

COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding Observations of the Committee on the Rights of the Child:
The Kingdom of the Netherlands**

1. The Committee considered the third periodic report of the Kingdom of the Netherlands (CRC/C/NLD/3), which included the report of the Netherlands, the Netherlands Antilles and Aruba, at its 1376th and 1377th meetings held on 15 January 2009, and adopted at its 1398th meeting, held on 30 January 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report as well as the written replies to its list of issues (CRC/C/NLD/Q/3/Add.1), which gave a better understanding of the situation of children in the State party. It also appreciates the presence of a large high-level and cross-sectoral delegation and the frank and open dialogue with the delegation.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial report to the Optional Protocol on the sale of children, child prostitution and child pornography, contained in CRC/C/OPSC/NLD/CO/1.

B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee notes with appreciation the entry into force of new legislation, such as the Equal Treatment Act 2003, the Youth Care Act 2005 and the Childcare Act 2005.
5. The Committee notes the establishment of a counselling and reporting centre on child abuse in Aruba in August 2005.

6. The Committee notes with appreciation the amendment of the Criminal Code of Aruba criminalizing the sale of children, child prostitution and child pornography.
7. The Committee notes with appreciation that since consideration of its second report in 2004, the State party has ratified or acceded to, inter alia:
 - a) The Optional Protocol on the sale of children, child prostitution and child pornography in 2005
 - b) The United Nations Convention Against Transnational Organized Crime in 2004
 - c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2005
 - d) The European Framework Convention for the Protection of National Minorities in 2005

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

The Committee's previous recommendations

8. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's second report (CRC/C/15/Add.227) and the Netherlands Antilles initial report (CRC/C/15/Add.186). However, recommendations regarding, inter alia, the establishment of an independent mechanism to monitor children's rights such as an ombudsman for children, trafficking and sexual exploitation, education and training on the Convention (CRC/C/15/Add.227, Netherlands and Aruba) and economic exploitation (CRC/C/15/Add.186, Netherlands Antilles) have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.
9. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the State party's second periodic report and the initial report of the Netherlands Antilles that have not yet been implemented or sufficiently implemented. In this context, the Committee draws the attention of the State party to General Comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5).**

Reservations and declarations

10. The Committee notes that the State party maintains its reservations to articles 26, 37 and 40 of the Convention concerning children's right to social security,

application of adult penal law to children of sixteen years and older in certain circumstances, and exceptions to the right to legal assistance.

11. **The Committee, in line with its previous recommendations (CRC/C/15/Add.227, paragraph 10) and in light of the Vienna Declaration and Programme of Action, recommends that the State party take all necessary measures to withdraw its reservations to articles 26, 37 and 40 of the Convention.**

Legislation

12. The Committee appreciates the State party's efforts to harmonize its national legislation with the Convention, particularly concerning equal treatment, social assistance, adoption, unaccompanied minor asylum seekers and youth care in the Netherlands, and the criminalization of the sale of children, child prostitution and child pornography in Aruba. However, the Committee reiterates its concern that the Civil Code of the Netherlands Antilles does not fully comply with the rights-based approach of the Convention, and is not sufficiently known in the country, and that Aruba still has not introduced compulsory education.
13. **The Committee recommends that the State party continue to take measures to bring its legislation in line with the Convention. The Committee reiterates its recommendation that the legislation is reviewed in order to fully comply with the Convention, that the Civil Code of the Netherlands Antilles be published and accessible to the public, and that the State party expedite the adoption of the National Ordinance on Compulsory Education in Aruba.**

National Action Plan for children

14. The Committee welcomes the National Action Plan for Children 2004 in the Netherlands and the Delta Plan in the Netherlands Antilles. However, the Committee regrets that there is no action plan for children in Aruba.
15. **The Committee encourages the State party to adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party, based on a vision of children's rights and empowerment and taking into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children" and its Mid-Term Review in 2007. The Committee recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies.**

Independent monitoring

16. The Committee welcomes the draft bill on the creation of a Children's Ombudsman within the office of the Netherlands Ombudsman. However, the

Committee is concerned that there are no Human Rights Institutions nor Ombudsmen for the Netherlands Antilles or Aruba.

