

**APRIL 2021**

**4TH NGO REPORT  
ON THE IMPLEMENTATION  
OF THE  
CONVENTION ON THE  
RIGHTS OF THE CHILD  
IN CURAÇAO  
(KINGDOM OF THE  
NETHERLANDS)**



**Antillean  
Federation for  
Youthcare**



4th NGO Report  
on the implementation of the  
Convention on the Rights of the Child  
in Curaçao (Kingdom  
of the Netherlands)



## Presented by

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# INTRODUCTION

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**The Convention on the Rights of the Child, the CRC, was unanimously adopted by the United Nations General Assembly on November 20, 1989 and entered into force on September 2, 1990. The CRC entered into force in January, 1998 for the Kingdom of the Netherlands, and consequently for the Netherlands Antilles. After the dissolution of the Netherlands Antilles in 2010, Curaçao became successor in regards of the signed treaties.**

This will be the fourth time that Curaçao reports on the implementation of the CRC. It covers the period of 2014 – 2019, but due to the COVID-19 pandemic also 2020 developments are included in this report. Previous NGO reports of Curaçao have been realized in 2001, 2008 and 2014 (NGO report Curaçao on CRC, 2014). In 2001, 2009 and 2015 the Committee on the Rights of the Child made recommendations to the Kingdom of the Netherlands, including the country of Curaçao. These are specific points on which the countries of the Kingdom must work to improve the situation of children in the respective countries.

This fourth time Curaçao will report according to the UNCRC simplified Reporting Procedure. This procedure is known as the List of Issues Prior to Reporting (LOIPR). As stated by the UN Committee on Rights of the Child (CRC), it is important for the committee to receive information from the NGOs about the Rights of the Child, in this case for the country of Curaçao. Only with this information the Committee can make an independent assessment of the progress made and of the difficulties encountered in the implementation of the CRC.

This document concerns a reaction of List of Issues Prior to Reporting (LOIPR) provided by the UN Committee on the Rights of the Child for the country of Curaçao. The LOIPR has been adopted in October 2019 and published on the website of the Office of the High Commissioner for Human Rights (UN Treaty Body Database, 2019). The LOIPR contains emerging important issues that, according to the children's rights defenders, should be addressed for the country of Curaçao. This report will include a brief explanation of the context on each issue mentioned in the LOIPR.

## INTRODUCTION

This report is commissioned by the Antillean Federation for Youthcare (FAJ), an NGO based in Curaçao. FAJ is an umbrella organization of youth organizations which targets effective youth care. FAJ stimulates, initiates and carries out activities that lead to a thriving youth welfare and better living and development conditions for children and youth. FAJ's aim is helping young people to get the most out of themselves. FAJ works together to provide knowledge, information and support to children and young people, taking their needs into account. FAJ strives to be part of a society in which all young people can be happy. One of its core tasks is to analyse the situation in the field, including carrying out or contributing to research.

This study was carried out by Dr. Merel Griffith - Lendering. Dr. Griffith - Lendering has extensive experience within the field of social research. She has worked within academic settings, with private organizations and governmental and non- governmental organizations. She has conducted different studies including the development and implementation of the Curaçao Action Program on Positive Youth Development. This report is reviewed by drs. Reina Keijzers-Bouma, Bureau Manager of FAJ.

Data and statistics on the rights of the children in Curaçao is scarce. It was therefore decided to answer the List of Issues Prior to Reporting by means of a qualitative approach. Several key persons were interviewed from both Non-Governmental Organizations and Governmental Organizations in the judicial chain, welfare, education and health care of children in Curaçao. These interviews took place between July and October 2021.

The Covid-19 pandemic created some challenges in conducting this research. Not all organizations were able to give an interview because they encountered major challenges in carrying out their day-to-day work and were unable to make time for the interview. Nevertheless, a total of 34 interviews was conducted with 21 different organizations which we consider a representative number of key persons to answer the List of Issues Prior to Reporting.

