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[Title]

Lighted torches

NGO Shadow Report of Curaçao (2015)

for use by the CEDAW Committee at Geneva, Switzerland

Commissioning authority : *Fundashon Sentro di Dama -SEDA*
Mrs Meyrtha LEETZ - CIJNTJE
President

(Recommendation)

This NGO Shadow Report is dedicated to the pioneer women of Curaçao:

Mrs. Maria LIBERIA - PETERS (ex Prime Minister of the Netherlands Antilles)

Mrs. Beatriz DORAN - SCHOOP

Mrs. Meyrtha LEETZ - CIJNTJE

Mrs. Stella OOSTERHOF - PRIEST

Mrs. Aura RUIZ- HURTADO

With lighted torches
they preceded us forty (40) years ago

Vigorous and resolute
Battling for the emancipation of the Curaçao woman

With unwavering determination
They have embraced the new generation

In order that these torches fueled by their inspiration
shall light the path of our women and men with everlasting brightness

1. **General**

Curaçao is one of the Caribbean islands of the former Netherlands Antilles which constitute part of the southern borders of the Kingdom of the Netherlands. The first administrative stage concerning the autonomy of the countries within the Kingdom of the Netherlands came into being with the ratification of the Charter ("*Statuut*") of the Kingdom in 1954. Escalations due to an uproar in Curaçao in 1969 necessitated, in any case involuntarily, the introduction of a second gulf of reforms. In 1986 Aruba was the first island to attain a "status aparte" as it was then termed, within the Kingdom, and left the then existing constellation of the Netherlands Antilles comprising the Caribbean islands. Finally, on October 10, 2010, a new system was introduced of four countries within the Kingdom (Aruba, Curaçao, the Netherlands and Saint Maarten) and three new overseas Dutch municipalities (Bonaire, Saba and St. Eustatius). These recent reforms were preceded by referenda. Article 3 of the Charter ("*Statuut*") of the Kingdom (1954) stipulated a number of administrative affairs that must be regulated at Kingdom level, including the nationality (Inhabitants of the islands have the Dutch nationality) and the subject of foreign relations containing, *inter alia*, the ratification of international treaties.

The islands enjoy some measure of autonomy in the implementation of treaty provisions and reporting. In that sense the Kingdom, at this point, has insufficient internal control mechanisms with immediate effect or sanction regulations. Notably for the parts of the Kingdom that structurally fail to comply with agreements of international law, specifically the sections that provide guarantees for the fundamental freedoms of citizens and residents.

2. **Preparation of the NGO Shadow Report of Curaçao**

The undermentioned observations were laid down in the conclusions of the CEDAW Committee of 2010 (report number CEDAW/C/NLD/CO/5 -5 February 2010):

" The Committee also expresses concern that NGOs from Aruba and the Netherlands Antilles were unable to present a shadow report and that no consultation with non-governmental partners took place during the preparation of the report of Aruba." (CEDAW/C/NLD/CO 5-5 February 2010, recommendation 20, pp. 5)

The recommendation on this point was as follows:

"The Committee reminds the governments of the State party that constructive dialogue with civil society is imperative for the effective protection and promotion of women's rights. The Committee calls upon them to ensure systematic consultation of NGOs in the elaboration and evaluation of policies aimed at achieving gender equality, including while drafting their next

periodic report to the Committee. The Committee strongly supports the intention expressed by the Netherlands Antilles during the interactive dialogue to fund reports submitted by NGOs and invites Aruba to also consider such a possibility. The Committee urges the Netherlands to consider the funding of organizations working in the field of women's rights, including organizations of black and migrant women, in order to contribute in an efficient manner to the continuing implementation of the Convention." (CEDAW/C/NLD/CO 5-5 February 2010, recommendation 21, pp. 5).