17. **The Committee recommends the swift passage of the Children's Ombudsman legislation in the Netherlands and the creation of a Human Rights Institution or a Children's Ombudsman in the Netherlands Antilles and in Aruba. The Committee further recommends that these offices be accessible to children and their representatives at the national and local levels and that they conform to the Paris Principles and take into account General Comment No. 2 (2002) on the role of independent human rights institutions (CRC/GC/2002/2). Furthermore, the Committee recommends that in addition to investigating complaints, the Children's Ombudsman or Human Rights Institution have the responsibility to monitor the implementation of and promote the Convention.**

Allocation of resources

18. The Committee welcomes the allocation of extra resources for the identification and support of families and children at risk in the Netherlands. The Committee is however concerned at the lack of resources in Aruba and the Netherlands Antilles, for instance concerning children with disabilities and children in need of alternative care.
19. **The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating poverty and that it reduce inequalities across all jurisdictions. In this endeavour, the State party should take into account the Committee's recommendations issued after the day of general discussion of 21 September 2007 devoted to "Resources for the rights of the child - responsibility of States".**

Data collection

20. The Committee welcomes the new data collection system in the Netherlands which allows for collection of data disaggregated by sex, age and other relevant indicators, as well as regular surveys to collect specific data. However, the Committee is concerned that there is no nationwide system which collects data on all areas covered by the Convention.
21. **The Committee recommends the establishment of a nationwide system to collect and analyse data on all areas covered by the Convention as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention.**

Dissemination, training and awareness-raising

22. The Committee notes with appreciation the efforts to educate and inform the public about children's rights in the Netherlands, the wide dissemination of the Netherlands' second report, the planned media campaign in the Netherlands

Antilles to make the Convention known and the human rights coordination centre in Aruba.

23. **In line with its previous recommendations, the Committee recommends that the State party continue and further strengthen its efforts to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party to undertake a systematic education and training programme on the principles and provisions of the Convention for children, parents and all professional groups working for and with children, including judges, lawyers, law enforcement officials, teachers, health-care personnel, social workers and media personnel.**

Cooperation with civil society

24. The Committee notes with appreciation the cooperation of the State party with civil society organizations in the preparation of the report, including formal consultations and partnership in promoting the Convention and in the provision of services to implement the Convention. However, the Committee is concerned that because of decentralization of government services, some NGOs at the local level may not receive adequate government funding.
25. **The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children in the promotion and implementation of children's rights, including, inter alia, their participation in the planning stage of policies and cooperation projects, as well as in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report. The State party is encouraged to support civil society at the local levels while respecting its independence.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. The Committee welcomes the Equal Treatment Act, the National Action Plan against Racism, the Racial Discrimination Monitor and the campaign "Discrimination? Phone now!", in the Netherlands and the new draft Criminal Code in Aruba which includes discrimination against persons with a mental or physical disability. However, the Committee is concerned that racial discrimination still persists.
27. **The Committee urges the State party to ensure full protection against discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status in all parts of the Kingdom. The Committee also urges the State party to strengthen its awareness-raising and other preventive activities against discrimination and, if necessary, to take affirmative actions for the benefit of certain vulnerable groups of**

children, asylum-seeking and refugee children and children belonging to minority groups. The Committee further urges the State party to take all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively.