# INTRODUCTION

Interviews have been conducted with the following organizations:

1. AJJC: Foundation Judicial Youth Care Curaçao
2. Aliansa: Foundation against Domestic Violence and Child Abuse
3. Fundashon Bos di Hubentut: Foundation for the Voice of the Youth
4. CBS: Central Bureau of Statistics
5. FAJ: Antillean Federation for Youthcare
6. FMA: Foundation for Addiction Care
7. Fundashon Gideon: Foundation to Support Vulnerable Children
8. Fundashon Kontakto: Labor Training Center for People with Intellectual Disabilities
9. Funditut: Curaçao Youth Center Foundation
10. GVI: Family Guardianship Institution Curaçao
11. JJIC: Judicial Youth Institution Curaçao
12. Ministry of Education, Science, Culture and Sport
13. Ministry of Foreign Affairs
14. Ministry of Health, Environment and Nature: Institute of Public Health Curaçao
15. Ministry of Social Development, Labour and Welfare
16. Ombudsman Curaçao
17. SGR-Groep: Foundation for Disabled Care and Rehabilitation Care
18. SMZH: Social Care & Recovery Foundation
19. Totolika: Parents Association for Mentally Disabled
20. Voogdijraad: Court of Guardianship / Child Protection services
21. Yuda Bo Yu, Mental Health Care for Youth Curaçao

The document follows the various issues in sequence of the LOIPR. Some issues formulated by CRC are not relevant to Curaçao and will therefore not be addressed.

Amount of words: 15468 (exclusive references)

# I. NEW DEVELOPMENTS



## 2a. Not applicable

## 2b. Covid - 19 pandemic

The Committee requests the State party to provide information on obstacles and challenges faced by the COVID-19 pandemic.

The Covid-19 crisis has a major impact on Curaçao. The island was in a financial crisis before the pandemic and the Covid-19 crisis came on top of that. The Government in Curaçao has taken drastic measurement to slow down the spread of the virus. Limited health facilities on the island have prompted the government to primarily anticipate limiting the number of Covid-19 victims. In March 2020, a six-week complete lockdown has largely paralyzed the economy with immediate consequences for many people who have lost their jobs and/or income. This was partly due to the fact that one of the pillars of the Curaçao economy, hospitality, fell out almost completely.

Distribution of food packages by the Food Bank during the COVID pandemic



## NEW DEVELOPMENTS

In Curaçao there was poverty prior to the Covid-19 crisis. According to the Central Bureau of Statistics (CBS), before the pandemic 25% of all 60.000 households had an income below the absolute poverty line. Since the Covid-19 crisis, within a period of two months, the number of requests for food support increased enormously. At the beginning of 2020 the Food Bank delivered an average of 100 food parcels per month in Curaçao. This number has risen to more than 10,000 per month.

The lockdown in March 2020 in Curaçao had major implications for employment and income. By closing the borders tourism-related sectors were immediately hit very hard. It is unknown how many people are currently struggling with poverty, Curaçao is still in the middle of the crisis.

### 2b. Education during the Covid - 19 Pandemic

Another drastic consequence of the Covid-19 measures is that all school locations were closed for more than 2 months in the first lock down (March-April and May 2020), and are currently closed again for at least 1 month (April 2021). It is unknown how long the schools will be closed during this second lockdown.

Although initiatives had been taken to introduce distance learning, it is not equally successful for every child due to the lack of digital facilities (Internet (WiFi) and devices) for both teachers and children. Children from vulnerable families in particular lack most of these facilities, which increases inequality in educational opportunities.

### 3. Sustainable Development Goals in a child-based approach

The government has started setting up an Sustainable Development Goals (SDG) national commission in 2019. The commission is working step by step to give substance to their activities. The commission is government-wide and will also consist of non-governmental organizations because realizing the SDGs is not only a task for and of the government. One of the main objectives is also to actively involve young people in this as SDGs youth ambassadors united in an advisory council. The task of this Youth Advisory Council is to provide the Council of Ministers as a whole, individual ministers and ministries, with advice, ideas and assistance with concrete activities for the realization of the SDGs as included in government policy. This SDG Youth Advisory Council also represents Curaçao on international youth forums and supports the subcommittees with outreach to other young people and groups in the community. The National Commission Secretariat consists of 3 ministries, but the Ministry of General Affairs is in the lead. The activities of the SDG Youth Council should continue from now until 2030. The SDG Youth Council makes use of and proceeds with the experiences of the former Konseho di Hubentut (Actieprogramma Jeugdontwikkeling, 2015).





