entail a criminal record for the minor; that was in the best interest of the child.

63. Ms. LEEFLANG (Netherlands Antilles) said that in 2000, a law had come into force prohibiting child labour. Compulsory education also helped in preventing that practice.

64. In 2008, a bachelors course in social work had been started at the University of the Netherlands Antilles. As part of the course, a conference had been held for social workers from Caribbean countries. Thus, the Netherlands Antilles was working to train professionals in the field.

65. Ms. PETERSON (Aruba), referring to the need to integrate vulnerable groups in society, said that a study conducted on the composition and characteristics of disabled persons in Aruba had provided data for devising policy initiatives and programmes to promote the social integration of disabled persons, including children. Admittedly, much still had to be done in the area. Assistance for the small numbers of children in certain categories was very costly. Nevertheless, NGOs operated several programmes for disabled children during and after school which were State-subsidized, either in part or in full. One of the newest NGOs in the field, the Autism Foundation of Aruba, worked to raise awareness and provide professional help and guidance for autistic children and their families. Schools had launched special programmes, and teachers were being trained to assist disabled children in a normal school setting, instead of in special education facilities.

66. The Constitution explicitly prohibited discrimination against persons with disabilities. Under the new Code of Criminal Procedure, punishment for discrimination against disabled persons, including children, would be made more severe. The topic of discrimination was also discussed in school.

67. As to children who were victims of abuse or neglect, Aruba had opened a child abuse counselling centre, the Bureau Sostenemi ("support me"), which children at risk could turn to. Together with NGOs, the centre was promoting information campaigns and was working to establish guidelines with various government departments on how to process complaints registered with it. The centre had also set up a database.

68. The current Criminal Code made domestic violence an offence, and the new Criminal Code would stipulate that persons accused of committing domestic violence of any kind could be placed in pretrial detention, whereas under the current Criminal Code, pretrial detention for

simple assault was not possible. Where no other options were available, the Guardianship Counsel was competent to intervene in any situation in which a child's health, safety or personal growth was at risk.

69. In recent years, much attention had been given to the problem of teenage pregnancies. A report on the subject had shown that the number of teenage pregnancies had stabilized over the past 10 years; it currently stood at about 4.5 per cent of all teenage girls. There were very few cases of teenage mothers younger than 15. Most teenage mothers were cared for and supported by their families; if necessary, the Social Affairs Department provided guidance and counselling and worked to ensure that young mothers continued their education and did not drop out of school. Initiatives also targeted teenage fathers to encourage them to shoulder their responsibility.

70. Children up to 18 years of age had access to basic health care and welfare services free of charge. Family allowances were allocated as a function of the number of children in the household. The Social Affairs Department had several programmes on preventive health for children. She was pleased to announce that paediatric psychiatrists had begun working in Aruba in October 2008, and it was now possible for young people up to the age of 21 to be referred to a paediatric psychiatrist by their general practitioner.

71. A question had been asked about street children. Fortunately, that phenomenon was unknown in Aruba, and if a child was found to be living on the streets, the Guardianship Counsel would take immediate action to provide for a foster family.

72. Turning to a question on why there was a residential facility in Aruba for children under 6 years of age, she said that every effort was made to ensure that children remained in the family. However, when it was necessary for their welfare, children were occasionally placed in a residential institution for a short time, during which the child's family received counselling from social workers. In that connection, she noted that the University of Aruba had begun a programme of study for a master's degree in social work, which had a special focus on children's rights. When children were placed in residential facilities, it was usually because they had behavioural problems, and not because the family was poor.

73. A question had been asked as to why legislation on childcare services had not yet been passed in parliament. In actual fact, it had been passed, but had not yet been implemented. The legislation aimed to regulate the system of day-care facilities, and it made special courses mandatory for persons working in such facilities. Consideration was being given to introducing a contribution system based on family income. It was hoped that final approval for implementing the legislation would be given and that it could then come into force.

74. Ms. PROVEYER-GROOT (Aruba) said that the Government in Aruba was working very hard to prepare for the implementation of the National Ordinance on Compulsory Education. The draft had been discussed by the Aruban parliament's standing committee on education, which had raised some questions about the Ordinance's feasibility. The Minister of Education, taking into account the committee's recommendations, had set up a steering group, which had issued its report in 2008. The Minister of Education considered that it was necessary for all conditions to be in place prior to adoption of the legislation to ensure its success.