With due observance of the abovementioned conclusions, *Fundashon Sentro di Dama _SEDA*, the center of women in Curaçao, contacted the island's Ministry of Social Development, Labor and Welfare, as early as 2014. Said Ministry is in charge of gender affairs. At that time SEDA requested financial support for the compiling of the NGO Shadow Report. No positive response to the request was ever received. Since 2013 SEDA has formed part of the NGO Network in the Netherlands called UN Women's Treaty Network. Through the intermediary of said NGO structure SEDA made efforts to get funding for the NGO Report through the Dutch government. These efforts failed to materialize. Subsequently the members of the SEDA Community of Practice decided on an entirely voluntary basis, to work on an NGO Report. To this end, a theoretical framework was established in March 2015 for the purpose of compiling the required information. It was set out in the framework that SEDA was to proceed in the following manner. In 2015 the Beijing Declaration and Platform for Action celebrated its 20th anniversary. The opportunity of this milestone was seized to approach relevant stakeholders and partners for the purpose of gathering information for the NGO Shadow Report. In Phase I relevant stakeholders were to be interviewed on the analogy of the 12 Critical Areas of Concern of Beijing (1995) and the results achieved in Curaçao.

In Phase II key figures with a political commitment would be sounded upon the impact of Curaçao's female politicians on the local agenda. In Phase II the civil society (individuals and organizations) would be involved in the form of four Civil Society Consultations with guided discussions on related themes. The program features were as follows:

Thursday June 4, 2015:

Kick-off session Experts Meetings with a retrospective view of the pioneer women of Curaçao

Thursday June 11, 2015:

Bridging the MDS and the SDGs

Analysis of 20 years Beijing Platform for Action in the Dutch Caribbean

Thursday June 18, 2015:

Lifting local inequality challenges to a global level :

Gender Equality as a benchmark for Economic Development and Social Inclusion

Thursday June 25, 2015:

Towards intergenerational dialogue for sustainable democracy:
Engaging a new generation of gender-conscious women and men

In addition, the situation of migrants, LGBT (Lesbians, Gays, Bisexuals and Transsexuals) and the role of the media was addressed emphatically.

Subsequently, this report was compiled on the basis of the abovementioned information as obtained from various key figures, civil society actors, stakeholders and partners. The subjects dealt with in this report, are issues that were identified as priority concerns for Curaçao by the participants in the consultative process. Utterly amazing was the fact that various key figures from politics or with a political background were not available for participation in the various processes for information gathering. On the other hand, the involvement of young professionals was enheartening. This shadow report has been drawn up with the hope for a better future for girls and boys, women and men of Curaçao.

MAJOR CONCLUSIONS

Constitutional reforms of October 10, 2010 and the visibility of gender.

3. In the wake of the constitutional reforms the Bureau for Women's Affairs was closed down, and placed under the Ministry of Social Development, Labor and Welfare. In theory, women's affairs and gender were incorporated into the newly created Family and Youth Sector. In practice, the gender policy subject, which had already received little attention from successive ministers and the focal point for gender (see also *CEDAW/C/NLD/CO 5-5 February 2010, recommendation 18 and 19, pp 4*) was made invisible. Existing local structures with the government as initiator and support mechanisms for women, migrant women and women's organizations collapsed. The dialogue between the government and women's organizations with regard to gender affairs was suspended. As a result, the chapter on gender has not been incorporated in the latest reforms (October 10, 2010).

4. The NGOs are of the opinion that the government should assume its responsibility with regard to the CEDAW obligation to maintain an efficient national machinery. It is therefore recommended, as fast as possible, through the medium of an multi-stakeholder consultation, to launch a National Action Plan for Gender, identifying, in any case, the strategic policy principles and the most urgent intervention areas for a period of 10 years. In addition, it is imperative that a National Gender Bureau be established within the structures of the government, managed by a skilled director, of course with a budget, all this under the direct control of a Minister. Such a Gender Bureau could focus its duties on the implementation,

monitoring, evaluation and (international) reporting on the National Action Plan for Gender, including the furnishing of specific tools for gender streaming within the entire government machinery, the combating of gender stereotypes, gender budgeting, instruments in pursuing a gender-specific policy development and relevant promotion of expertise in all government departments.

The influence of female politicians on Curaçao's gender agenda.