# SUMMARY

## I. New developments

Issues 2-3

### NEW DEVELOPMENTS:

- increase of poverty due to COVID - 19
- inequalities in education opportunities due to COVID-19
- the government has started setting up an SDG national commission in 2019. One of the main objectives is also to actively involve young people in this, as SDGs youth ambassadors united in an advisory council: the SDG Youth Council

## II. RIGHTS UNDER THE CONVENTION AND ITS OPTIONAL PROTOCOLS



### A. GENERAL MEASURES OF IMPLEMENTATION RESERVATIONS AND LEGISLATION

#### 4b. Undocumented children

All consulted NGOs mentioned the daily challenge of dealing with undocumented children. Although they have access to medical care, they experience multiple inequalities due to the fact that they are not documented. This was also mentioned in previous reports to CRC. Please refer to issue 16 (Statelessness and nationality) for further information on this topic.

#### 4c. Equal implementation across the Kingdom

As mentioned by the state, the local Children's Rights Platform (Plataforma IVRK/IVRK platform) has been installed in 2018 within the Ministry of Social Development, Labour and Welfare, in order to stimulate collaboration between GO's and NGOs. It's goal is, amongst other things, to realize a more equal implementation of the Convention across the Kingdom. However, the Platform is facing some challenges that prevent it from being able to implement the various action plans.(please refer to 5, Comprehensive Policy and Strategy and 6, Coordination and Decentralization for further information on this topic).

The 6 former islands of the Netherlands Antilles are treated as the same with regards to reporting on the Rights of the Child. However, there are clear differences between the islands. Bonaire, St Eustatius and Saba (the BES islands) are special municipalities of the Netherlands and have a different status than Curaçao, Aruba and St Maarten (the CAS islands), which are autonomous countries within the Kingdom.

It is important to emphasize this distinction within the Kingdom, because unfortunately it also leads to inequality. For example, within the current COVID pandemic, residents and companies on Bonaire, St. Eustatius and Saba are part of the Netherlands and can therefore make use of similar measures as in the European Netherlands (NOS, 2020; Rijksoverheid, 2020).

## Reservations and legislation

Although the CAS islands receive support from the Netherlands, the statute and constitution are regulated differently and therefore also under different conditions.. The Netherlands provides economic support in the form of loans that are subject to strict conditions. During the interviews with the different NGO partners, this distinction has often led to misunderstanding.

### 4.d Rights of the Child approach in legislation-processes

There is a general lack of a children's rights approach in legislation processes in Curaçao; there is no structural participation of children in the realization of policies or new laws. There have been different initiatives of a Children's Parliament of NGOs in collaboration with a GO, however; these initiatives have not been sustainable and have no interface with legislative developments.

As mentioned in issue 3, one such initiative is the SDG Youth Advisory Council. One of the main objectives of the SDG national commission (set up in 2019) is to actively involve young people as SDGs youth ambassadors united in an advisory council. The idea is that a SDG youth Advisory Council will represent Curacao in this process. This will indeed be a Childs based approach in policy making. Please see more on this in issue 15.

In other words, the voice of the children is not included on a structural basis in the development of laws and policy measures that affect children.

The voice of children is not included on a structural basis in the development of laws and policy measures that affect children



## Comprehensive policy and strategy

### 5a. Implementation of Kingdom-wide Action Plans

As mentioned earlier, the local Children's Rights Platform (IVRK Platform) has been installed in 2018 to stimulate collaboration between GO's and NGOs. It is certainly the intention to implement Action Plans. However, the platform lacks resources; both budget and manpower, which also results in lack of implementation of these Action Plans. Other factors which were mentioned by NGO as challenging factors are;

1. **Cooperation between GO's and NGOs is a challenge.** Several reasons have been cited as to why cooperation is still challenging. According to the NGOs, there is, among other things, a lack of implementation capacity. The platform is understaffed, which means that the coordination role within the platform is insufficiently expressed.
2. **There is insufficient local awareness** within and outside the government of the tasks of the platform. NGOs experience that the platform presents itself insufficiently, with the result that there is insufficient awareness of the tasks of the platform among the partners (such as NGOs).

