United Nations CEDAW/C/NLD/4/Add.2

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
19 May 2009

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fourth periodic report of States parties

Netherlands*
(Netherlands Antilles)

* The present report is being issued without formal editing.

09-34279 (E) 300709

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Convention on the Elimination of All Forms of Discrimination against Women; Fourth Periodic Report of the Netherlands Antilles

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Introduction

1. This fourth periodic report of the Netherlands Antilles is submitted in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force with respect to the Kingdom of the Netherlands on 22 August 1991. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force with respect to the Kingdom of the Netherlands on 22 August 2002.

2. This report is submitted as far as possible in accordance with the general guidelines regarding the form and contents of periodic reports[1]. The report covers the period from 2000 to 2004 and should be read in conjunction with the previous reports submitted by the Netherlands Antilles. Both government and non-governmental organizations had a hand in its preparation.

General remarks

The socioeconomic situation in the Netherlands Antilles

3. For over ten years now, the Netherlands Antilles has been experiencing financial difficulties and high unemployment, especially among young people and women. In response to the economic crisis and the introduction of structural adjustment programmes, the governments of the five islands were forced to curtail their spending and cut services (including social services), lay off civil servants and

[1] CEDAW/C/NET/1/Add.1, CEDAW/C/NET/2/Add.1 and CEDAW/C/NET/3/Add.2.

reduce subsidies to all kinds of NGOs. NGOs and services working on behalf of families, the poor, the sick and elderly, and women were hardest hit.

4. Lack of manpower and funding has been a constraint, especially at the level of implementation. This is particularly true in the area of human trafficking, where there is a need to improve both border controls and surveillance inside the country. Due to lack of manpower and other resources (including training), it has been impossible to achieve the level of surveillance required. Efforts are being made in close cooperation with — and in some cases with funding from — the Netherlands, or by international bodies such as the International Organization for Migration (IOM). The Government has established a Working Group for Trafficking in Persons, consisting of central and island government services, various NGOs and representatives of the Consulates of Colombia and the Dominican Republic, to monitor the situation and to raise awareness.

Part I (articles 1-6)

Article 2

Curaçao

5. During the period covered by the report the central government and the respective island governments have continued to develop policies that promote women's equality with men.

Domestic violence

6. Domestic violence remains a major concern. A platform against violence was set up in 2000 with the aim of reducing violence in general and violence against women in particular. It was chaired by the Governor of Curaçao. Participants included both government bodies and NGOs.

7. The Women's Desk on Curaçao is the official coordination centre for issues involving violence against women.

8. In 2000 there was a conference on violence. The focus was on prevention, immediate care and protection, aftercare and legislation in relation to domestic violence against women and children, and generated various resolutions and recommendations, such as the training and upgrading of social workers and other persons working with victims of violence.

9. In 2000, there was a presentation to the Antillean parliament on the need for government policy and legislation on domestic violence. The initiative for the presentation came from the Caribbean Association for Feminist Research and Action (CAFRA), an NGO which focuses on training in "decision-making issues" and political education for women. The presentation concerned violence, its consequences and possible ways of preventing it.

10. In 2001 the Minister of Justice of the Netherlands Antilles set up a task force (involving the justice system, CAFRA and other NGOs and the police) with the aim of training law enforcement officers to deal with domestic violence and helping them to deal with violence within the police force itself.

Grace period

11. In 2001 the various island governments took the decision to introduce a grace period for undocumented foreigners who had been residing illegally on the islands. The authorities wanted to obtain an estimate of their numbers.

12. These people needed to become visible in the community to enable the integration process to start, and the authorities wanted to measure the socioeconomic/financial impact of having them participating in the community. The period of grace given to illegal immigrants to register themselves and their families encouraged immigrant women to turn to the Women's Desk for help. Their problems varied from difficulties in relationships to violations of their rights and domestic violence. In both 2001 and 2002, half of all new applications were made by immigrant women.

HIV/AIDS

13. Fundashon Contrasida Caribbean was set up in 1999 to provide information and help services for sex workers. In 2000, Contrasida conducted a survey amongst sex workers on Curaçao and since 2002 the organization has been engaged in a study of "HIV/AIDS and mobile populations on Curaçao", conducted in cooperation with the Medical and Public Health Service of Curaçao (GGD). Contrasida provides not only public information, but also health care courses for sex workers and immigrant women.

Fundashon Maishi Chiki

14. This foundation was established to help small businesses by providing training, advice and microcredit. The majority of those who receive training (80%) are lower-class women.

Sint Maarten

Information dissemination and awareness

15. From its inception, the Women's Desk on Sint Maarten has focused on the empowerment of women. Ways of empowering women include providing information and creating awareness. This benefits the development both of women as individuals and of society at large. The Women's Desk pursues these aims through a range of information activities.

16. In addition, there are annual celebrations of International Women's Day on Sint Maarten. In 2001, the theme of the celebrations was 'Creating a Women's Movement on Sint Maarten'. In 2002, the celebrations focused on both women and men through two specific topics: 'the validation of women and young girls, and men and boys — their responsibilities and roles in the family and in society'. In 2003 the theme was 'Women in politics — how they use their power to address and influence choices and changes for women'.

17. There was also an exhibition of work by women artists on Sint Maarten. This was entitled 'Gender and Generations' and was hosted by the UTS phone company in collaboration with the Sint Maarten Department of Social Cultural Development.

18. The Women's Desk decided that the general public needed to be informed about the new Civil Code and organised a series of sessions about changes to the law on divorce and alimony. It also provides free psychosocial counselling. Women are offered confidential counselling by a social worker so that they can discuss their problems, the challenges facing them, and possible solutions to problems affecting their own lives and those of family members. This service is much in demand, for a wide range of issues. Counselling is aimed at boosting women's self-esteem while at the same time informing them of their legal rights in a professional and emancipatory manner. The Women's Desk has found this to be an excellent form of outreach. Another frequently used service provided by the organization is short-term mediation for couples with marital problems.

19. The Peridot Foundation collaborates with women's organizations on both sides of the island (Dutch and French) to stage annual public marches and rallies to mark the International Day for the Elimination of Violence against Women. The Foundation has also erected a statue depicting a woman attempting to protect herself and her children against domestic violence. The statue is intended to serve as a constant high-profile reminder to every passer-by to say 'no' to violence against women and children.

20. The Safe Haven refuge for battered women has used the media to broadcast domestic violence prevention programmes. It has also run workshops with stakeholders on the issue of domestic violence prevention on Sint Maarten. There is a lack of adequate institutional protection on the island for victims of domestic violence. Safe Haven has reported various instances in which victims of domestic violence have been unable to obtain the necessary protection and assistance from law enforcement officers and/or lawyers. There was a need for training for police officers and cadets on mandatory human rights and additional sensitivity training, as well as an enforcement agency to ensure that proper procedures are followed in cases of domestic violence. The government of Sint Maarten and NGOs have been providing training in this area for the police and other agencies. This is an ongoing process.

Sint Eustatius

21. There are indications that date rape, sexual harassment, intimidation and domestic violence against women are surprisingly frequent. Since cases are seldom reported to the authorities, however, no action can be taken against the perpetrators. The establishment of the Women's Desk on the island has been a step forward in the effort to combat discrimination against women.

22. Another problem is that teenage girls who become pregnant are suspended from school for the duration of the pregnancy, while the fathers are allowed to remain at school. Evening classes are the only way for single mothers to continue their education.

Article 3

23. At central government level, the Directorate of Social Development is responsible for developing national gender policies and for implementing gender mainstreaming throughout the central government apparatus. The island territories are the executive counterparts of central government. The Directorate of Social Development works closely with the Women's Desks on Sint Maarten, Sint

Eustatius and Curaçao. The other two islands, Saba and Bonaire, have no agency to act as the focal point but have each appointed a person to liaise with the Directorate.

24. Based on recent developments and policy measures taken in 2003 and early 2004, the Directorate of Social Development is currently setting up policy networks in three of the island territories: Sint Maarten, Sint Eustatius and Curaçao. The gender policy networks are composed of women's organizations (NGOs), government bodies, and the Women's Desk on each of the islands. The main purposes of these policy networks are:

- to provide the information and capacity building necessary to the different members in relation to gender issues, gender mainstreaming and other aspects of gender policy and,

- to ensure real participation and direct input by the organizations in the development and content of the National Policy on Gender.

25. The networks have received training and information on CEDAW and its reporting process from the Directorate of Foreign Relations and the Directorate of Social Development.

26. In November 2003, the Minister of Social Development agreed with Ministers from Aruba and Suriname to expand existing regional cooperation on gender. The cooperation arrangements between the three countries provide for training and technical exchanges on gender issues.

Article 4

27. Reference is made to previous reports.

Article 5

Sint Maarten

28. The female-only policy originally instituted by the Women's Desk proved impractical in counselling sessions dealing with issues such as domestic violence, breakdown of family life, the failure of fathers to fulfil their responsibilities regarding the financial support and parenting of their children, and attempts to find solutions to marital problems (which is sometimes initiated by the man). An open-door approach to men has enabled the Women's Desk to help couples address their psychosocial problems via mediation. From the point of view of gender innovation, there is also a need to develop opportunities for men to obtain counselling from male social workers to address their own psychosocial problems.

29. Another area of concern and a key item on the 2004 agenda of the Women's Desk is the general socioeconomic plight of immigrant women. The Women's Desk plans to document their concerns and problems. Over the last decade, Sint Maarten has experienced a dramatic increase in the rate of documented and undocumented immigration from the surrounding islands of the Dominican Republic, Haiti, Jamaica and Guyana. The Women's Desk has held information sessions and is currently conducting a study on the socioeconomic situation of women on Sint Maarten.

30. The government of Sint Maarten is currently engaged in reforming the island's education system. This will culminate in the introduction of Foundation-Based Education. The programme calls for mixed classes of boys and girls and equal expectations of both sexes.

31. Youth psychosocial outreach via in- and after-school services needs to be thoroughly analysed and synchronised and current loopholes in service provision for this target group need to be addressed. The objective is to create gender equality. The innovative girl and boy child proposals made by the Women's Desk share this objective, as do the Girl Power projects.

32. The Women's Desk's experience with counselling mixed-sex couples on relationship problems shows that there is an urgent need for action to sensitise men and help them deal with the negative consequences of learned societal myths. These affect their role as husbands and fathers, their potential to become perpetrators of domestic violence and their attitude to issues relating to sexuality. Many men also have to contend with poor communication skills and with their inability to create a unified and harmonious family life without 'selling out' on the dominant concept of male identity.