5. In view of the fact that official reports intended for the CEDAW Committee are consistently making mention of the relatively high political participation of women in politics in Curaçao, including five female prime ministers, the question was posed to the civil society actors and organizations, during the information gathering phase for the present NGO Shadow Report, whether said participation has also led to a gender agenda within the spirit of Article 180 of the Beijing Declaration and Platform for Action, which includes statements such as :

"In this respect, women's equal participation in political life plays a pivotal role in the general process of the advancement of women. Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all level of decision-making, the goals of equality, development and peace cannot be achieved."

For practically all respondents and participants in the information gathering phase the relatively high political participation of women in politics has not necessarily led to more attention for women's emancipation of gender on the island.

6. The NGOs and civil society actors involved, are of opinion that local politicians, women as well as men, will profit from qualitatively high-value training programs and professional development in regard to democracy, good governance, government accounting regulations and the effect on the international treaties ratified by the Kingdom of the Netherlands (on behalf of Curaçao). Training programs and professional development plans could constitute part of the processes peripherally to the government formation after the elections. Similarly, attention should also be focused on knowledge acquisition, also because of the principles of evidence-based planning and policy development. The management and funding of these projects should fall under the authority of the government (for example, the Ministry of Public Administration, Planning and Public Services).

Understanding of the gender concept and its effect

7. The Civil Society Consultations described hereinbefore have brought to light that the "gender" concept in its transformative effect as well as the treaty provisions and obligations

under the CEDAW Convention and the Beijing Declaration and Platform for Action are relatively unknown to a considerable part of the relevant stakeholders and partners. In addition, the binding effect of these treaty-law provisions is overlooked by many relevant actors. Unfortunately this is also true with regard to a part of the political and administrative establishment. And it is precisely this group that is responsible for safeguarding the fundamental rights of the democratic legal state. This situation is creating unacceptable risks for exclusion and discrimination for vulnerable groups in the Curaçao society, including youngsters, young and single mothers, migrants and the LGBT collective.

8. The NGOs and the civil society actors involved, are calling upon the government of Curaçao, within the framework of strategic policy development, to invest in the area of gender, for example in a knowledge infrastructure (for example: a Social Plan Bureau or expertise center) which may be in a position to provide quantitative and qualitative data, statistical information on the basis of gender-specific indicators and job-related knowledge. All this, on account of the government's obligation to provide solid protection to the most vulnerable in the community by means of effective policy, legislation, and social and welfare intervention programs tailored to their specific needs. Without empirical data covering the several target groups, among others, it will be impossible to adopt effective measures aimed at creating the necessary social and welfare safety net.

9. Stereotypical ideas/views and opinions with regard to women and men

Persistent stereotypical views about the roles of women and men are visibly present on the island. In certain cases this stereotyping is strengthened by the manner of information, dissemination and reporting. In spite of the fact that the UNDP, acting within the framework of a report prepared by Transparency International, has carried out a media project, the contribution by the media toward challenging stereotypes, remains a disputed point. This situation is notably problematic for the underprivileged migrants, the LGBT collective, women and youngsters.

10. An appeal is made on the government to combat the existence of stereotypical views and to initiate discussions on taboo subjects such as relational violence, prostitution and exchange sex (among local women) and incest. Available public means could be used to finance effective information campaigns, provoking a national debate, with respect and tolerance for various viewpoints. The various media platforms are relevant instruments for realizing these ideas by engaging the largest possible section of the population. Similarly, the government-initiated realization of a media code would engender a positive development.