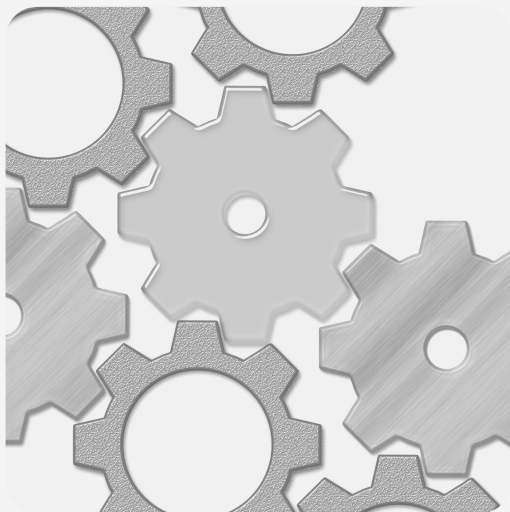
### 5b. Equal application of policies and plans

The collaboration of the local Children's Rights Platform and the Dutch Kingdom Taskforce on Children's Rights is contributing to a more equal implementation of the Convention across the Kingdom. However, again, due to lack of funding, manpower, cooperation and prioritizing, the local Children's Rights Platform in Curaçao does not have the possibility to equally apply all policies and plans. The activities of the members within the platform are currently being carried out in addition to their regular tasks (i.e. policy workers) within the Ministry of Social Development, Labour and Welfare.

### 5c. Monitoring and evaluation of Children's Rights

The Dutch Kingdom Task Force on Children's Rights has certainly the intension to monitor and evaluate Action Programs. However, due to limited financial resources and manpower, there are few possibilities to actually perform these tasks. In addition, a choice still has to be made as to which type of baseline measurement should be used to monitor Children's Rights and other index relevant for 0-18 years.

## Coordination and decentralization



### 6a-b-c. Activities of Children's Rights

There is not sufficient capacity and resources (including expertise and manpower) to carry out all assigned tasks and services aimed at children. The activities of the platform are currently being carried out by policy workers of the Ministry of Social Development, Labour and Welfare, in addition to their regular tasks. Consequences are that children do not have equal access to protection and quality services.

## Allocation of resources

### 7a-b-c. Budget

As stated by the State, the local Children's Rights Platform does not have its own budget; all activities are funded by the Ministry of Social Development, Labour and Welfare. The government of Curaçao needed to cutback in different budgets, even before Covid-19. Now, one of the consequences of the Covid-19 crises are that the government had to cut back even more in different budgets. Cutback in budgets is mentioned by almost all NGOs.

For example, the Antillean Federation for Youth Care (FAJ) and Fundashon Bos di Hubentut have organized children's rights activities over the years and have also been cut in their budgets. Now activities including youth policy development, co-facilitating youth programs and activities like a festival on the Rights of the Child are at a stake.