33. Serious attention should be paid to the need for an appropriate form of outreach assistance for males on Sint Maarten in the form of activities geared to adult men and teenage boys. This need was highlighted by the International Women's Day celebrations in 2002. Dr Errol Miller, a Jamaican scholar, was invited by the Women's Desk to address teenage boys in several high schools and also gave a male-only lecture.

34. The need to explore these issues in greater depth was emphasised by the Men Making a Difference (MMAD) group, whose members were fortunate enough to meet and have a private session with Dr Miller. This male volunteer group was initiated by the Women's Desk following the identification of psychosocial indications for counselling and outreach to families in sessions within the Social/Emotional Section of the Women's Desk. The group's task is to help lay the foundations for male-oriented psychosocial work as well as to explore and create similar goodwill voluntary male-to-male outreach schemes in our society.

35. The learned behaviour that helps make men potential perpetrators of violence in our society, as well as other related issues of positive morals and values, also need to be addressed in consciousness-raising activities for and by males. To accomplish this, it will be necessary to give priority to the development of programmes geared to the psychosocial, developmental sensitizing of teenage boys and adult men, run under the leadership of a male psychosocial therapist in close cooperation with the Women's Desk.

36. The Girl Child Project is a critical area of concern to the UN and all co-signing countries have been recommended to give it priority. The central government of the Netherlands Antilles is doing so. A start has been made on developing the necessary resource materials, so that appropriate training manuals can be devised for future train-the-trainers activities and voluntary teenage peer counsellor workshops.

37. Within this form of psychosocial and sociocultural outreach for girls, it is the intention to address the societal myths by which girls are socialised. The content of this project is attuned to similar outreach activities for boys and vice versa. Great emphasis will also be placed on aspects such as self-esteem, relationships, skills for everyday life, morals and values, communication and anger management skills, gender, and media work for youth.

Curaçao

38. In 2002, the Women's Desk on Curaçao organised a conference on the subject of gender. The conference was organised with the aim of informing women's organizations, men's groups, other organizations and policymakers about the issues and making them more aware of them. Gender mainstreaming is not yet a live issue in island society or politics. In 2003, the Directorate of Social Development and the Women's Desk delivered the first training course on gender analysis. Participation and interest was confined to a few women's groups.

International Day of the Family

39. Each year, the Fundashon Sentro di Dama (SEDA, the Centre for Women), CAFRA and the Curaçao Steering Committee organise activities to mark the International Day of the Family. These include training courses, workshops and discussion days. The majority of participants are women aged 50 and over.

International Day for the Elimination of Violence against Women

40. Since the early 1980s, all women's organizations have joined forces annually to mark the International Day for the Elimination of Violence against Women. In 2002, CAFRA and the Safe Haven women's refuge on Sint Maarten organised a seminar on battered women and ways of protecting them. In June 2003, Curaçao set up its first refuge for battered women.

Family education

41. The following organizations are active in this area:

- the Centre for Information and Education for Children's Welfare (SIFMA) provides training courses and support programmes for parents and children aged 0-4 years both on Curaçao and on Sint Maarten;

- Stichting Vormingscentrum (Education Centre) works with Ban Bario Bek (the Work and Income Department) to organise courses for older people in high-risk neighbourhoods;

- Plataforma di Mayor (Platform for Parents' Associations). In 2001, the platform organised radio programmes on parenting skills;

- Fundashon Maleeho di Adikshon (Foundation for the Management of Addiction) and Servisio guia edukashonal (Educational Guidance Service) and Plataforma di Mayor. In 2002 these organizations jointly published a book containing tips and advice on parenting;

- Infese (Foundation for Sex Education) aims to give young pregnant women information and training in social and communication skills;

- the Frits Parabirsing Foundation provided practical and moral support for young mothers wishing to return to school or in need of childcare (discontinued for lack of funding in 2003);

- Fundashon Pro Alpha (Literacy Foundation) focuses on literacy training and basic social skills;

- the Mangusa Foundation focuses on skills training and support, generally for young female dropouts from Banda Bou (in the western part of Curaçao);

- the Embra Foundation provides information on health and specific physical and psychological problems affecting women;

- the Con Esperansa Foundation (Hope Foundation) on Curaçao offers immediate assistance for immigrant women who are about to give birth and are unlikely to experience complications. A special maternity clinic has been set up for this purpose in association with a family doctor practice.

42. Over the last few years, the women's network has concerned itself with the issue of the growing flexibility of the labour market and its implications for women.

Article 6

43. Since June 2003, trafficking in human beings has been a specific criminal offence in the Netherlands Antilles.

44. In January 2004, a working group on trafficking in women was established with the aim of promoting communication between all actors engaged in tackling the problem on the ground. Clear lines of communication were established and information on the problem and possible ways of tackling it was circulated within the working group.

45. The information was obtained from the IOM, which funded a survey on the subject on Curaçao. The Directorate of Judicial Affairs and the IOM organised a seminar on human trafficking in the Netherlands Antilles in August 2004.

46. There are plans to implement the measures proposed in the Bodde report on immigration procedures in the Netherlands Antilles (G. Bodde, *Het vreemdelingenproces in de Nederlandse Antillen; een verkenning van toelating en toezicht*). These include changes in the procedures surrounding applications for residence permits which will affect prostitution, for which there has traditionally been a policy of official tolerance in the islands. In the countries of origin of most of the women who end up in the local sex industry (in particular from Colombia and the Dominican Republic), visa requirements will now include a declaration of awareness.

47. In March 2004 the Court on Sint Maarten handed down the first penalties for smuggling of illegal immigrants into the Dutch side of the island. The new amendment adopted in June 2003 on the initiative of Sint Maarten Senator Louie Laveist made people smuggling a crime, subject to a maximum sentence of four years plus a fine of between ANG 75,000 and 100,000.

48. The working group on the trafficking of women has discussed ways of protecting victims of such trafficking or of violence. The scope for a witness protection programme is being explored but in the meantime victims are to make direct contact with the Public Prosecution Service.

49. Agreement has been reached with the government of Curaçao that such victims will be issued with temporary residence permits while awaiting the trial at which they are to give evidence.

50. A form of controlled prostitution exists on Sint Maarten. Sex workers are imported from Latin America, the Caribbean and Europe. They are granted three-month work permits allowing them to work under the guise of barmaids, waitresses and exotic dancers. The workers then rent individual rooms in brothels/clubs and earn money by providing sexual services. The authorities enforce mandatory periodic medical checks (for STD/HIV). Sex tourism for both men and women is a growing industry on the island. Brothels, ‘gentlemen’s clubs’ and escort services are among the island’s most popular attractions.

51. On Sint Eustatius there is no legislation to control this. The women at these sex clubs have no insurance and no guards to protect them. At the ZENC sex club, the women are recruited through an agency in the Dominican Republic. Women cannot gain employment at ZENC under false pretences because they have to register in person at the agency. They are given information and training before they start work.

52. The Welfare Department (in the absence of a social worker on the island) has received complaints from a few women who allege that they were brought to the island a long time ago under false pretences. Although no longer working in the sex industry, they say that they still suffer from feelings of inferiority when their husbands bring up their past during rows.

Part II (articles 7-9)

Article 7

53. In the period under review two elections were held on all the islands of the Netherlands Antilles: the parliamentary election in 2002 and the Island Council elections in 2003.

Table 1 Number of women and men actively involved in politics at national and island level during the period 2000-2004

Central government	**Total women**	**Total men**
Parliament	6	16
Ministers (incl. junior ministers)	14	27
Island Territory of Curaçao		
Island Council	6	40
Executive Council	7	17
Island Territory of Bonaire		
Island Council	1	8
Executive Council	2	7
Island Territory of Sint Maarten		
Island Council	3	8
Executive Council	1	4
Island Territory of Sint Eustatius		
Island Council	1	4
Executive Council	1	1
Island Territory of Saba		
Island Council	2	3
Executive Council	1	1

Source: Executive Councils of the Island Territories and Parliament of the Netherlands Antilles

Curaçao

54. Candidates for election to Parliament in 2002 included 39 women and 165 men. Women headed the lists of three of the eleven political parties. Candidates for election to the Island Council in 2003 included 48 women and 161 men. Women headed the lists of two of the eight political parties.

Bonaire

55. Candidates for election to Parliament in 2002 included 11 women and 29 men. Four political parties participated in the election. Candidates for election to the Island Council in 2003 included 20 women and 55 men. 6 political parties participated in the election.

Sint Maarten

56. Candidates for election to Parliament in 2002 included 3 women and 20 men. A woman headed the list of one of the three political parties. Candidates for election to the Island Council in 2003 included 23 women and 66 men. Women headed the lists of two of the seven political parties.

Sint Eustatius

57. Candidates for election to Parliament in 2002 included 8 women and 18 men. A woman headed the list of one political party. Four political parties participated in the election. Candidates for election to the Island Council in 2003 included 10 women and 17 men. Four political parties participated in the election. A woman headed the list of one political party.

Saba

58. Candidates for election to Parliament in 2002 included 4 women and 10 men from two political parties. Candidates for election to the Island Council in 2003 included 7 women and 16 men from three political parties.

59. At central level, during one of the changes of government a woman was appointed Prime Minister of the Netherlands Antilles. On Curaçao the Governor of the Island is a woman and during one of the changes of government during this period a woman was also appointed Acting Governor. A woman has held the post of Acting Governor General for over a decade.

60. A number of women are department heads at both Central and Island level. As it happens, a majority of heads of government departments on Sint Eustatius are women.

Article 8

61. Reference is made to previous reports.

62. During the reporting period four men and three women were seconded to the Foreign Service of the Kingdom of the Netherlands.

63. When attending meetings at international level the government sends the person or persons who is/are best qualified to represent the Netherlands Antilles. Selection is not based on gender.

Article 9

64. Reference is made to previous reports.

Part III (articles 10-14)

Article 10

65. Fully conscious of the role and function of education in the process of national development, the Antillean government has exerted itself over the past ten years to make improvements in education, both in institutional frameworks (legislation, organization and structure) and in actual content (developing new course books and curricula and upgrading teaching staff). It has also devoted a great deal of attention to structuring and optimizing cooperative frameworks between the islands and between the Netherlands Antilles and the Netherlands.

Legislation

66. National decrees were promulgated on junior secondary technical education (LTO), junior secondary vocational education (LBO), pre-vocational education (BVO) and junior secondary home economics education. The draft national ordinance on educational experiments (*Ontwerp-Landsverordening Onderwijskundige Experimenten*) was submitted for approval to Parliament, creating a legal basis for future educational experiments. The new draft national ordinance on the country's official languages (*Ontwerp-Landsverordening Officiële Talen*) incorporates all previous drafts on this matter, including the draft national ordinances on Papiamentu and Dutch spelling. This

opens up the possibility of regulating the spelling of English as well at some time in the future. In addition, guidelines have been drafted for school regulations, the number of examination subjects in pre-university education (VWO) has been increased from six to seven, and the number of hours timetabled for religious education has been increased from one to two a week.