11. Strategic educational planning with attention for gender

On paper, Curaçao can boast of an education system that meets regional and international standards. The majority of boys and girls on the island attend basic education. UNICEF (2013)

makes mention of a percentage of 97% for basic education and 77% for secondary education. The existing legislation guarantees equal access to education for girls and boys, and also career and career-choice possibilities. Concomitantly, girls and boys have equal access to scholarships for further study after finishing their secondary education. In practice there are some worrying tendencies to be perceived. Possibly, the educational system does not link up with young people's modern perceptions of the world. Nor is the educational system geared to the needs of the socially disadvantaged (youngsters without money for food, shoes or textbooks and teaching materials). There is an overrepresentation of female teachers (feminization of education). As a consequence of this, the boys, specifically, but also the girls experience insufficient link-up and are insufficiently exposed to the positive energy of male role models. Viewed from that perspective, a review of the local training system for teachers is a necessity. As a consequence, the educational system brings forth a relatively large number of dropouts who, for lack of other options, seek connection with the criminal circuit. The Central Bureau of Statistics (2015) and the UNDP apply a dropout rate between 32% and 40%. This proves the fact that the social preconditions needed to participate in education are insufficiently available. There are no less than six different school boards on the island, each of them with their own interpretation, views and vision of the type of education to be given in their schools. Moreover, there is no univocal coordination between the educational curriculum and the requirements on the local labor market or the strategic economic development areas as identified by the Ministry of Economic Development. Nor is it manifestly evident that the educational system is assessed for compatibility with relevant gender indicators. Undocumented migrant children are discriminated against. Officially, they do not qualify for obtaining a diploma after they have completed their school career.

12. The government is called upon to take account of the fact that the future development of the island is dependent on the presence of a high-quality labor force and human capital. Education is an indispensable instrument to reach this goal. In the past few years various assessments have already been made to come to grips with existing problems. The government is therefore urged, as fast as possible, within a broad-based multi-stakeholder set of consultations, with representatives of parents/carers as well as students, to develop a Strategic Action Plan for Gender, identifying, in any case, the strategic policy principles and the most urgent intervention areas and priority objectives, operating from a comprehensive approach with due observance of a gender perspective in order, subsequently, to arrive at a goal-oriented multi-year implementation plan with sufficient guarantees for evaluation, monitoring and control mechanisms. Further-reaching coordination aimed at a unilateral attunement between the various educational patterns, is an essential prerequisite in this regard.

13. Our girls are our future

The situation in education has implications for the development of girls. Girls are relatively frequently exposed to stereotypical opinions. In certain cases this engenders consequences with respect to their choice of profession. One aspect which regards boys as well as girls, is the lack of an integrated family policy and measures that stimulate a balance between home and work. As a consequence there is structurally less attention, within the community, for girls and boys in families with working parents. The latter observation is relevant notably in regard to single-parent families. According to the Central Bureau for Statistics (2011) Curaçao has a percentage of 39% of single mothers at the head of the family. In addition, UNICEF (2013) estimates the percentage of teenage pregnancy at 8% to 9%. Nevertheless, the number of abortions is not included in this figure. This is because of the fact that abortion is illegal on the island, although it is tolerated.

14. The government is called upon, within the framework of a strategic gender policy, to devote attention to customized family policies in order to facilitate and consolidate a social safety net for girls and boys. All this with due observance of empirical data on the family compositions and structures existing in Curaçao. It is essential, furthermore, to bestow attention to special children (children with learning difficulties, migrant children and children with a handicap); it is also of importance that the right of girls and boys to information be safeguarded in order to enhance their assertiveness and self-reliance, *inter alia*, with regard to their sexual and reproductive health rights, prevention and sexually transmitted diseases, regardless of the prevailing cultural, religious and political movements and views.

15. Poverty : a multi-dimensional challenge with multi-dimensional solutions

With an unemployment percentage of 15% among the working population, with joblessness among women exceeding the number of male jobseekers, added to youth unemployment rate of 37% (Central Bureau of Statistics, 2013), poverty is not an unknown phenomenon on the island. The lack of alignment between education and the labor market generates fewer chances and alternatives for unemployed jobseekers. Then again, there are reasonable doubts as to efficiency of the procedures for the granting of social security benefits (SOAB - Foundation for the Auditing Bureau for the Public Sector, 2014). It is unclear whether everybody who should qualify for welfare is really receiving a benefit. Sixty per cent (60%) of the persons drawing welfare, are women (Ministry of Social Development, Labor and Welfare, 2014). The proliferation of individual initiatives and NGOs, typically acting without coordination and without the support of professionals, dole out a variety of goods to the needy. This is a matter of concern and creates opportunity for abuse and relationships of dependency.