Best interests of the child

28. The Committee welcomes the efforts towards attaching more importance to the best interests of the child in decisions concerning children. However, the Committee is concerned that the best interests principle is not always codified in legislation affecting children or formalized in proceedings of the administrative arm of government.
29. **The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and applied in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

Right to life, survival and development

30. The Committee reiterates its concern that euthanasia is not prosecuted if committed by a medical doctor who meets the criteria explicitly set out in article 293 (2) of the Penal Code and follows the procedures required by law and regulations. As this legislation is also applicable to children aged 12 years or older, requiring explicit and repeated requests from the child, and parental consent if the child is younger than 16 years, the Committee is still concerned about the oversight and monitoring of the process.
31. **In line with its previous recommendations, the Committee urges the State party to study the problem of the application of criminal law on the termination of life of neonatal children. The Committee recommends, in particular, that the State party:**
- a) frequently evaluate, and if necessary revise, the regulations and procedures in the Netherlands with respect to the termination of life on request in order to ensure that children, including newborn infants with severe abnormalities, enjoy special protection, and that the regulations and procedures are in conformity with article 6 of the Convention;**
 - b) take all necessary measures to strengthen control of the practice of euthanasia and prevent non-reporting, and to ensure that the psychological status of the child and parents or guardians requesting termination of life are taken into consideration when determining whether to grant the request; and**

- c) **provide in its next periodic report additional information on the implementation of laws and regulations on the termination of life on request.**
32. The Committee reiterates its concern (CRC/C/15/Add.186 para. 30) that one of the leading causes of death among older children in the Netherlands Antilles is homicide.
33. **In line with its previous recommendations, the Committee urges the State party to undertake a study of the problem of homicide amongst youth and take effective measures to address the root causes based on the results of the study.**

Respect for the views of the child

34. The Committee notes with appreciation the involvement of the National Youth Council and the minister of Youth and Families' systematic discussions with young people in the Netherlands. However, the Committee is concerned that the State party has not followed up the Committee's recommendation (CRC/C/15/Add.227 para. 36) to strengthen its support of the National Youth Council and youth organizations.
35. **The Committee reiterates its recommendation that the State party strengthen its support to the National Youth Council and youth organizations. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard, held on 15 September 2006.**

3. Civil Rights and Freedoms

(arts. 7, 8, 13-17 and 37(a) of the Convention)

Corporal punishment

36. The Committee is concerned that corporal punishment in the home is not prohibited in Aruba, and that it is still being used at schools, day-care centres and at home in the Netherlands Antilles.
37. **The Committee recommends that the State party prohibit corporal punishment by law and enforce the prohibition in all settings, including in the family, the schools and out of home placements. It also recommends that the State party conduct awareness-raising campaigns and parenting education programmes to ensure that alternative forms of discipline are used, in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of the General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).**

Follow-up to the United Nations study on violence against children

38. With reference to the United Nations Study on violence against children (A/61/299), the Committee recommends that the State party:

a) Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert for the United Nations study on violence against children while taking into account the outcome and recommendations of the regional consultation for Europe and Central Asia, held in Ljubljana, Slovenia, from 5 to 7 July 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) To prohibit all violence against children;**
- (ii) To promote non-violent values and awareness-raising;**
- (iii) To provide recovery and social reintegration services; and**
- (iv) To develop and implement systematic national data collection and research;**

b) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

4. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

39. While the Committee acknowledges that services for families and children are widely available, it notes that there are many children on waiting lists to obtain appropriate services. The Committee is concerned about the lack of sufficient family based services to ensure prevention and early intervention at the local level, which leaves children and young persons without adequate help.

40. The Committee recommends that the State party conduct comprehensive research on the reasons behind the long waiting lists, and take steps to involve the families in preventing and solving their problems. The Committee also recommends that the State party implement community based programmes with a view to assisting the extended family in taking an active role, e.g. conference models, and provide parenting education in a culturally sensitive manner.

Children deprived of a family environment

41. While noting the State party's successful initiatives to recruit more foster parents and its efforts to reduce waiting lists, the Committee is concerned that youth care still focuses largely on placing children in residential institutions.

The Committee is further concerned about long waiting lists for placement, the frequent changes of placements, and the lack of a permanent social worker taking continuous care of the well-being of the children in need of care.