Teacher training

67. An agreement was reached with the IPSO (Teacher Training College) about short vocational courses as a possible solution to the shortage of teaching staff. A further training plan was drafted for basic secondary education and a start was made on extra training for all junior general secondary education (MAVO) teachers as part of the Dutch language project *Anders Nederlands*, and in mathematics.

68. The key changes since 1998 have been: the introduction of basic secondary education; preparations to introduce new-style education for children aged 4 to 15 (*funderend onderwijs*) and changes to secondary and vocational education.

Introduction of basic secondary education

69. The principle behind basic secondary education is that pupils should receive a general education in their first two years at secondary school. This implies, for instance, that all pupils attend the same number of classes in the same subjects, regardless of the type of education (pre-vocational secondary education (VSBO), combining pre-vocational education (BVO), junior secondary technical education (LTO) and junior general secondary education (MAVO), or senior general secondary education (HAVO)/pre-university education (VWO)). In the Netherlands Antilles, unlike the Netherlands, teaching materials and course books have always been attuned to the level of education (i.e. VSBO (BVO, LTO and MAVO) or HAVO/VWO). Basic secondary education was introduced in the 1998-1999 school year.

Introduction of new-style education for children aged 4 to 15

70. Educational reforms do not arise in a vacuum, but are devised as answers to shortcomings in the education system brought to light by evaluations. When evaluating education, the key question is whether the educational objectives have been achieved. In general, education is expected to fulfil three objectives:

- at individual level: to contribute to personal development;

- at the social and cultural level: to prepare pupils to function effectively in society;

- at the socioeconomic level: to prepare young people to work in a given occupation.

71. To achieve the aim of giving every child at every school in the Netherlands Antilles a firmer basis through education, with the lingua franca in schools being Papiamentu on the Leeward Islands and English on the Windward Islands, the then education minister instructed the Department of Education to draft a detailed multi-stage plan in 1994. This led in March 1995 to a policy and multi-stage plan for the renewal of primary education in the Netherlands Antilles entitled *Stappen*

naar een Betere Toekomst (‘Towards a Better Future’). The plan is based on the guiding principles, points of departure and objectives for education on the Netherlands Antilles set out in the education policy memorandum ‘Education for One and All’ and the Constitution of the Netherlands Antilles. The cooperation protocol also served as a frame of reference for the plan, devised by the minister and representatives of the education sector.

72. In 1997 a plan was drafted on the basis of the multi-stage plan, introducing new-style education for ages 4 to 15. It provides for a programmatic structure to shape the implementation of this new-style education from the moment of decision-making up to and including aftercare, and to monitor its progress.

73. A third plan was subsequently drafted in February 2002 defining structural frameworks for primary and secondary education. It endorsed the national goals for education and built on the outlook, mission and objectives of education for ages 4 to 15 as described in the two earlier plans. Setting guidelines for people in the field, it identified and described the various factors involved, providing a general picture of what schools should look like in practice. The new system of education for ages 4 to 15 was finally introduced in the Netherlands Antilles in the 2002-2003 school year.

Problems in nursery school and primary education in the Netherlands Antilles

74. New-style education for ages 4 to 15 seeks to resolve the problems that have been identified in Antillean nursery and primary schools, namely:

- high dropout rates;

- the large number of children repeating a year;

- the large proportion of pupils referred to special schools;

- the small numbers of pupils going on to general secondary education.

75. These problems have been attributed to the following causes:

- a lack of clarity concerning educational objectives;

- classes taught in a language that is not the mother tongue of either pupils or teacher;

- the system of teaching the same set material to all the pupils in each year, which takes too little account of differences in individual ability, experience and rate of development;

- the rigid system of whole-class teaching, which leaves little scope for individual attention;

- teaching aids which are generally poor-quality and in short supply;

- curricula which are completely out of date;

- school buildings which have numerous shortcomings;

- the lack of parental interest in what happens at school;

- neither schools nor teachers are properly equipped to help socially disadvantaged pupils or pupils lacking a good command of the school's lingua franca;

- the lack of space allotted in the curriculum to pupils' physical, expressive and social development;

- (in some cases) dysfunctional school management;

- the lack of professional development and supervision of teachers;

- operational problems within the organizational structure of schools.

Educational objectives of new-style education for ages 4 to 15

76. New-style education for ages 4 to 15 has the following educational objectives. It must lay foundations on which Antillean citizens can build their lives. Hence, the primary objective is to provide a general education within the context of Antillean society, the Caribbean region, and the world at large. Within a timespan of 10 years, Antillean children are to be taught skills, attitudes and values that will help them throughout their lives, even if they do not continue formal education afterwards. Besides literacy and numeracy skills, children must also learn assertiveness, flexibility, responsibility, helpfulness, independence and self-confidence to enable them to participate fully, and in a spirit of fellowship, in the cultural, social, political and economic life of the Netherlands Antilles, within the Kingdom, the Caribbean region, and the world at large. The aim must be to instil the knowledge, skills and understanding that will lay the foundations for personal development and help children become effective members of society. This will also provide a basis on which subsequent education can build. To encourage personal development, young children must be given the scope to achieve their full intellectual, moral, social, emotional and artistic potential, as well as developing motor skills. To achieve these goals, teaching must initially be attuned to children's everyday lives, encouraging and satisfying their natural thirst for knowledge, and then go on to transcend their world.

Characteristic features of new-style education for ages 4 to 15

77. To achieve these new goals, education for ages 4 to 15 must meet the following criteria:

- It should extend the period of shared, basic and non-selective education to cover all pupils aged 4 to 15, thus postponing any definite decisions on training and occupation. This will lay stronger foundations for any subsequent education and for joining the employment market.

- It must provide an uninterrupted and non-selective pathway of learning, divided into three successive stages focusing on the age groups 4 to 8 (first stage), 8 to 12 (second stage) and 12 to 15 (third stage), with regular evaluations to monitor quality.

- Existing nursery schools must be integrated into the reception classes of primary schools to constitute the first stage of education. Given the natural developmental process of children, it makes sense to regard the period from 4 to 8 years of age as one cohesive stage of development. This also eliminates adjustment difficulties between nursery and primary school. In the preparatory phase, it will be important to ensure that all schools are properly equipped for the entire age group.

- The first two years of secondary school are to be converted into the last two years — the third stage — of new-style education for ages 4 to 15.

- The language of instruction must be that spoken by the majority of the population: Papiamentu for the Leeward Islands and English for the Windward Islands.

- Flexible progression by abandoning the system of standardised material for each school year.

- Greater individualization by using differentiation in groups.

- Integration of special education (i.e. schools for children with learning and behavioural difficulties) into mainstream education.

- Expanding the scope of education by introducing a wider range and spread of subjects — both theoretical and practical — in the third stage, and by paying more attention to developing pupils' social, cultural, technical, artistic and physical skills.

- A greater emphasis on orientation towards society at all three stages.

New-style education for ages 4 to 15 in practice

78. The new system adopts a holistic approach to children, whose physical, social, emotional, cognitive and spiritual development is seen as closely interconnected. Although children generally go through the same stages of cognitive development, each is nonetheless a unique individual with a specific pace of development and style of learning. This means that each child has a specific developmental pathway, and that teachers should encourage and supervise them and help them to follow it — allowing scope for, and appreciating, each child's pace of learning and learning style. Every child must be valued for what he or she can do. One distinctive feature of the new system is flexible groups of different ages. An important goal here is to create a 'community of learners', every member of which is given encouragement and support. In the first stage these groups may include children aged 4 to 6, for instance, or 5 to 7, thus providing more scope for interaction among children of different ages and breaking away from the old system of offering standard material to each age group. The groups are formed on the basis of shared interests or a particular subject, not according to learning ability or age. So groups are heterogeneous in terms of sex, age and skills. This flexible system of grouping teaches younger children to work together with older children, who have acquired a more 'mature' approach to learning. The older children model themselves on their teachers in their role as mentor, and take the initiative to 'teach' the younger group members. The advantage is that in taking the lead, the older child will acquire more self-esteem and self-confidence. This is significant

to, and influences, the ‘zone of proximal development’, the gap between actual development and the level of potential development that can be fostered by the teacher, a peer or another group member. The implication is that a younger child can be temporarily helped to carry out tasks that are beyond his or her real capabilities. Since the teacher focuses on the child’s development and sees it as a continuous process, there will be no need to repeat years. Each child’s individual development is stimulated, with the teacher in the facilitator’s role.

79. Proceeding from the basic premise that learning is a process in which the child constructs knowledge, curriculum goals are selected on the basis of the child’s individual needs, interests and strengths. Teachers devise a child-centred curriculum. In order to follow and document the child’s development and progress, teachers use qualitative reporting instruments such as portfolios, anecdotal annotations, observations, journals and videotapes. No use is made of tests, whether standardised or devised by the teacher, nor of any textbooks or course books. Instead teachers focus on each area of development, evaluating children in terms of their progress and potential. The child’s results are not compared with averages. Since pupils keep the same teacher for several years, the teacher can build up a good picture of every aspect of their development.

80. Teachers can record the child’s development in a graph or verbal report. This development is documented using quantitative instruments that serve as a basis for supporting and instructing children on the basis of their individual needs. This method enables children to see themselves as competent learning individuals.

Changes in secondary education

81. Secondary education is being modernised with the following aims:

- to raise standards and to ensure that education is better attuned to society’s social, cultural and economic needs;

- to eliminate problems with a view to improving and safeguarding quality;

- to find an adequate response to new demands arising from the radical economic and technological modernization that accompanies the development of a knowledge-based economy;

- to safeguard opportunities for pupils to pursue further courses of study at home or abroad, especially in the Netherlands.

Reform of pre-vocational education (BVO) and junior general secondary education (MAVO)

82. Both BVO and MAVO exhibit many failings that suggest that they are poorly attuned to pupils’ cultural and social backgrounds.

83. The reform of BVO and MAVO is geared towards:

- modernizing education;

- creating a smooth transition from basic secondary education to secondary vocational education;

- improving the transition from BVO and MAVO and other forms of secondary education to society and the labour market;

- safeguarding the link between pre-vocational education and sectors of the labour market by providing wide-ranging programmes that are attuned to work. In some cases this makes it possible to postpone career choices. Wide-ranging programmes help to meet demand while addressing problems of scale.

84. The modernization of BVO and MAVO courses will consist of their merger into pre-vocational secondary education (VSBO), after which students can go on to secondary vocational education (SBO). A start was made on this merger in the 2002-2003 school year.