16. The government is called upon, also on the analogy of the various motions of the Parliament of Curaçao, to take emphatic steps in order to realize an integrated national plan with the involvement of several ministerial departments in order to alleviate poverty. Innovative policies for the elimination of poverty constitute a vital necessity since alleviation of poverty comprises much more than the augmentation of income. Public-private partnerships, the involvement of NGOs and civil society are indispensable in this regard. It is also of importance, on the basis of empirical data, to view the poverty policy from a gender perspective focusing specific attention to areas of overlap with education, adult education, social and economic incentive measures (labor market policy innovation, microcredits, talent development, leadership development), migrants policy, policy toward the elderly, family policy and advancement of the assertiveness and skills of the working population (languages, craftsmanship, information and communication technologies, customer focus, work ethics, values and norms, entrepreneurship). The application of a multi-dimensional poverty index may be an option in this regard.

17. Violence against women

In 2012 the government of Curaçao established a committee by National Decree, consisting of government departments (Ministries of Social Development, Labor and Welfare, Health, Environment and Nature, Education and Justice) and a delegation of NGOs, with the aim of developing a National Action Plan against Violence. In November 2013 a start was made with the Committee's activities. After nearly two years the envisioned activities have not yet resulted in a ratified plan.

18. The government is vigorously reminded that the National Action Plan against Violence should be a component of the strategic gender policy. Failure to map out a National Plan against Violence entails direct consequences for victims and potential victims of domestic and relational violence and the children involved in this. Hence, the government is called upon to take all necessary steps to guarantee that the proposed National Plan against Violence be completed within the foreseeable future and that the financial means needed for this purpose be allocated. A gender test concerning the National Action Plan against Violence could provide extra guarantees, for example with respect to the protection of potential target groups consisting of male victims of violence, sex workers, migrants, juveniles and homosexuals. Aside from this National Action Plan it is important that a realistic action plan be developed, that a practical chain partner structure be conceived, established and ratified by the stakeholders involved (government and NGO) and that adequate monitoring, evaluation and control mechanisms be actuated.

As part of the next formation of the cabinet the coalition partners could take into consideration to appoint a gender minister for the purpose of streamlining all the specified aspects of strategic gender policy under a central authority.

19. Trafficking in Persons

In the 2015 Report on Trafficking in Persons Curaçao is complemented on the fact that the anti-human trafficking legislation was adopted on the occasion of the reforms from 2010, that human traffickers were prosecuted in the past period and that the island has an anti-human trafficking protocol in place between the government and trade & industry with an appurtenant Roadshow for the purpose of promoting the information supply in regard to human trafficking among relevant national partners.

20. The government is strongly recommended to proceed on this trend. It is, additionally, of importance within the context of the prevention of trafficking in persons to strengthen the National Taskforce by further professionalization of this entity, to beef up the participation of NGOs and to grant more powers and resources for the coordination and realization of the stated objectives. The coordination between government partners and NGOs should be explored in more detail with the prospect of establishing a chain approach and a National Plan aimed at combating the Trafficking in Persons with a focus on gender indicators. The identification, assistance and treatment of victims of human trafficking is a matter of concern. Beefing up the Taskforce could be of strategic importance.

21. Sex workers

With the recent reforms of the Penal Code, prostitution is no longer a criminal act on the island. Previously, prostitution was officially tolerated and ever since the forties (40s) there was a facility called " Campo Alegre" where prostitutes from foreign origin were allowed to work. Prostitution among local women is a taboo subject. This is probably one of the reasons why there is little pressure on the government to formulate policies regarding sex workers originating locally or from abroad, who are active in Curaçao. This omission increases the chance of exploitation or human trafficking.