75. All children, including those lacking documentation, were admitted to public schools. Research was currently under way to ascertain why children dropped out of school and to devise strategies to keep students enrolled. The Government was developing special programmes to assist in the further development of those who had left school, for example by preparing them for employment. To prevent dropouts, a student support system staffed by remedial teachers, student counsellors and social workers detected children at risk, and provided them with emotional and other support.

76. Mr. VAN DEUTEKOM (Aruba) said that the juvenile justice system in Aruba was identical to that in the Netherlands and the Netherlands Antilles. The best interests of the child were a major focus of the provisions of the Criminal Code and the Code of Criminal Procedure relating to children; in Aruba, the law did not refer to the term “best interests of the child”, but rather to the “educational principle”, which covered the same concept. That principle was taken into consideration whenever rehabilitation or other procedures were applied under the juvenile justice system. The Code of Criminal Procedure included various mechanisms to prevent pretrial detention of children. Both the prosecutor for juveniles and the judge were empowered to shorten pretrial detention or order a child’s release if they deemed it to be in the child’s best interests.

77. Representatives of the office of the public prosecutor for juveniles, the parole board, the Guardianship Board and the juvenile police department met monthly to discuss any cases in which children were held in pretrial detention. A major concern during those meetings was the best interests of the child. The same meeting took decisions relating to the prosecution of juvenile offenders. It was understood that prosecution was preferably to be avoided and to be used only as a last resort; preference was given to diverting cases from the courts to alternative procedures. When such alternative procedures were used, no judicial documentation was kept, and the juvenile offender was given access to a lawyer. Lawyers were allowed to speak with their clients prior to police hearings, but not during such hearings. Parents of juveniles in trouble with the law were involved in all procedures.

78. The draft Criminal Code was expected to come up for adoption in parliament in 2009. The Code would include a new system of sanctions for juveniles, and would include the same provisions as those in the Netherlands for the criminalization of trafficking in children. The legislation on prisons adopted in 2005 had not yet officially entered into force because of bottlenecks in the preparation of secondary legislation required for its implementation. However, the prison rules had already been prepared. They established new standards for the treatment of prisoners and juvenile offenders.

79. In Aruba, it was the judge who decided whether to apply criminal law under the ordinary law applicable to adults. In many cases the judge opted to apply the ordinary law simply because it afforded more possibilities for the rehabilitation of minors than did the legislation on juveniles. There were no provisions for the storage of DNA, but DNA evidence could be collected for investigative purposes. There were no plans for the prohibition in the foreseeable future of corporal punishment in Aruba.

80. Ms. PETERSON (Aruba) said that NGOs had pushed for the inclusion in the new Criminal Code of a provision prohibiting corporal punishment, but without success. There was currently a discussion of the possibility of adopting such a provision in the Civil Code, or of taking a specific initiative in parliament to prohibit corporal punishment.

81. Mr. VAN DIJK (Netherlands) said that Dutch language learning was a major concern in the education of immigrant children. The Government provided various language programmes for immigrant children at all levels, beginning with children from the ages of 2 to 4, and subsequently through primary and secondary school. The central Government had issued instructions to schools for the teaching of human rights education and had engaged in a dialogue with civil society on the subject. However, decisions as to how children should learn were ultimately up to the parents and schools. Human rights education should not be a specific subject, but should be integrated into the curriculum, for example as part of social studies programmes on the workings of democracies.

82. The CHAIRPERSON referred the delegation on that question to the recommendations of the World Programme for Human Rights Education.

83. Mr. ROUVOET (Netherlands) said that one of the measures involved in the national action plan for combating child abuse was the promotion of the expertise of professionals and volunteers. A national public campaign against child abuse would begin in 2009. There were also regional action plans against child abuse, employing specially trained professionals. The Government had compared the policies of a number of countries, and had concluded that it would be counterproductive to require mandatory reporting of abuse, as such a policy would undermine the confidentiality that was necessary for the provision of reliable care.

84. There was a national campaign for the recruitment of foster parents, and in 2007 over 3,000 new families had joined the system. In 2005, a nationwide study had been conducted on child abuse, and had produced a great deal of information; there were plans to repeat the study in 2010. Thanks to a recent change in the law, mayors could issue temporary, 10-day restraining orders applicable to the perpetrators of domestic violence whenever there was an acute threat to the victims and/or to children. During the period of validity of the order, the people involved received professional help. The witnessing by children of domestic violence was included in the definition of child abuse.