85. The idea is to ensure that content is better attuned to subsequent stages of education. To put VSBO in place, study programmes are to be set up, with coherent sets of exam subjects for each sector. Subject content will be harmonised with basic secondary education and developed within the context of the quality structure of the SBO. In due course, pupils will choose a sector as well as a study programme. Three sectors will be distinguished within VSBO:

- technology;

- health;

- economics.

In addition, each sector will have a range of occupationally-oriented programmes.

86. To improve the link between VSBO and the social context of the Netherlands Antilles, the Department of Education, Culture and Sport has commissioned new syllabuses.

87. To reduce VSBO dropout rates and to give all students fair and equal opportunities to complete their education successfully, structural attention will be given to the educational needs of individual students. The aim of this care structure will be to cater for differences in students' learning potential, skills and learning styles as well as their socioeconomic and cultural backgrounds, and to respond appropriately to the differences between boys and girls and the specific problems boys face at school.

88. The facilities are intended to support all students who need such assistance in their school careers to prevent them from falling by the wayside. They will enable a particular, well-defined group of students who are not expected to complete VSBO successfully to complete work-oriented education (AGO).

89. Work-oriented education will not be attuned to a particular sector but will be student-centred. Only a limited number of specially classified students will be referred to AGO, and candidates must

go through a strict admissions procedure. AGO will take full account of each student's individual abilities and is intended to serve as tailor-made education, with internal and external practical work experience playing a key role.

Reform of senior general secondary education (HAVO) and pre-university education (VWO)

90. Of all the various types of education provided in the Netherlands Antilles, the current HAVO and VWO schools are modelled most closely on their Dutch counterparts. Most of their syllabuses, teaching materials and examinations come from the Netherlands.

91. HAVO and VWO is in need of renewal for three reasons: a shortage of materials and financial resources; outmoded methods of study whereby the same set material is taught to all pupils in a particular year and is not adjusted to specific needs; and a shortage of local teachers. The first pupils to have completed basic secondary education entered the third year of HAVO and VWO in the 2000-2001 school year, and had to continue their education along the same lines. So the short-term reform of these two types of education will build on the innovations already introduced in basic secondary education. The reform of HAVO and VWO has already been launched in the Netherlands, with the introduction of subject combinations. Starting in the 1999-2000 school year, teaching in the upper forms of Dutch HAVO and VWO has been based on four distinct, coherent subject combinations or teaching programmes that prepare students for similar courses in higher education. Some subjects have been integrated and new ones added to the curriculum. The schools use a new approach to teaching and examination requirements have also been revised.

92. This operation in the Netherlands has major implications for HAVO and VWO in the Netherlands Antilles. From 1 August 1999 onwards, the fourth year of HAVO or VWO will have to comply with the demands of Dutch establishments of higher education, whose entry requirements will be attuned to the new subject combinations. The old-style examinations will be valid and available in the Netherlands Antilles until June 2003 for HAVO students and until June 2004 for VWO students. Those in possession of the 'old-style' certificates (HAVO or VWO) can be admitted to higher education in the Netherlands on their strength until the end of August 2004. If current policy is maintained, 'old-style' Dutch examinations will no longer be available after the above dates.

93. In 2000–2001 a start was made on reforming HAVO and VWO. The remaining three years of HAVO and four of VWO are now to be based on subject combinations along the lines already introduced in the Netherlands. There will be three subject combinations:

- culture and society (humanities)

- economics and society (social sciences)

- natural sciences (science)

94. Each subject combination will consist of a common core of subjects, a specialised component and subjects to be chosen freely. Students can also decide to take extra optional subjects. The common core is largely a continuation of the subjects taught in basic secondary education, some of which are

taught in an integrated form, while the specialised component is attuned to the particular subject combination. In the 'free' space, students can choose from the remaining subjects, perhaps to strengthen their particular specialism or to maximise their opportunities for further study.

Changes in vocational education

95. The changes in vocational education affect both VSBO and SBO, whereby VSBO prepares students for SBO and is hence no longer a terminal form of education. SBO is attuned to the learning pathways in VSBO and allows students to take school-leaving certificates at four different levels. More scope for learning practical skills has been built into all forms of vocational education.

96. On Sint Maarten, SIFMA provides vocational training in the education of very young children. Although this training is theoretically open to both men and women, men do not enrol for it because the care and education of the very young are still seen as "women's work" and daycare workers tend to be low-paid.

97. A programme was developed in 2002 to tackle the high school dropout rate and give young people of both sexes a second chance to complete their secondary education. Funding for the programme has now run out, however, and no alternative programmes have been developed.

98. The school system on Sint Maarten consists of international private schools, parish and government-subsidised schools, and unlicensed schools for undocumented children. The teenage pregnancy policy for secondary schools governed by the school board prohibits teenage mothers from returning to school after the birth of their second child and does not provide them with any alternative forms of education. Students pregnant with their first child agree to terms set by the management of the school. According to SIFMA, there is a high rate of teenage pregnancy on the island (approximately 13%, including undocumented mothers). To combat the relatively high incidence of drug use and sexually transmitted diseases, a Girl Power programme to help build self-esteem and educate girls on various health and emotional issues has been developed by researchers from Emory University in Georgia, the health department and other stakeholders. The stereotyped roles are slowly changing. Young men are now attending vocational courses in catering.

99. In recent years, more attention has been paid to organised childcare (both pre-school and after-school care) and provision has become more systematic. This is a subsidised responsibility of the Island authorities.

100. Curaçao has a Childcare Federation and, since 2000, a Coordination Centre for Children and Young People. After-school care is also subsidised by the island government of Curaçao (*Naschoolse Opvang Curaçao*). *Fundashon Mas Skol* (Foundation for After-school Projects) also used to provide care for children aged between 6 and 12 in certain neighbourhoods/schools, but this project was funded by the Netherlands (under its urban policy) and was terminated at the end of 2003.

Table 2 Full-time general, vocational and special education, Netherlands Antilles, 2000-2001 academic year

	Schools	Pupils		
		Male	Female	Total
Bonaire				
Nursery	4	247	216	463
Primary Education	5	724	752	1476
Special Primary Education	1	35	15	50
Basic Secondary Education (SGB 1,2)	1	187	198	385
BVO 3,4	1	151	91	242
MAVO 3,4	1	60	86	146
HAVO 3,4,5	1	48	75	123
Curaçao				
Nursery	52	2664	2535	5199
Primary Education	58	8247	8183	16430
Special Primary Education	17	922	406	1328
BVO, LTO 1,2	13	1494	859	2353
MAVO 1,2	14	885	1172	2057
HAVO 1,2	4	309	396	705
Special Secondary Education (VSO, PBO 1,2,3,4)	4	405	263	668
BVO, LTO 3,4	13	822	773	1595
MAVO 3,4	14	848	1275	2123
HAVO/VWO 3,4,5,6	3	852	1336	2188
Senior Secondary Vocational Education (MBO, MTS, MAO, KABO)	6	643	804	1447
Teacher Training College (APK)	1	7	126	133
University of the Netherlands Antilles				
Faculty of Law	1	66	138	204
Faculty of Social & Economic Studies	1	73	193	266
Technical Faculty	1	165	49	214
Saba				
Nursery	3	16	20	36
Primary Education	1	78	71	149
Basic Secondary Education (SCS 1,2)	1	16	18	34
English Language Secondary School (CXC 3,4,5)	1	16	14	30
BVO 3,4	1	4	0	4
Sint Eustatius				
Nursery	3	48	45	93
Primary Education	3	154	123	277
Basic Secondary Education (GPS 1,2)	1	44	44	88

MAVO 3,4	1	9	23	32
BVO 3,4	1	23	13	36
Sint Maarten				
Nursery	16	509	511	1020
Primary Education	16	1891	1917	3808
Special Primary Education	1	86	34	120
BVO 1,2	3	240	202	442
MAVO, CXC 1,2	3	274	349	623
HAVO 1,2	1	44	67	111
Special Secondary Education (SMVTS)	1	119	52	171
BVO, LTO 3,4	3	201	167	368
MAVO 3,4	1	50	114	164
HAVO/VWO 3,4,5,6	1	86	137	223
CXC 3,4,5	2	144	203	347
MTS	1	9	9	18
University of Sint Maarten 1)	1	28	83	111

1) Degree students, first semester

Source: Central Bureau of Statistics, Netherlands Antilles Statistical Yearbook 2001-2002

Table 3 Full-time general, vocational and special education, Netherlands Antilles, 2003-2004 academic year

	Schools	**Pupils**		
		Male	**Female**	**Total**
Bonaire				
Nursery	4	180	175	355
FO/Primary Education	5	702	674	1376
Special Primary Education	1	41	17	58
SGB 1,2	1	244	254	498
VSBO (SGB 3,4)	1	126	121	247
HAVO 3,4,5	1	55	77	132
Curaçao				
Nursery	48	2290	2092	4382
FO/Primary Education	52	7808	7644	15452
Special Primary Education	18	877	361	1238
VSBO	21	1889	1934	3823
HAVO	3	325	547	872
Special Secondary Education	4	463	340	803
VSBO (SGB 3,4)	22	1765	1981	3746
HAVO 3,4,5	3	768	1123	1891
Senior Vocational Education	6	971	1502	2473
APK	1	19	224	243

University of the Netherlands Antilles	1	472	593	1065
Faculty of Law	1	75	128	203
Faculty of Social & Economic Studies	1	136	350	486
Technical Faculty	1	253	66	319
General Faculty	1	8	49	57
Saba				
FO/Nursery/Primary Education	1	84	86	170
Basic Secondary Education (SCS 1,2)	1	34	30	64
CXC 3,4,5	1	13	15	28
VSBO (SGB 3,4)	1	9	3	12
Sint Eustatius				
FO/Nursery/Primary Education	4	201	178	379
Basic Secondary Education (GPS 1,2)	1	47	42	89
VSBO (SGB 3,4)	1	32	39	71
HAVO 3	1	2	3	5
Sint Maarten				
FO/Nursery/Primary Education	17	2015	1976	3991
Special Primary Education	1	99	35	134
VSBO, CXC	4	581	598	1179
HAVO	1	36	79	115
Special Secondary Education	1	135	50	185
VSBO (SGB 3,4	4	395	456	851
HAVO/VWO 3,4,5,6	1	69	163	232
CXC 3,4,5)	2	191	231	422
University of St. Maarten 1)	1			

1) Degree students, first semester

Source: Central Bureau of Statistics, Netherlands Antilles Statistical Yearbook 2004

Table 4 School dropouts, Netherlands Antilles

1992 Census and 2001 Census **Netherlands Antilles**

Dropout figures: total population (15+)

	1992			**2001**		
	population 15+*	**dropouts number**	**%**	**population 15+***	**dropouts number**	**%**
Bonaire	6738	3570	53.0%	7050	2802	39.7%
Curacao	95593	48038	50.3%	86501	36188	41.8%
Sint Maarten	22447	12309	54.8%	19451	8335	42.9%
Sint Eustatius	1154	693	60.1%	1481	687	46.4%

Saba	826	544	65.9%	836	405	48.4%
Neths Antilles	126758	65154	51.4%	115319	48417	42.0%

* Population aged 15 and over not in school, excluding individuals whose education is unknown.