22. The government is prompted to keep in mind that the sex workers are entitled to guarantees with regard to their fundamental freedoms and protection. It is in that perspective recommended, within the foreseeable future, to compose a multi-disciplinary team which will be charged with formulating a Terms of Reference for probing into the type and the relief facilities provided to prostitutes on the island. The findings of this probe would provide the basis for a comprehensive prostitution policy devoting attention to gender indicators. The gender perspective guarantees that specific groups of sex workers, including underage girls and boys, men, homosexuals and local sex workers, will not be overlooked. It is important, in this regard, that sufficient adjustments, monitoring, evaluation and control mechanisms be put in place.

23. Organizations and civil society actors that have contributed to this report :

Surname	Forenames	Organization name or Civil Society
ACKERMANS	Pien	Civil Society
ALBEN	Tom	Journalist; Nos Pais Television
ALBERTINA	Mavis	Journalist; Nos Pais Television
ALBERTO	Lucille	Steering Committee Curaçao, President
ALLEN	Rose Mary	Civil Society
ARCHER	Jerry	Cafra Curaçao
CALMES	Bernice	Fundashon SEDA, Community of Practice
CARVAJAL PINTO	Julieta	Fundación Lazos de Integración Cultural
CASIMIRI	Etna	Fundashon SEDA, Board
CIJNTJE	John	Fundashon SEDA, Staff member
CLEMENCIA	Miriam	Civil Society
DA COSTA GOMEZ	Joyce	Fundashon SEDA, Board
DO REGO-KUSTER	Gladys	Civil Society
DORAN	Rustika	Civil Society
DRAYER	Dick	Journalist
FERNANDINUS	Dudley	Cura + Foundation
FIGAROA	Ina	Fundashon SEDA, Community of Practice
FLORENTINA	Herbert	Civil Society
FRANS-SCHOOP	Daisy	FamiaPlania
GIRIGORIE	Thyrsa	Civil Society
GODFRIED	Chantelle	Civil Society
HANLEY	Sergainisel	Civil Society
HENRIQUEZ	Dina	Civil Society
HENRIQUEZ	Jeanne	DEDIMA
JACKSON	Patricia	Jackson law
JANDAIN	M.	Civil Society
JANSEN	Jeroen	Civil Society
JOHN	Sylvern	Fundashon SEDA, Community of Practice
KLEINMOEDIG	Mario	FOKO Foundation
LANGEVELD VAN	Angelique	Civil Society
LEETZ	Desmond	Civil Society
LEETZ-CIJNTJE	Meyrtha	Fundashon SEDA, President
LEGITO	Jetseline	Single Mothers Curaçao
LEONORA	Vali	Civil Society
LIBERIA-PETERS	Maria	Civil Society
MADURO	Favell	Journalist
MAMBER	Muriel	Civil Society
Surname	Forenames	Organization name or Civil Society

MARTHA	Cassandra	Muhenan Uniformá Armá
MARTINA	Maite	Civil Society
MEYER	Lily	Civil Society
MEZAS	Nevita	Fundashon SEDA, Community of Practice
MIGUEL	Tirsa	Fundashon SEDA, Staff member
NIVELLAC	Ninosoties	Civil Society
OLBINA	Marijke	Civil Society
OOSTERHOF-PRIEST	Stella	Civil Society
ORMAN	Charine	Civil Society
PHILBERT	Donate	Civil Society
PIETERS KWIERS	Stella	Civil Society
PRIEST-PANNEFLEK	Maida	Civil Society
REED	Louise	Foundation against Child Abuse
REGALES	Marlon	Fundashon SEDA, Community of Practice
REGINA	Eldrion	Civil Society
RODRIGUEZ	Susana	Fundación Lazos de Integración Cultural
ROJAS	O.	Civil Society
SCHINKEL	Jan	Civil Society
SEFERINA	Gisette	Civil Society
SENIOR	Louriane	Civil Society
SILIEE	Deva-Dee	Curaçao Cares Foundation
TORÉ	Vanessa	Civil Society
TORÉ	Roxanne	Civil Society
VIJBER	Denise	Civil Society
VIVAS	Maria Alejandra	Fundación Lazos de Integración Cultural
VOORBRAAK	Elodie	Civil Society