85. Ms. HERCZOG (Country Rapporteur) said that while she understood the need to maintain confidentiality, there was also a serious need to ensure that all abused children who required help would receive it. When a restraining order was issued, what kinds of services were provided, both during the validity of the order and afterwards?

86. Mr. ROUVOET (Netherlands) said that in asylum application procedures, children were generally included in their parent's cases, but that after the age of 15 they were interviewed separately. If the personal circumstances warranted individual consideration, the child's application could be considered separately. Children between the ages of 6 and 12 were interviewed in special, child-friendly facilities. The Government's policy in respect of the return of unaccompanied minor asylum-seekers was currently under reconsideration, but it took due note of the best interests of the child, and would continue to do so in the future. The criterion of adequate reception in the country of origin was paramount in determining whether return was in the child's best interests.

87. The detention of children or families with under-age children was applied only as a last resort. An alternative to the detention of families had been introduced, whereby freedom of movement was restricted but not completely forfeited. The maximum length of detention of

families with minors was 14 days. In principle, detention should never last longer than was strictly necessary in view of its purpose, and could be applied only if the same purpose could not be achieved using less severe measures.

88. Because the Dutch integration policy focused on new arrivals, the main thrusts of the policy were language learning, education and participation in the labour market. Some specific programmes were aimed at promoting intercultural dialogue and increasing understanding between people of different cultures. For example, there were multifunctional neighbourhood centres, intercultural dialogue events and activities aimed at integration through sports. One specific programme was aimed at reducing polarization and radicalization among young people.

89. The Government had been very concerned about the possible effects of a movie produced by a member of the Dutch parliament on the topic of Islam. While it considered that the parliamentarian in question had the right to freedom of expression, it had prepared itself for expressions of emotion both at home and abroad.

90. Ms. LEEFLANG (Netherlands Antilles) said that in the Netherlands Antilles, the main problem in addressing child abuse was how to initiate an open dialogue on the subject. Child abuse was very common in rural families, so the Government had made it mandatory for teachers to report the problem.

91. Mr. ROUVOET (Netherlands) said that low breastfeeding rates were of serious concern in the Netherlands. A master plan had been drawn up with the participation of NGOs, health professionals and parents' associations to address that problem by improving social acceptance of breastfeeding, and the rates were once again rising. At the European level, legislation prohibited advertising for infant formulas and required formula labels to contain a notice informing consumers that breastfeeding was preferable.

92. Ms. TEN HOORN-BOER (Netherlands) said that the Government worked with municipalities to carry out practical programmes to combat domestic violence. There were programmes intended for both men and women. When Dutch parents went through adoption proceedings and later withdrew from the adoption, the child was unfortunately at first stateless. However, under Dutch law it was possible subsequently to grant the child citizenship. The decision whether to return the child to the country of origin was taken by a Dutch judge, based on the merits of the case. It was also possible to refer such children to Dutch foster care.

93. Ms. HERCZOG (Country Rapporteur) noted that the Netherlands had an impressive record of achievement in the various areas related to the rights of the child, and that it was particularly useful for the country to share its expertise and experience. The Committee, in its concluding observations, would respond to the ample information provided by the delegation. It would call for the lifting of the State party's reservations and would request, in the interest of a more comprehensive view of the situation in the State party, that the next report be presented as a unified document dealing with the three constituent parts of the Kingdom of the Netherlands.

94. Mr. ROUVOET (Netherlands) said that the Netherlands had made major improvements in the implementation of the rights of the child thanks in large part to the recommendations made by the Committee after the consideration of the previous periodic report, and was looking forward to the next concluding observations.

95. Ms. LEEFLANG (Netherlands Antilles) noted in conclusion that it was very important for the Netherlands Antilles to ensure that its distinct identity was recognized, notwithstanding the fact that there was a great deal of cooperation with the Netherlands. Although they were together, they were not the same.

96. Ms. PETERSON (Aruba) said that the central theme in the Kingdom was unity in diversity. The Aruban delegation would discuss the Committee's concluding observations with the appropriate authorities.

The meeting rose at 6.10 p.m.