Dropout figures: male and female (15+)

Male

1992				**2001**		
	male population	**dropouts**		**male population**	**dropouts**	
		number	**%**		**number**	**%**
Bonaire	3358	1609	47.9%	3449	1281	37.1%
Curacao	43923	20531	46.7%	38755	14907	38.5%
Sint Maarten	11099	6055	54.6%	9406	4066	43.2%
Sint Eustatius	590	340	57.6%	736	332	45.1%
Saba	407	264	64.9%	401	183	45.6%
Neths Antilles	59377	28799	48.5%	52747	20769	39.4%

Female

1992				**2001**		
	female population	**dropouts**		**female population**	**dropouts**	
		number	**%**		**number**	**%**
Bonaire	3380	1961	58.0%	3601	1521	42.2%
Curacao	51670	27507	53.2%	47746	21281	44.6%
Sint Maarten	11348	6254	55.1%	10045	4269	42.5%
Sint Eustatius	564	353	62.6%	745	355	47.7%
Saba	419	280	66.8%	435	222	51.0%
Neths Antilles	67381	36355	54.0%	62572	27648	44.2%

Dropout figures: young people aged 15-24

1992				**2001**		
	population aged 15-24**	**dropouts**		**population aged 15-24****	**dropouts**	
		number	**%**		**number**	**%**
Bonaire	909	395	43.5%	669	285	42.6%
Curacao	11813	5355	45.3%	5737	2592	45.2%
Sint Maarten	3275	1738	53.1%	2084	830	39.8%
Sint Eustatius	131	69	52.7%	133	61	45.9%

Saba	87	45	51.7%	68	15	22.1%
Neths Antilles	16215	7602	46.9%	8691	3783	43.5%

** Population aged 15 and over not in school, excluding individuals whose education is unknown.

Dropout figures: male and female, aged 15-24

Male

1992				**2001**		
	male population	**dropouts**		**male population**	**dropouts**	
		number	**%**		**number**	**%**
Bonaire	462	221	47.8%	320	146	45.6%
Curacao	6078	3018	49.7%	2984	1424	47.7%
Sint Maarten	1572	873	55.5%	1042	450	43.2%
Sint Eustatius	83	40	48.2%	64	30	46.9%
Saba	38	16	42.1%	33	9	27.3%
Neths Antilles	8233	4168	50.6%	4443	2059	46.3%

Female

1992				**2001**		
	female population	**dropouts**		**female population**	**dropouts**	
		number	**%**		**number**	**%**
Bonaire	447	174	38.9%	349	139	39.8%
Curacao	5735	2337	40.7%	2753	1168	42.4%
Sint Maarten	1703	865	50.8%	1042	380	36.5%
Sint Eustatius	48	29	60.4%	69	31	44.9%
Saba	49	29	59.2%	35	6	17.1%
Neths Antilles	7982	3434	43.0%	4248	1724	40.6%

Source: Central Bureau of Statistics

Table 5 Illiteracy among men

1992 Census			
Total	**Non-schoolgoing population aged 15 and over**	**Illiterate absolute**	**Illiterate %**
Bonaire	3412	204	6.0
Curaçao	44327	1588	3.6
Sint Maarten	11189	974	8.7

Sint Eustatius	603	29	4.8
Saba	407	37	9.1
Netherlands Antilles	59938	2832	4.7

2001 Census

Total	**Non-schoolgoing population aged 15 and over**	**Illiterate absolute**	**Illiterate %**
Bonaire	3449	125	3.6
Curaçao	38755	1186	3.1
Sint Maarten	9406	412	4.4
Sint Eustatius	736	24	3.3
Saba	401	20	5.0
Netherlands Antilles	52747	1767	3.3

Source: Central Bureau of Statistics

Table 6 Illiteracy among women

1992 Census

Total	**Non-schoolgoing population aged 15 and over**	**Illiterate absolute**	**Illiterate %**
Bonaire	3431	159	4.6
Curaçao	52060	2170	4.2
Sint Maarten	11442	964	8.4
Sint Eustatius	577	24	4.2
Saba	419	25	6.0
Netherlands Antilles	67929	3342	4.9

2001 Census

Total	**Non-schoolgoing population aged 15 and over**	**Illiterate absolute**	**Illiterate %**
Bonaire	3601	109	3.0
Curaçao	47746	1930	4.0
Sint Maarten	10045	413	4.1
Sint Eustatius	745	9	1.2
Saba	435	8	1.8
Netherlands Antilles	62572	2469	3.9

Source: Central Bureau of Statistics

Sports

101. Women participate in various types of sport (softball, athletics, swimming, etc.)

Family planning

102. Stichting Famia Plania (the Foundation for the Promotion of Responsible Parenthood) runs large-scale family planning campaigns every year. It also offers special programmes on peer counselling and community-based information campaigns.

Article 11

Equal pay for equal work

103. In a case involving Antilleans, the Supreme Court (Hoge Raad – HR) held that discriminating between married and unmarried persons with respect to pay was incompatible with article 7 of the ICESRC. It emerges from case law (HR 7 May 1993, no. 259) that article 7 is not directly applicable, but that guaranteeing equal pay for equal work is an objective that the government must work to achieve. It should not therefore be too readily assumed that there is a reasonable and objective justification for differences in pay. Marriage is too unreliable an indicator of the existence of maintenance obligations for the mere fact that an employee is married to be deemed sufficient grounds for paying a higher salary for the same work.

Equal terms and conditions of employment for women

104. In the Netherlands Antilles the right to equal treatment is guaranteed by the direct applicability in the legal system of the prohibition on discrimination contained in article 26 of the ICCPR and article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. According to established case law, the nature of article 26 of the ICCPR – which is precisely worded and unconditional – means that it can be applied directly by the courts, in the sense that they will examine whether the application of a statutory provision is incompatible with article 26 and whether the provision can therefore be regarded as binding.

105. One important change in employment legislation has been the introduction of a number of protective provisions for domestic servants, such as maximum working hours, hours of rest and breaks, overtime provisions and paid holidays.

106. The table below gives an overview of the average monthly wage for men and women and the differences between them. The figures are based on the last three censuses. There are considerable differences between men and women in terms of earning. In 1981 women earned on average 40.7% less than men. In the years that followed, this diminished slightly, but the most recent figures show that women still earn on average 27.4% less than men. The difference thus diminished sharply in the intervening period. Nevertheless, this trend should be followed closely and deserves greater attention in policy.

Table 7 Average monthly income by gender in Netherlands Antillean guilders

	Men	Women	Difference	Women's earnings as % of men's earnings
1981 census	1 488	882	606	59.3%
1992 census	2 609	1 639	970	62.8%
2001 census	3 146	2 135	1 011	67.9%

Source: Central Bureau of Statistics

107. Since 29 April 1999, female workers have been entitled to pregnancy leave on full pay for between four and six weeks prior to the expected date of delivery and maternity leave on full pay for between six and eight weeks after the actual delivery. Total maximum pregnancy and maternity leave is twelve weeks, of which at least six weeks must be post-delivery (irrespective of the actual duration of leave taken prior to delivery).

108. The woman herself decides when her pregnancy leave should begin, based on the expected date of delivery determined by the general practitioner, midwife or obstetrician and with due regard to the statutory provisions explained above.

109. The Civil Code of the Netherlands Antilles provides that the employer may not terminate a woman's contract of employment during the period of pregnancy and maternity leave.

Curaçao

110. On 29 January 2001, the unemployment rate was 15.8%. This was more than 1% down on the figure from the previous census in 1992 (16.9%). The rate for men was 13.7% and for women 18.0%. In 1992 these figures were 13.5% and 21.5% respectively. Among women, therefore, there had been a decline of 3.5 percentage points. However, youth unemployment among women was higher than among men: the rate for men was 30.5% and for women 37.5%.

Table 8 Labour force, participation rate and unemployment rate in census years, Curaçao

	1960	1972	1981	1992	2001
Employed	34,429	41,935	47,290	51,642	47,686
Unemployed	5,046	6,716	12,006	10,534	8,973
Labour force	39,475	48,651	59,296	62,176	56,659
Total population	125,181	146,884	147,388	144,097	130,627
Participation rate	31.5	33.1	40.2	43.1	43.3
Unemployment %	12.8	13.8	20.2	16.9	15.8

Source: Central Bureau of Statistics

111. Table 9 shows that over the last decade the differentials in labour force participation and unemployment between males and females have fallen substantially.

Table 9 Key labour market data for men and women

Curaçao	1992			2001		
	Men	Women	Difference	Men	Women	Difference
Employed	29,621	22,019		24,548	23,138	
Unemployed	4,545	5,989		3,890	5,083	
Labour force	34,166	28,008		28,438	28,221	
Total population	68,176	75,921		60,509	70,118	
Participation rate	50.1%	36.9%	13.2%	47.0%	40.2%	6.8%
Unemployment %	13.3%	21.4%	8.1%	13.7%	18.0%	4.3%

Source: Central Bureau of Statistics

112. For those with an income, the average monthly income was ANG 2,077. There is a big gap between the average incomes of men and women, with men's income averaging ANG 2,675 and women's ANG 1,558. In 1992, the corresponding figures were ANG 1,941 for men and ANG 1,081 for women. This does not mean that purchasing power increased by this absolute amount over the period: inflation has to be taken into account. According to data from the Central Bureau of Statistics, the inflation rate on Curaçao for the period between January 1992 and January 2001 was 24.8%. This means that, over the whole period, the real income of men increased by 10% and that of women by 15%. In 1992 the average female wage was 55.7% of average male earnings, but by 2001 this had increased to 58.2%. This is the lowest percentage in the Netherlands Antilles.

Bonaire

113. On 29 January 2001, the unemployment rate was 9.1%. This is somewhat higher than at the time of the previous census in 1992, when the rate was 8.3%. The rates for men and women were more or less the same, at 9.0% and 9.2% respectively. In 1992, the equivalent figures were 7.1% and 10.1%. Over the period, therefore, there was an increase of 0.7 percentage points for men and a decrease of 1.0 percentage points for women. However, youth unemployment was higher among men than among women on Bonaire (25.8% and 17.0% respectively).