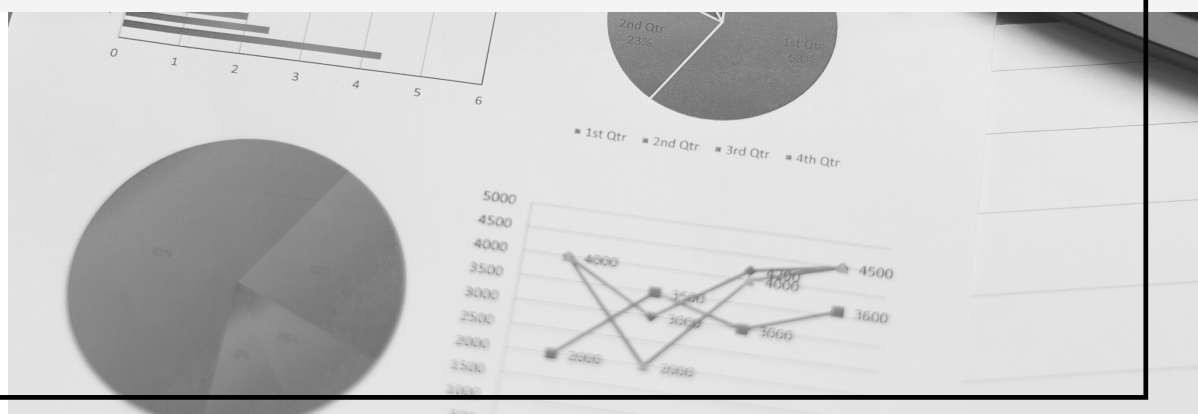
## Data collection

### 8a-b-c. Structural and continuous data collection

Data collection needs to be improved drastically. There is still a continued lack of capacity and resources (including expertise and manpower) to realize basic data-collection, as also mentioned in de last CRC report. Some experiences and observations which were mentioned by GOs and NGOs are:

- There is no central system to regularly collect data on both qualitative and quantitative indicators in all areas of children's rights. More specifically: data on different areas of children's rights are not complete and not up to date, in particular with respect to: child maltreatment, youth care, children with HIV/ aids, homeless children, children in conflict with the law, sexual exploitation.
- Research has been conducted into various specific aspects of the Rights of the Child, but there is no question of continuity and sustainability of research into these rights.
- A youth monitor survey would have been carried out by the Central Bureau of Statistics, in 2020, in collaboration with local Children's Rights Platform (Ministry of Social Development, Labour and Welfare), however, this has not been realized yet.

Lack of structural and continuous data collection in all areas of children's rights



## Data collection

- Available data cannot be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background. This is necessary to facilitate analysis on the situation of the children, particularly those in vulnerable situations. There is insufficient inter-ministerial collaboration between necessary partners on data of Child Right's: Ministry of Education, Science, Culture and Sport; Ministry of Health, Environment and Nature: Institute of Public Health Curaçao and Central Bureau of Statistics, for coordination of data of the children's rights. More collaboration would mean: more cost-effective, more support, more knowledge exchange, more digital opportunities and learning more from each other;
- Administrative data collection within Ministries is limited, not up to date and not digitalized;
- There is no structural connection of data of different (N)GOs and no translations/ interpretation of data into usable information for policy making;
- There is no central point where knowledge and data can be shared, hindering effective implementation of policies. There is no 'sharing data culture': data between countries within the Kingdom, but also within ministries, GOs and NGO are not easily accessible or shared, hindering effective implementation of policies;
- No up-to-date data from the population register;
- Central Bureau of Statistics need more capacity and resources in order to function as a stronger institute of data collection on Curaçao.



## **Dissemination and awareness raising**

### **9a-b-c. Dissemination and awareness raising**

Although some activities (of general Rights of the Child and also, campaigns against domestic violence and child abuse) have been realized in the past four years, by different (N)GO's, it is most surely not enough. In addition, NGOs have been reduced in budget for activities regarding awareness raising. Both Antillean Federation for Youth Care and Bos di Hubentut have noted that a national campaign should be set up to create more awareness within society. It is important to think carefully about how the different (vulnerable) target groups can be reached.

In addition, there is no national guideline when it comes to the implementation of the convention in the curriculum of the schools. Little attention is paid to the Convention of the Rights of the Child in schools. In the past years, a number of teachers have been trained in the UNICEF curriculum, but not all teachers. NGO's stated that the UNICEF education training should be offered structurally to all teachers. Youth care professionals should also be trained on how to raise awareness of the Convention.

## **Independent monitoring**

### **10. Children's Ombudsman**

The design for a children's ombudsman has been in place since 2016. The Ombudsman for Children will be a specific addition to the Ombudsman. In November 2020, the bill to introduce the children's ombudsman in Curaçao was approved by a majority of the parliament. There should be elaborated on how a children's ombudsman actually can be appointed in the short term. The children's ombudsman must be given a particularly active role within the community and must independently monitor and realize the children's rights in Curaçao and address complaints in a child-sensitive manner.

Despite the Ombudsman's tenacity, various NGOs have the experience that the government is insufficiently aware of the importance of actually appointing a children's ombudsman.



## Children's rights and the business sector

### 11a-b. Business sector and children's rights

Stated by the State the Department of Inspection of the Ministry of Social Development, Labour and Welfare ensures in collaboration with the Ministry of Economic Development that businesses do not have adversely impact children's rights.