42. **The Committee recommends that the State party evaluate the reasons behind the high number of placements and the long waiting lists, and establish a comprehensive strategy to address these issues, with the participation of children and their families. The State party should take into account the Committee's recommendations issued at the day of general discussion on Children without parental care, held on 16 September 2005.**
43. The Committee welcomes information from the State party that the practice of placing children who have not committed a criminal offence in young offenders' institution will end in 2010, but is concerned about the present situation.
44. **The Committee urges the State party to take immediate action to ensure that children in need of assistance are not placed in young offender's institutions.**

Adoption

45. The Committee is concerned about cases of illegal adoptions, which are the direct consequence of so-called "weak" adoptions, with special regards to internet sale and surrogacy.
46. **The Committee recommends that the State party take all necessary measures to prevent cases of illegal adoption, and raise awareness about the rights of the child from this respect as well, and eliminate "weak" adoptions in accordance with the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption. The Committee further recommends that the 1993 Hague Convention be applied in Aruba and the Netherlands Antilles.**

Abuse and neglect

47. The Committee welcomes the efforts undertaken by the State party such as the 2007 National Action Plan on Tackling Child Abuse in the Netherlands, new training courses for social workers in the Netherlands Antilles, the child abuse counselling centre in Aruba, and research and use of its outcome in the future policies and their implementation. However, the Committee is concerned about the high prevalence of child abuse in the State party, and that there is still no clarity on the issues of confidentiality and reporting duties for many professionals and for the public.
48. **The Committee urges the State party to:**
 - a) **establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or**

exploitation considered by article 19, including within the family, in institutional or other care;

- b) ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**
- c) strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings; and**
- d) provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the Kingdom.**

5. Basic health and welfare

(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

49. The Committee is concerned that children with disabilities continue to face barriers in the enjoyment of their rights guaranteed by the Convention, such as access to public buildings and public transportation. The Committee also notes with regret that there is no comprehensive national strategy for the inclusion of disabled children in Aruba or the Netherlands Antilles.

50. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), article 23 of the Convention and the Committee's General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9), the Committee recommends that the State party:**

- a) take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;**
- b) develop and strengthen early identification programmes and early intervention programmes;**
- c) undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;**
- d) provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**

- e) **ratify the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed on 30 March 2007.**

Health and health services

51. The Committee is concerned about the access to health care for migrant children without a residence permit.
52. **The Committee recommends that the State party take appropriate measures to make sure that all children in its territory have access to basic health care.**

Adolescent health

53. The Committee is concerned that there are many children and adolescents on waiting lists for mental health services in the Netherlands.
54. **The Committee recommends that the State party allocate financial and human resources at all levels of the mental health care system and aim to shorten the waiting lists in order to ensure access to specialized services when needed.**
55. While noting the efforts undertaken by the State party, the Committee remains concerned at the increasing rate of teenage pregnancies in Aruba. The Committee also shares the concern of the Committee on Economic, Social and Cultural Rights (E/C.12/NLD/CO/3/Add.1 para 20) at the reportedly high incidence of early pregnancies in the Netherlands Antilles.
56. **The Committee recommends that the State party undertake efforts to strengthen age appropriate and gender sensitive sexual and reproductive health education for adolescents, in school and out of school, with a view to reducing the incidence of teenage pregnancies, and provide pregnant teenage girls with the necessary assistance and access to health care and education, especially in Aruba and the Netherlands Antilles. The Committee further recommends that the State party strengthen its strategies of education and awareness raising for the general public with a view to reducing the incidence of teenage pregnancies, especially in Aruba and the Netherlands Antilles.**
57. The Committee is concerned at drug and other substances use by adolescents in the State party, including Aruba and the Netherlands Antilles.
58. **In line with its previous recommendations, the Committee recommends that the State party take all necessary measures to prevent drug and alcohol abuse.**

Breastfeeding

59. The Committee is concerned about the low rate of exclusive breastfeeding in the State party, and that the State party has not fully implemented the International Code of Marketing of Breast-milk Substitutes.