Table 10 Labour force, participation rate and unemployment rate in census years, Bonaire

	1960	1972	1981	1992	2001
Employed	1,007	2,030	3,031	4,430	4,865
Unemployed	369	430	395	402	486
Labour force	1,403	2,460	3,426	4,832	5,351
Total population	5,733	5,812	8,249	10,187	10,791
Participation rate	24.1	29.8	39.1	47.4	49.6
Unemployment rate	29.2	17.5	11.5	8.3	9.1

Source: Central Bureau of Statistics

114. Table 11 shows an increase of 4.6% in women's participation rate. The gap between men's and women's participation has thus narrowed from 14% to 9% between the last two censuses. Due to an increase in male unemployment, there was hardly any difference between the unemployment rates for men and women on Bonaire in 2001.

Table 11 Key labour market data for men and women

Bonaire	**1992**			**2001**		
	Men	**Women**	**Difference**	**Men**	**Women**	**Difference**
Employed	2,580	1,850		2,615	2,250	
Unemployed	196	206		258	228	
Labour force	2,776	2,056		2,873	2,478	
Total population	5,124	5,063		5,306	5,485	
Participation rate	54.2%	40.6%	13.6%	54.1%	45.2%	9.0%
Unemployment rate	7.1%	10.0%	3.0%	9.0%	9.2%	0.2%

Source: Central Bureau of Statistics

Income

115. For those with an income, the average monthly income was ANG 1,987. There was a big gap between the average incomes of men and women, with men's income averaging ANG 2,342 and women's ANG 1,608. In 1992, the corresponding figures were ANG 1,582 for men and ANG 979 for women. Whereas the average female wage was 61.9% of average male earnings in 1992, by 2001 this had increased to 68.7%.

Sint Maarten

116. The absolute size of the labour force on Sint Maarten was 17,777 in 2001, as against 19,336 in 1992 — a fall of 1,559. This decrease must be attributed to a significant extent to changes in population structure. The labour force appeared to be 58.1% of the total population. This is a high proportion, although somewhat lower than in 1992 (60%).

117. Over time, the participation rate has increased considerably: 30.9% in 1960; 43.7% in 1972; 49.4% in 1981 and 58.1% at present. This is largely due to increased participation by women in the labour market. On the other hand, economic activity on St Maarten has also increased considerably over recent decades.

Table 12 Labour force, participation rate and unemployment rate in census years, Sint Maarten

	1960	1972	1981	1992	2001
Employed	793	3,112	5,998	16,911	15,495
Unemployed	50	298	499	2,425	2,282
Labour force	843	3,410	6,497	19,336	17,777
Total population	2,728	7,807	13,156	32,221	30,594
Participation rate	30.9	43.7	49.4	60.0	58.1
Unemployment rate	5.9	8.7	7.7	12.5	12.8

Source: Central Bureau of Statistics

118. In January 2001, the unemployment rate was 12.8%. This was approximately the same as in 1992, when the rate was 12.5%. However, it was higher than at the time of previous censuses: in 1960, 1972 and 1981 the respective unemployment rates were 5.9%, 8.7% and 7.7%.

119. Between the 1992 and 2001 censuses, the gap between men's and women's participation rates shrank by 2 percentage points, mainly because of a decline in participation by men. Even so, men's participation on Sint Maarten remained the highest in the country. The decline was probably caused by a more even age distribution in the population.

Table 13 Key labour market data for men and women

Sint Maarten	**1992**			**2001**		
	Men	**Women**	**Difference**	**Men**	**Women**	**Difference**
Employed	9,337	7,574		8,332	7,163	
Unemployed	1,060	1,365		979	1,303	
Labour force	10,397	8,939		9,311	8,466	
Total population	15,901	16,320		14,890	15,704	
Participation rate	65.4%	54.8%	10.6%	62.5%	53.9%	8.6%
Unemployment rate	10.2%	15.3%	5.1%	10.5%	15.4%	4.9%

Source: Central Bureau of Statistics

Income

120. For those with an income, the average monthly income was ANG 2,513. There was a big gap between the average incomes of men and women, with men's income averaging ANG 2,928 and women's income ANG 2,055. In 1992, the corresponding figures were ANG 2,169 for men and ANG 1,436 for women. Whereas the average female wage in 1992 was 66.2% of average male earnings, by 2001 the figure had increased to 70.2%.

Sint Eustatius

121. The proportion of the labour force in the total population is 49.5%. This is slightly higher than in 1992 (48.4%). Over time, the participation rate has increased considerably: 25.4% in 1960, 32.3% in 1972, 41.3% in 1981 and 49.5% in 2001. This is largely due to increased participation by women in the labour market. On the other hand, economic activity on Sint Eustatius has also increased considerably over the past decade.

122. On 29 January 2001, the unemployment rate was 8.5%. This was slightly more than double the figure in the previous census (4.2%).

123. The 2001 unemployment rate was also higher than the rates shown by pre-1992 censuses, although not much higher than the 1972 and 1981 figures (8.3% and 7.3% respectively).

Table 14 Labour force, participation rate and unemployment rate in census years, Sint Eustatius

	1960	**1972**	**1981**	**1992**	**2001**
Employed	278	356	465	817	1,038
Unemployed	71	80	79	50	96
Labour force	349	436	544	867	1,134
Total population	1,014	1,381	1,351	1,839	2,292
Participation rate	25.4	32.3	41.3	48.4	49.5
Unemployment rate	0.8	8.3	7.3	4.2	8.5

Source: Central Bureau of Statistics

124. Sint Eustatius also witnessed a considerable decline in the differentials between female and male participation and unemployment over the nine-year period between the last two censuses.

Table 15 Key labour market data for men and women

Sint Eustatius	**1992**			**2001**		
	Men	**Women**	**Difference**	**Men**	**Women**	**Difference**
Employed	490	327		576	462	
Unemployed	19	31		44	52	
Labour force	509	358		620	514	
Total population	942	897		1,138	1,154	
Participation rate	54.0%	39.9%	14.1%	54.5%	44.5%	9.9%
Unemployment rate	3.7%	8.7%	4.9%	7.1%	10.1%	3.0%

Source: Central Bureau of Statistics

Income

125. For those with an income, the average monthly income was ANG 2,270. There was a big gap between the average incomes of men and women, with men's income averaging ANG 2,807 and women's ANG 1,701. In 1992, the corresponding figures were ANG 1,816 for men and ANG 1,009 for women. Whereas the average female wage in 1992 was 55.6% of average male earnings, by 2001 this had increased to 60.6%.

Saba

126. The labour force, at 637 individuals, comprises 47.2% of the total population. This participation level is not much lower than that of 1992 (48.4%). Over time, the participation rate has increased considerably: 25.4% in 1960, 32.3% in 1972, 41.3% in 1981 and 47.2% at present. This is largely due to increasing participation by women in the labour market. On the other hand, economic activity has also increased on Saba over the past decade.

127. On 29 January 2001, the unemployment rate was 6.1%. This was slightly higher than at the time of the previous census, when the rate was 4.2%. In view of the small numbers involved, this indicator may not be statistically very significant.

Table 16 Labour force, participation rate and unemployment rate in census years, Saba

	1960	1972	1981	1992	2001
Employed	247	287	370	524	598
Unemployed	2	26	29	23	39
Labour force	249	313	399	547	637
Total population	980	968	965	1,130	1,349
Participation rate	25.4	32.3	41.3	48.4	47.2
Unemployment rate	0.8	8.3	7.3	4.2	6.1

Source: Central Bureau of Statistics

128. Saba shows the same patterns of male and female participation and unemployment as the other four islands. The differentials between the two sexes decreased considerably between the last two censuses.

Table 17 Key labour market data for men and women

Saba	**1992**			**2001**		
	Men	**Women**	**Difference**	**Men**	**Women**	**Difference**
Employed	311	213		329	269	
Unemployed	8	15		17	22	
Labour force	319	228		346	291	
Total population	564	566		678	671	
Participation rate	56.6%	40.3%	16.3%	51.0%	43.4%	7.7%
Unemployment rate	2.5%	6.6%	4.1%	4.9%	7.6%	2.6%

Source: Central Bureau of Statistics

Income

129. For those with an income, the average monthly income was ANG 2,354. There was a big gap between the average incomes of men and women, with men's income averaging ANG 2,882 and women's ANG 1,754. In 1992, the corresponding figures were ANG 1,755 for men and ANG 1,075 for women. The average female wage in 1992 was 61.3% of average male earnings and in 2001 it was more or less unchanged, at 60.9%. So Saba is the only island where income differentials between men and women have not diminished over the last decade.

Article 12

130. The Medical and Public Health Service on Sint Maarten has conducted a health survey which shows that women are a priority target group. The Medical and Public Health Service's priority is to promote primary health care and healthy living, with a specific focus on monitoring women's health in cooperation with physicians and insurance companies.

131. The Sickness Insurance Act applies to all employees whose income is below a certain limit. For 1993 the limit was set at ANG 2,771.60. In 2003 it was set at ANG 3,758.60 and in 2004 at ANG 3,842.80.

132. In the event of illness, the insurance provides free medical care, including maternity services, and paid sick leave. The entitlement to medical care lasts for two years from the date on which employees report sick and includes medical (general practitioner and specialist) examinations and treatment, nursing and all unavoidable costs directly linked with the illness. On 1 January 1996 the two-year limit on the entitlement to medical care was abolished. Dental surgery is covered provided that it is not necessitated by tooth decay.

133. The entitlement to sick pay expires two years after the date on which employees report sick. As of 1 January 1996, Parliament set sickness pay at 80% of the daily wage for all employees (male and female), whether or not they are being treated in hospital.

134. In 1996 Parliament approved a number of changes in the field of social security, as set out below.

135. As of 1 January 1996 employees who lose their jobs are also, under certain conditions, insured against illness. An employee's family (wife and children) are also insured against illness through the breadwinner.

136. Contributions for insurance are paid in full by the employer and amount to 8.3% of the employee's pay. The employee must contribute 2.1% of his pay to cover family members. The island governments contribute 2.1% of the total pay of all employees for the insurance covering ex-employees and their family members.

137. Employees, ex-employees and their family members may appeal against any decision taken by the Social Insurance Bank (SVB). As of 1996 they must first lodge an objection to the decision with the SVB. If the SVB's response is considered unsatisfactory or if the response is delayed, under the

National Ordinance on Administrative Procedures a written protest may be submitted to the Director of the Social Insurance Bank within six weeks of the date on which the SVB's decision was issued or sent. Complainants can also apply for a judicial review on the island on which they are resident. This application must be submitted within six weeks of the date on which the SVB decision was issued or sent.