In contrary to the statement mentioned above, the health and welfare of the children in neighborhoods close to the refinery have been endangered for many decades, please refer to 21d.

Due to emission standards for the refinery that are (far) above average, air pollution causes serious health issues of residents and closing schools in the area when air pollution is too high at certain days. Environmental movements have successfully brought to court cases of pollution by the refinery and forced the government to at least enforce the standards. The government is preparing enforcement laws with regard to environmental standards to limit certain emissions into the air. The deadline of those enforcement laws should be in place by the end of 2020. When these enforcement laws are in place, it is necessary that the Inspection of Environment and Nature (of the Ministry of Ministry of Health, Environment & Nature) also checks whether these laws are being complied with. This Environment and Nature Inspectorate is currently a department in the making within the Ministry of Ministry of Health, Environment & Nature (Inspectie GMN, 2021).

# SUMMARY



## A. General measures of implementation Reservations and legislation

Issues 2 - 11

Consulted NGOs mentioned:

- constant challenge of dealing with undocumented children
- experiencing no equal implementation of the Convention across the Dutch Kingdom
- lack of structural participation of children in the realization of policies or new laws
- due to lack of funding, manpower, cooperation and prioritizing, the local Children's Rights Platform in Curaçao does not have the possibility to equally apply all policies and plans. There is not sufficient capacity and resources (including expertise and manpower) to carry out all assigned tasks and services aimed at children
- cutback in budgets for NGOs working with children
- lack of structural and continuous data collection on children's rights
- need for more awareness raising activities on children's rights
- children's ombudsman has been established by law and a children's ombudsman must actually be appointed

## B. GENERAL PRINCIPLES



### Non discrimination

#### 12a-b-c. Non-discrimination

Different NGOs mentioned that a culture of shame exist from those who are 'different'. As a result, children who belong to certain minority groups, such as ethnic minority groups, migrant and undocumented children, children with disabilities, chronically ill children and lesbian, gay, bisexual, transgender and intersex children still face discrimination. It is also mentioned that, when children are facing discrimination, they do not know where they can report this. In some cases, teachers or parents can help them, but there are no mechanisms in place which help these children in a child-sensitive manner.

It was mentioned that in Curaçao there is no general acceptance of the different skin colors and cultures and attributing negative, or positive, features to skin color or ethnicity is common. E.g. comments by black people that white people have "good hair" and black people have "hard hair" imply that one trait is better than the other. Or, black children who do not want to stay in the sun because 'then they will turn too dark and they will not get a boyfriend or girlfriend', also insinuates that a lighter skin tone is preferred above a darker skin tone.

NGOs recommend undertaking more efforts to create a climate in which children of all cultures, languages and colors feel safe within the community. Also, although undocumented children do have access to medical care, they experience multiple inequalities because they are not documented. Please refer to issue 16 (Statelessness and nationality) for further information.



## **Best interests of the child**

### **13. Interest of the child**

As stated in the third NGO report, there is no uniform interpretation of the best interest of the child. The NGOs interviewed noted that even now professionals still need support in determining how best to serve the interests of children in Curaçao, in application of this article. It is legally stipulated that the voice of the child is listened to in court. However, interviewees have noted that in other areas this by no means is the case in practice, e.g. in the development of policies that directly affect children.

Several NGOs have named the following recommendations:

- Procedure and criteria should be developed to provide guidance to all relevant persons in authority for determining the best interest of the child in every area.
- Professionals should be trained to integrate the child's voice in everyday proceedings, in court, in the classroom, policy development; at any occasion where the interests of children are directly affected. It has also been said that professionals should learn better to actually hear the voice of children. As was stated by: "professionals and parents are in charge towards our children; and children themselves do not have a saying". Therefore, parents, professionals working with and for children, at schools and policy makers, should be trained to integrate the children's voice into their day-to-day work.

## **Right to life, survival and development**

### **14. Euthanasia**

Not applicable for Curaçao.