60. The Committee recommends that the State party enhance its efforts to promote exclusive breastfeeding practices and comply with the International Code of Marketing of Breast-milk Substitutes.

**6. Education, leisure and cultural activities
(arts. 28, 29 and 31 of the Convention)**

Education, including vocational training and guidance

61. The Committee takes note with appreciation of the quality of the educational system in the Netherlands. The Committee is aware of the attention the State party pays to the issues of de facto school segregation in cities, the complicated access to school for children lacking documentation, the safety situation at some schools and the extent and quality of human and child rights education. However, the Committee is concerned that these issues have not yet been resolved satisfactorily.

62. The Committee recommends that the State party:

- a) strengthen efforts to overcome the de facto ethnic segregation of school attendance by providing support for ethnically diverse schools and networks of cooperation among schools;**
- b) ensure the right to education of all children by facilitating enrolment of children with missing or incomplete documents;**
- c) improve the safety situation at schools experiencing difficulties in this regard so that all children have access to safe schools and can learn without fear of violence and maltreatment; and**
- d) make sure that human rights and child rights education is included in school curricula at all levels.**

63. The Committee welcomes the introduction of compulsory education in the Netherlands Antilles and the measures undertaken to give all children access to school, decrease the dropout rates and increase the transition rate to secondary education.

64. The Committee recommends that the State party continue and further enhance its efforts to give all children in the Netherlands Antilles access to school, decrease dropout rates and increase the transition rate to secondary education.

65. The Committee welcomes the draft National Ordinance on Compulsory Education in Aruba. It is concerned, however, that education still is not

compulsory, that while non-attendance and dropout rates have been lowered, these problems still exist, and that not all immigrant children attend school.

- 66. The Committee recommends that the State party expeditiously make education compulsory in Aruba and strengthen its efforts to ensure that all children, including immigrant children, attend school.**

7. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

- 67.** While noting with appreciation the high number of asylum seekers accepted in the Netherlands, the Committee is concerned about the practice of detention of unaccompanied children and families with children, and that children continue to disappear from reception centres, despite the pilot project centre to prevent the disappearance of undocumented children. Furthermore, the Committee is concerned about the access to family services for asylum seeking and refugee children, which should be culturally sensitive.
- 68. The Committee recommends that the State party further reduce the use of aliens' detention for unaccompanied children and for families with children, further strengthen the measures already taken to prevent the disappearance of asylum seeking children, and provide culturally sensitive family services.**
- 69.** The Committee reiterates its concern about the State party's restrictive declaration concerning article 22, and the absence of legislation, policies and procedures in the Netherlands Antilles regarding the protection of the rights of refugee and unaccompanied children.
- 70. In line with its previous recommendations, the Committee recommends that the State party withdraw the declaration concerning article 22 and take effective legal and other measures to ensure adequate protection of refugee and unaccompanied children and implement programmes and policies to ensure their access to health, education and other social services. The State party should take into consideration the Committee's General Comment no 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6).**

Economic exploitation including child labour

- 71.** The Committee is concerned that in the Netherlands Antilles, the minimum age for the worst forms of child labour is too low (15 years) and not in conformity with international standards.
- 72. In line with its previous recommendations, the Committee recommends that child labour laws be reviewed and implemented, labour inspectorates be strengthened and penalties be imposed in cases of violations in order to**

eliminate economic exploitation of children. The Committee further recommends that ILO Convention 182 on the Worst Forms of Child Labour and ILO Convention 138 on Minimum Age for Admission to Employment be applied in all areas of the State party.

Sexual exploitation and trafficking

73. The Committee welcomes the efforts made by the State party to prevent sexual exploitation and trafficking. While noting the National Action Plan to Combat Trafficking in Human Beings, the Committee is concerned at the lack of a comprehensive national strategy to prevent trafficking and sexual exploitation specifically of children. The Committee is further concerned that the State party considers that sexual exploitation of children is not a problem in Aruba. Furthermore, the Committee shares the concern of the Committee on the Elimination of Discrimination against Women about the number of women and girls who are victims of trafficking (CEDAW/C/NLD/CO/4, para 23).