138. The Old-Age Insurance Act provides for compulsory insurance against the financial consequences of old age for the entire population of the Netherlands Antilles. Under its provisions, insured persons receive an old age pension on reaching the age of sixty.

139. As a result of amendments to the Old-Age Insurance Act, effective from 1 January 1996, anyone who reaches the age of 60 and is insured has an independent entitlement to a pension, irrespective of his/her civil status. In the case of married couples where the person entitled to a pension is 60 years or older, but his/her partner has not reached pension age, the partner will receive an allowance provided their joint income does not exceed ANG 12,000 annually.

140. If a person entitled to a pension/allowance dies, a lump sum equal to four months' old-age pension will be paid to eligible dependants, in accordance with standards of fairness. Everyone who qualifies for a pension receives a Christmas bonus in December, amounting to 100% (as of 2001) of the monthly pension they were entitled to in the period preceding September of that year.

141. The old-age insurance contribution is 4.5% of the employee's income, with no contribution payable on income in excess of ANG 45,427.20 per year. The contribution is deducted by the employer and remitted to the SVB. Applications for review may be lodged with the Court of the island territory.

142. The widow(er)'s pension varies from ANG 240 to 520 depending on age. A widow(er) with one or more children receives the maximum amount. The orphan's pension varies from ANG 174 to 240 depending on age, whether the person is disabled or enrolled in full-time education and whether he/she is categorized as a half orphan or full orphan. On remarriage a widow(er) who is entitled to such a pension receives a lump sum representing one year's pension. On the death of the widow(er) receiving the pension, an eligible dependant receives a sum equal to three months' pension allowance.

143. Pension contributions are paid in equal proportion by the employee and the employer and amount to 1% of the employee's income. No contribution is payable on income in excess of ANG 45,427.20 per year. The employer deducts the contributions and remits them to the SVB. The government pension fund provides for pensions for widow(er)s and orphans of government employees and civil servants. The amount depends on the last pay received and is supplemented by a cost-of-living allowance.

144. The 'Cessantia Act' stipulates that an employee who has played no part in the termination of his/her contract of employment is entitled to severance pay from the employer. This applies to civil servants, teachers and those employed under a fixed-term contract. The amount of severance pay depends on the employee's pay and on the number of years of service. If the employee receives a

pension on termination of the employment contract and the pension is higher than the old-age pension, he/she does not qualify for severance pay. If the employer does not pay the severance pay, for whatever reason, it is paid by the SVB. The SVB is then entitled to recover that amount from the employer.

145. For the purposes of the Cessantia Act, a fund exists into which employers pay an annual contribution for every employee in their service. At the request of the employee, the Director of the SVB will decide whether he/she is eligible for severance pay. An application for review of this decision may be lodged with the Court of the island territory.

146. All employees who have been declared unfit for work as a consequence of an accident at work or on the way to or from work (taking the shortest route and the time the accident occurred into consideration) receive invalidity pay. In the event of complete incapacity for work 100% of the daily wage will be paid during the first year. In the case of partial incapacity, the employee will receive a proportionate amount of the daily wage.

147. Since 1999 pregnant employees have been entitled to sick pay for a minimum of six weeks preceding the expected date of delivery and six weeks following delivery (maternity leave). During this period the employer is obliged to pay the worker 100% of her daily wage. The SVB has a statutory duty to reimburse 80% of this daily wage.

148. The National Ordinance on Administrative Law (*Landsverordening administratieve rechtspraak – LAR*) entered into force on 1 December 2001. This has had implications for the Appeals Tribunal of the SVB.

149. Civil servants and their family members are entitled to receive compensation for expenses incurred for medical treatment and care and other related costs. The government pays 90% of the expenses incurred and the employee 10%.

150. In connection with the reorganization of the government apparatus, redundancy pay will be awarded to discharged employees in compliance with the central government’s Redundancy Pay Scheme (National Gazette 1986, no. 83).

151. Until January 2000 discharged employees could claim redundancy pay for four years at most. As of 2000 this term was reduced to a maximum of two years. Entitlement to redundancy pay depends on the number of years worked. Redundancy pay is allocated for two months for each year worked, up to a maximum of 24 months. In the first three months of the redundancy pay period 95% of the employee’s last salary will be paid; during the following seven months 85% of the last salary is paid; for the following ten months 75% of the last salary is paid and, in the last four months of the reduced pay period, the discharged employee receives 70% of his/her last salary.

152. A pension is paid to widows and widowers of deceased civil servants as follows. On the death of a (former) civil servant, his/her widow/widower is entitled to receive a pension equivalent to $5/7^{th}$ of

the pension that he/she would have received if the deceased person had reached the age of 60. Children under 18 receive 1/7th of the orphan's pension.

153. As stated above, the precarious financial situation in the Netherlands Antilles led to the implementation of various cost-cutting measures in the 1990s. A number of measures were taken with regard to the pension scheme. In January 1996 the pensionable age was raised from 55 to 60.

154. In order to guarantee the pension rights of civil servants who were working for the government before 1 January 1996, the early retirement scheme was introduced. To qualify for this scheme employees must have 20 years of pensionable service, five of which were accumulated in the Netherlands Antilles, and the employee must be at least 55 years of age.

155. The revised Pension Scheme for civil servants came into effect in 1998. This revision introduced a market-related pension scheme. As of 1998 all employees working for the government and employees in organizations privatised by the government have been obliged to join the Netherlands Antilles Pension Scheme.

156. If a civil servant has been declared unfit for work due to an accident, irrespective of the place of his/her accident, he/she will immediately receive a disability allowance. The allowance is calculated on the basis of the number of working years he/she would have accumulated if he/she had worked until the age of 60.

Protection and assistance accorded to families

157. The introduction of reductions in working hours and part-time work for permanent government employees (National Ordinance of 23 December 1997, PB 1997, 313 and the 1998 provisions implementing legal status) makes it easier for them to combine work with care and domestic responsibilities.

Special protection during a reasonable period before and after the birth of a child

158. Pregnancy and maternity leave for women employees was brought into line with international standards through the introduction of the National Ordinance of 26 April 1999 amending the National Ordinance on Medical Insurance (PB 1966, no. 15) and the Civil Code of the Netherlands Antilles. In the view of the legislature, extending pregnancy and maternity leave is in line with the effort to emphasise the importance of family life and raising children within a family context, and to strengthen family values.

159. Under the National Ordinance, pregnancy and maternity leave was extended to a maximum of 12 weeks. This period is deemed to be a 'relatively short time' within the meaning of article 1614 of the Civil Code, so the employee remains on full pay throughout the period of leave. These arrangements also apply to female civil servants.

HIV infection

160. The figures present cumulative data from laboratory-based HIV registration for the five islands of the Netherlands Antilles from 1985 to 2004. The total number of known cases in 1985-2004 was 1530. Of these, some may well be deceased, but the data on mortality cannot be merged with the HIV infection figures. Of the 1530 known HIV-positive individuals, 872 (57.0%) are male and 658 (43.0%) are female. Since 1990 there has been an average of approximately 84 new HIV infections per year in the Netherlands Antilles. HIV infection is more prevalent on Curaçao and Sint Maarten, with 1009 (65.9%) and 478 (31.2%) of all registered cases respectively. The majority (65.9%) of the registered HIV infections were diagnosed in the 25-44 age group and 3.8% were children diagnosed under 15 years of age. 9.3% of the HIV-positive individuals were diagnosed between 15 and 24 years of age.

Table 18 Registered HIV infections, Netherlands Antilles, 1985-2004, by island and gender

Gender	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten	Netherlands Antilles
Male	15	580	4	7	266	872
Female	12	429	3	2	212	658
Total	27	1009	7	9	478	1530

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 19 New HIV infections, Netherlands Antilles, 2004, by island and gender

Gender	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten	Netherlands Antilles
Male	2	39	1	0	17	59
Female	0	31	1	0	11	43
Total	2	70	2	0	28	102

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 20 Registered HIV infections, Netherlands Antilles, 1985-2004, by year of diagnosis and island

Year	Bonaire	Curaçao	Saba	Sint Eustatius	Sint Maarten	Netherlands Antilles
1985	0	9	0	0	0	9
1986	0	34	0	1	11	46
1987	0	40	0	2	12	54
1988	1	51	0	1	27	80
1989	1	47	1	0	29	78
1990	3	58	3	0	49	113
1991	0	50	0	0	30	80
1992	0	37	0	2	32	71
1993	1	47	0	0	31	79
1994	0	37	0	0	22	59
1995	2	32	0	0	33	67
1996	2	45	0	0	32	79
1997	2	58	1	0	27	88
1998	0	63	0	0	21	84
1999	0	62	0	0	20	82
2000	5	67	0	0	17	89
2001	2	49	0	0	14	65
2002	1	80	0	3	25	109
2003	5	73	0	0	18	96
2004	2	70	2	0	28	102
total	27	1009	7	9	478	1530

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 21 Known HIV infections, Netherlands Antilles, 1985-2004, by age group and gender

age group	Male	Female	Total
<1	27	20	47
1-4	4	2	6
5-14	3	3	6
15-24	62	81	143
25-44	567	442	1009
45-64	194	101	295
65+	15	9	24
Total	872	658	1530

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 22 Known HIV infections by year and age group (1985-2004)

	age group							
year	**<1**	**1-4**	**5-14**	**15-24**	**25-44**	**45-64**	**65+**	**total**
1985	0	0	0	1	7	1	0	9
1986	5	0	0	3	29	8	1	46
1987	2	0	0	9	30	12	1	54
1988	3	1	0	10	55	10	1	80
1989	4	0	0	9	55	8	2	78
1990	11	0	1	17	68	13	3	113
1991	2	0	0	5	66	6	1	80
1992	2	0	1	9	53	5	1	71
1993	6	1	1	6	52	13	0	79
1994	0	0	1	3	39	16	0	59
1995	3	0	0	3	44	16	1	67
1996	4	1	0	4	60	10	0	79
1997	0	1	0	9	59	17	2	88
1998	0	0	1	5	54	23	1	84
1999	0	0	0	8	49	23	2	82
2000	1	2	0	8	56	20	2	89
2001	2	0	1	7	36	17	2	65
2002	1	0	0	13	62	32	1	109
2003	1	0	0	7	58	28	2	96
2004	0	0	0	7	77	17	1	102
total	47	6	6	143	1009	295	24	1530

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 23 New HIV infections, Netherlands Antilles, 2004, by age group and gender

age group	**Male**	**Female**	**total**
<1	**0**	**0**	**0**
1-4	**0**	**0**	**0**
5-14	**0**	**0**	**0**
15-24	**1**	**6**	**7**
25-44	**47**	**30**	**77**
45-64	**10**	**7**	**17**
65+	1	0	1
Total	59	43	102

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 24 New HIV infections, Curaçao, 2004, by age group and gender

age group	Male	Female	total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	4	4
25-44	32	24	56
45-64	6	3	9
65+	1	0	1
Total	39	31	70

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 25 New HIV infections, Sint Maarten (Dutch side), 2004, by age group and gender

age group	Male	Female	total
<1	**0**	**0**	**0**
1-4	**0**	**0**	**0**
5-14	**0**	**0**	**0**
15-24	**1**	**2**	**3**
25-44	**13**	**5**	**18**
45-64	**3**	**4**	**7**
65+	**0**	**0**	**0**
Total	17	11	28*

*Ten (10) of the 28 confirmed cases on Dutch Sint Maarten in 2004 were reported directly to the Epidemiology & Research Unit. Only new cases on the Dutch side of Sint Maarten are reported here.