## Respect for the views of the Child

### 15a-b-c. Respect for the views of the child

As stated earlier, it's legally stipulated that the voice of the child is listened to in court. The Court of Guardianship (Voogdijraad) hears children and ensures that the opinions of children are included in the judicial process. This also includes children under the age of 12. However, this is not the case for all decisions that affect children, including policy making within ministries (as mentioned by policymakers). Children are rarely involved in policy development meetings; professionals from both GOs and NGOs make decisions with the youth in mind.

There is a national decree to provide for a youth parliament. Installation of the youth parliament is without any legal obligation. Previously existing structures aimed at youth participation in policy development (youth parliament Bos di Hubentut, youth advisory board Desaroyo di Hubentut and initiatives by our local Children's Rights Platform) are unfortunately inactive or not fully functioning, as mentioned by these NGOs themselves. Mobilizing children and young people takes a lot of effort without the needed structural resources, which is perceived as a shortcoming.



## Respect for the views of the Child

One structural initiative has been the Kids Council (Raad van Kinderen), as stated by the State as well. Decision makers are encouraged to include the perspectives of children and young people in their decisions. The Missing Chapter Foundation has initiated and facilitated an equal and non-committal dialogue between decision makers, children and young people. Since 2015, different schools in Curacao have participated in the Kids Council and have been connected to businesses for consultation, including tourism organisations, pension funds and insurance companies (Raad van Kinderen, 2020).

As recommended by the Convention in 2015 and also mentioned in issue 13, improvement is needed in meaningful participation of all children within the family, the community, schools and the realm of policy making, including awareness raising activities on the importance of including participation of children. Professionals should be trained in how to incorporate a structural approach in regards of perspective of the child.

Since 2015, several schools in Curaçao have participated in the Kids Council





# SUMMARY

## B. GENERAL PRINCIPLES

Issues 12 - 15

Consulted NGOs mentioned:

- there is no structural approach to including children's views in all decision making that affects children, including policy making
- professionals must be trained to incorporate children's perspective on a structural basis

## C. CIVIL RIGHTS AND FREEDOMS



### Statelessness and nationality

#### 16. Undocumented children

Undocumented children are of great concern, maybe one of the biggest issues all NGOs are dealing with. Almost all NGOs that have been interviewed mentioned this issue. The number of undocumented children, mainly from countries in the Caribbean and South America, is increasing. But because concrete data is lacking, it is unknown how large the group actually is.

Children of undocumented parents are registered in the birth clinic or hospital where they are born, as well as with the registry office. But they are not given a nationality. An example was mentioned by one of the NGOs, regarding the concerns of undocumented Jamaican children. If undocumented Jamaican parents give birth to a child in Curaçao, their child will not receive a Dutch identity (as children of documented parents receive in Curaçao). In addition, the rule for Jamaicans is that if a child of Jamaican parents is born outside of Jamaica, they will not receive Jamaican nationality. Therefore, these children are stateless.

Undocumented children can attend school, due to compulsory education for children. However, they will not receive a diploma upon completion of the training due to a lack of documents and registrations in the population register to prove their identity.

There is limited access to health care services for undocumented children. Enormous steps have been taken in recent years. On July 1st, 2019, a free primary care clinic for undocumented people on Curaçao has been opened by Fundashon Salú pa Tur. Basic medical care and free consults are provided for those who are undocumented. Unfortunately there is no pediatrician available on this team yet.

Care for (small) children therefore still has many problems. To give an example, in the past, the health clinic provided formula for babies in vulnerable families, including undocumented mothers. Today this no longer happens due to a lack of financial resources. As a result, undocumented mothers no visit the clinic and their children are therefore not vaccinated. Other healthcare institutions cannot accept undocumented children because they are not insured.



# SUMMARY

## C. Civil rights and freedoms

### Issue 16

NGOs have growing concerns regarding undocumented children, due to a lack of an official identity, their education is at stake and health insurance is not in place.

## D. VIOLENCE AGAINST CHILDREN

### Freedom of the child from all forms of violence, including corporal punishment



#### 17.a Violence towards children

Healthcare professionals indicated that minors who have experienced violence are not adequately protected. The Ministry of Justice has first responsibility when it comes to child abuse cases. Cases regarding violence are not always properly followed up. As mentioned by one of the NGOs, sometimes there is 'no time' for certain cases, or only the 'toughest' cases are treated. As mentioned by multiple organizations, including Mental Health Care Curaçao and Family Guardianship Institution Curaçao (GVI), all cases of violence and (sexual) abuse are equally important and no distinction can be made between 'serious' and 'less serious' cases.