74. The Committee recommends that the State party:

- a) strengthen its efforts to reduce and prevent the occurrence of sexual exploitation and trafficking of children and child sex tourism, through, inter alia, undertaking a comprehensive study and data collection of the occurrence and the dimension of the problems and implement comprehensive strategies and policies;**
- b) strengthen cooperation with the authorities of countries from or to which children are trafficked in order to combat the phenomenon;**
- c) continue to sensitize professionals, parents, children and the general public to the problems of sexual exploitation of children, child trafficking and child sex tourism through education, including media campaigns;**
- d) take account of the outcome documents from the First, Second and Third World Congresses against Commercial Sexual Exploitation of Children, held in 1996, 2001 and 2008 respectively;**
- e) take appropriate legal and other measures to protect children who are victims of sexual exploitation and prostitution and prosecute perpetrators of sexual abuse and exploitation; and**
- f) train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner.**

75. The Committee shares the concern expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/NLD/CO/3/Add.1, para 21) at the absence of any common system for registering cases of sexual exploitation and other abuse against children in the Netherlands Antilles, which makes any assessment of the situation difficult. It furthermore expresses concern at the

lack of specific information on the legal protection of boys against sexual exploitation, particularly regarding criminal provisions relating to rape.

- 76. The Committee recommends that the State party take measures to protect children, including boys, against sexual exploitation, violence and all other forms of abuse. A common system for registering such cases should be established in the Netherlands Antilles.**

Administration of juvenile justice

- 77. The Committee reiterates its concern that there is an increasing use of pre-trial detention for juveniles in the Netherlands, that there is still a possibility of 16 and 17 year olds being tried under adult criminal law, and that 16 and 17 year olds can be convicted to life imprisonment in the Netherlands Antilles.**

- 78. The Committee recommends that the State party**

- a) ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of General Comment no. 10 on children's rights in juvenile justice (CRC/C/GC/10);**
- b) consider reviewing its legislation with the aim to eliminate the possibility of trying children as adults;**
- c) eliminate life imprisonment sentence of children; and**
- d) ensure that the deprivation of liberty of juvenile offenders is used only as a measure of last resort and for the shortest appropriate period of time.**

8. Ratification of international human rights treaties

- 79. While welcoming information that the process of ratifying the Optional Protocol on the involvement of children in armed conflict is almost complete, the Committee recommends that the State party ratify it as soon as possible, and ensure that it is applied in Aruba and the Netherlands Antilles.**

- 80. The Committee regrets that the Optional Protocol on the sale of children, child prostitution and child pornography has not yet been applied in the Netherlands Antilles, and welcomes the information provided by the State party's delegation that the government is working on legislation in order to implement the Optional Protocol in the Netherlands Antilles.**

- 81. The Committee recommends that the State party take appropriate measures to make sure that the Optional Protocol on the sale of children,**

child prostitution and child pornography is applied in the Netherlands Antilles.

- 82. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention on the Protection of All Persons from Enforced Disappearance, Convention on the Rights of Persons with Disabilities and its Optional Protocol, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, and Optional Protocol to the Covenant on Economic, Social and Cultural Rights.**

9. Follow-up and dissemination

Follow-up

- 83. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations throughout the Kingdom, inter alia, by transmitting them to relevant Ministries and to local authorities, for appropriate consideration and further action.**

Dissemination

- 84. The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available to the public at large, civil society organizations, youth groups, media and other professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

10. Next report

- 85. The Committee invites the State party to submit its fourth periodic report by 6 March 2012. This should be a comprehensive report including information on all regions in the State party, and not exceeding 120 pages (CRC/C/118).**
- 86. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**