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 26 New HIV infections, Bonaire, 2004, by age group and gender

age group	Male	Female	total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
25-44	1	0	1
45-64	1	0	1
65+	0	0	0
Total	2	0	2

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 27 New HIV infections, Saba, 2004, by age group and gender

age group	Male	Female	total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
25-44	1	1	2
45-64	0	0	0
65+	0	0	0
Total	1	1	2*

* Both confirmed cases were reported directly to the Epidemiology & Research Unit.

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Table 28 New HIV infections, Sint Eustatius, 2004, by age group and gender

age group	Male	Female	total
<1	0	0	0
1-4	0	0	0
5-14	0	0	0
15-24	0	0	0
25-44	0	0	0
45-64	0	0	0
65+	0	0	0
Total	0	0	0

Source: Epidemiology & Research Unit, Medical and Public Health Service of Curaçao

Teenage pregnancy

161. The tables below show the incidence of pregnancy in the Netherlands Antilles.

Table 29 Female population aged 15 to 20 years, with number of children, Netherlands Antilles, 2001

	Aged 15 - 20					Total
Number of children	**Curaçao**	**Bonaire**	**Sint Maarten**	**Sint Eustatius**	**Saba**	
0	4,678	298	898	61	25	5,960
1	302	36	68	6	2	414
2	37	1	15	-	-	53
3	5	-	2	-	-	7
4	1	-	-	-	-	1
5	9	-	3	-	-	12
Total	5,032	335	986	67	27	6,447

Curaçao

162. Since abortions are not recorded on Curaçao, the number of teenage pregnancies is difficult to estimate. Although it is illegal to perform abortions, the practice does exist. It is usually performed by a general practitioner and no official record is kept.

163. Since 1995, the Age-Specific Fertility Rate (ASFR) of women aged between 15 and 19 has declined. The ASFR indicates the number of live births per 1000 women within the given age group. In the year 2000, the ASFR declined to the level of the late 1980s. The table below shows the ASFR of women aged 15 to 19 years between 1995 and 2000 on Curaçao.

Table 30 Age-specific fertility rate of women aged 15-19, Curaçao, 1995-2000

Year	**ASFR**
1995	56.0
1996	54.4
1997	46.9
1998	51.2
1999	41.1
2000	46.6

Source: Statistical Overview of Health Care on Curaçao: 1996-2000, Epidemiology and Research Unit, Medical and Public Health Service of Curaçao, 2004, page 240

Table 31 Number of births by maternal age, Curaçao 2003

Age of mother	Number of births
14	2
15	2
16	11
17	19
18	33

Source: Youth Healthcare Unit, Medical and Public Health Service of Curaçao

Table 32: Number of teenage mothers, with number of children, Bonaire, 2002-2004

Age of mother	2002	2003	2004
14	-	-	1
15	1	-	
16	-	2	5
17	2	2	
Total	3	4	6

Table 33: Number of teenage pregnancies on Sint Eustatius, 2000-2004

	2000	2001	2002	2003	2004
Total number	4	3	5	2	1

Article 13

164. Reference is made to previous reports.

Article 14

165. Reference is made to previous reports.

Part IV (articles 15-16)

Article 15

166. Reference is made to previous reports.

Article 16

167. The basic tenets are:

- everyone old enough to marry and start a family is entitled to do so, irrespective of race, nationality or religion;

- men and women have the same marital rights;

- a marriage can be concluded only with the free and full consent of both partners;

- the family is the natural basic unit of society and has the right to be protected by society and the State.

168. Book 1 of the New Civil Code of the Netherlands Antilles, dealing with family law and the law of persons (Official Bulletin 2000, 178), came into force on 15 March 2001.

Important changes

Divorce law

169. The old divorce law created many problems. The grounds for divorce were: adultery, desertion, receiving a prison sentence of four years or more subsequent to the marriage, and assaulting the spouse in such a way as to endanger life or inflict serious injury.

170. The ground most frequently cited was adultery. However, a spouse who had not committed adultery (or could not be shown to have done so) could block a divorce indefinitely. For this reason, the New Civil Code makes it possible to end a marriage in cases where divorce is opposed by one of the spouses.

171. Under article 150, a divorce can be granted in the case of couples who are not separated, at the request of either of the spouses or at their joint request. Article 151 provides that divorce can be granted at the request of either of the spouses on the grounds of irretrievable breakdown of marriage. Under article 154, divorce can also be granted on this ground at the joint request of the spouses.

The law of parentage

172. The law of parentage has been completely revised. The terms legitimate, illegitimate and natural child have disappeared and the distinctions between children born in and out of wedlock have been eliminated as far as possible. A married man who has a tie with a child may acknowledge the child as his.

Age of majority

173. The age of majority has been lowered from 21 to 18.

Other changes in the New Civil Code

174. Several other discriminatory provisions have been abolished in the New Civil Code. One example is the provision giving precedence to the will of the husband within marriage, for example with regard to the location of the marital home. The New Civil Code provides simply that such matters are to be agreed between the spouses, omitting the words “and in the absence of agreement by the man”.

175. The new power of the Dutch courts to rule on paternity has not been adopted in the Netherlands Antilles. In the European part of the Netherlands, a child with no legal father can seek such a judicial declaration of paternity. If the court rules that the man summoned to appear is indeed the father, the child acquires the right to inherit from him and a note to this effect is made in the Register of Births, Deaths and Marriages. In view of the controversy surrounding this change, it has been decided not to introduce the measure in the Netherlands Antilles for the time being. The only course at present open

to such children in the Netherlands Antilles is to institute an action for maintenance. The man designated as the child's father following such an action will be liable only for the child's maintenance.

176. The law on names also remains unchanged. A child born in wedlock or acknowledged by its father takes the name of the father. The Supreme Court has already found that this provision discriminates against mothers (judgment of 23 September 1988, *Nederlandse Jurisprudentie* 1989, no. 740). The case concerned the law on names and the conflict between Dutch law (article 1:5, paragraph 2 of the Civil Code) and article 26 ICCPR. The issue at stake was the right of parents to choose a family name for their children and the fact that the right of biological parents to do so is guaranteed by article 26 ICCPR, even where the child is acknowledged by the father. Given the many conceivable systems within which such choices may be made, the Supreme Court feels that it is beyond its power to determine the law on this point (judgment of 12 October 1984, *Nederlandse Jurisprudentie* 1985, no. 230), and that it is for the legislature to decide how best to satisfy the principle enshrined in article 26 in this area. The advisory opinion of the Public Prosecution Service concerning the principle of equality (ban on discrimination) was as follows: even if the existing law on the naming of children is manifestly discriminatory, the Supreme Court has declined to declare it inapplicable as provided for in article 94 of the Constitution. To do so would indeed merely create a legal vacuum, since it would still be unclear what legal rule should apply instead. In view of the widespread debate that this ruling is expected to generate, it has been decided not to amend the law on names at this stage.

177. The National Labour Regulations 2000 (Official Bulletin 2000, 67) entered into force on 28 July 2000.

178. Article 25 of the Labour Regulations contains a number of special provisions applying to domestic personnel. Although mainstream provisions were difficult to apply to staff working in private households, it was thought desirable to establish specific standards for their working hours, total working time, days off and public holidays, overtime and breaks.

179. For this reason, the article provides that:

a. total working hours should not exceed 11 hours per day or 55 hours per week;

b. employees are entitled to one day off in every seven;

c. working hours should be between 6 a.m. and 10 p.m., unless the employee's duties relate exclusively or chiefly to the personal care of the employer or one or more members of the employer's household, and this care is intended to be provided exclusively or chiefly outside these hours;

d. employees should have a break of at least half an hour after every five hours of work;

e. employees should be given paid leave on public holidays;

f. work in excess of the maximum daily or weekly working hours specified under a. or work done outside normal working hours or during breaks must be paid at an hourly overtime rate 50% above the employee's normal hourly rate, with the time being rounded up on a half-hourly basis;

g. work done on weekly days off or public holidays must be paid at an hourly overtime rate 100% above the employee's normal hourly rate, with the time being rounded up on a half-hourly basis.

180. Another important point is that the previous Labour Regulations of 1952 made it illegal to employ women and young people to work at night or to do any kind of paid or unpaid work defined by country edict as dangerous. This prohibition now applies only to young people (aged 15 to 18). Article 20 stipulates that it is illegal to employ young people to work before 7 a.m. or after 7 p.m., while article 21 makes it illegal to employ them to do dangerous work.

National Ordinance on the flexibilization of labour law (Official Bulletin 2000, 68)

181. This Ordinance amends title 7A of Book 3 of the Civil Code of the Netherlands Antilles. The amendments to article 1615e are particularly important. A number of new paragraphs have been inserted (paragraphs 3 to 8) but only paragraphs 3 and 4 are relevant to this report. These read as follows:

- Any clause enabling employment to be legally terminated due to the marriage of the worker shall be null and void.

- Any clause enabling employment to be legally terminated due to the pregnancy or confinement of the worker shall be null and void.

182. These two paragraphs automatically invalidate any clause in a contract of employment that stipulates that the contract can be legally terminated if the employee marries, becomes pregnant or gives birth to a child.

183. These changes protect employees against the possible disadvantages of greater flexibility in the labour market. The sanction on infringement is that the offending clause is rendered null and void. In this context, see judgment of the Supreme Court of 29 October 1999, *Nederlandse Jurisprudentie* 2000, no. 51; New Civil Code, article 7:670, paragraph 4; old Civil Code, article 1639h, paragraph 4; Civil Code of Aruba, article 1615h, paragraph 2, and the Charter for the Kingdom of the Netherlands, article 39, paragraph 1.