The following bottlenecks were mentioned by the consulted NGOs:

- There is insufficient capacity to deal professionally with all cases in the entire chain. Consequently, not all cases are treated.
- Legislation needs to be tightened; guidelines throughout the care chain must clearly indicate who is responsible for what.
- There is insufficient coordination between the various responsible partners when there is evidence of assault or abuse.
- Healthcare professionals do not have sufficient expertise in dealing with cases of (sexual) abuse and maltreatment in a child-friendly manner.
- More capacity and training is needed for the special (police) unit for reporting sex offenses.
- There are complaints about the Guardianship Council regarding their staffing and expertise.

## **Freedom of the child from all forms of violence, including corporal punishment**

A number of preventive measures have been implemented in Curaçao in recent years (as mentioned by the State). One of the latest developments is that the government is currently (2020) working on merging the various (GO and NGO) partners in the judicial chain, in order to organize the youth care chain more efficiently. Family Guardianship Institution, Court of Guardianship, Victim Support and Juvenile Probation Services will merge, aimed at a more efficient approach and coordination. In addition, there has been opened a special unit at one of the local police stations for reporting sexual offenses .

Much more should be invested in the prevention of violence, especially domestic violence. Both perpetrators and the victims must be dealt with adequately, in a child-friendly manner. Offenders are often at home, with the victims, and there is insufficient space for offenders to be placed in custody. Housing for perpetrators and victims are not sufficiently in place. There are currently not enough places, and also, the shelter for victims of domestic violence is considered not child-friendly.

There is no accessible reporting structure for domestic violence to be used by children. It is recommended to introduce an unambiguous statutory reporting code / reporting obligation for child abuse with the associated promotion of expertise and manpower for the field / chain.

Finally, there is insufficient support for parents. In the field of the education of children, there are insufficient possibilities to support parents in need. One presently active program is Bon Kria, an information and training center for children. In the Bon Kria parent course, parents learn new skills and tools, so that they can apply them in the education of their children. Another example is the Positive Parenting Program (Triple P) supported by the Ministry of Social Development, Labor and Welfare. Triple P is a program aimed at preventing psychosocial problems in children by providing support to parents of children between 0-16 years old.

Healthcare experts have growing concerns about the increase of domestic violence in relation to the Covid-19 measures regarding lock down and restricted freedom. Especially considering the Covid-19 issues; parents are experiencing more and more stress due to anxiety, loss of income, and stress related to home schooling. More should be invested in raising awareness about non-violent parenting techniques and counseling techniques in case of abuse.

## **Freedom of the child from all forms of violence, including corporal punishment**

### **17.b Children with mental health problems in residential care**

Children with mental health problems need to be better protected when it comes to maltreatment and abuse. Several NGOs reported complaints about the quality and monitoring of the protection of children in (mental healthcare) institutions. Family custody institutions do not have sufficient tools, staff and expertise to counsel families dealing with sexual abuse and assault.

17c- d. Not applicable

Insufficient resources to support families  
affected by  
sexual abuse and assault



**VIOLENCE** against children

# Freedom of the child from all forms of violence, including corporal punishment

## 18a. Violence towards children

Please refer to issues 17a-b

## 18b. Secondary victimization

Victims of abuse and any form of violence are vulnerable to secondary victimization. Also, as explained in issue 17 and mentioned by consulted NGOs, there is insufficient manpower and expertise to deal with all these cases in a child-friendly manner. More budget and manpower should be invested to secure children from any form of violence or abuse, as advised by the NGOs.

## 18c. Transgender and gender diverse children

In the Government Program 2017 - 2021, the Curacao government has argued for an inclusive society in which no distinction is made and everyone is given opportunities to develop, to actually participate, regardless of any disability, sex, age or sexual orientation. No concrete actions or interventions have been carried out by the government within this plan. However, a local NGO (FOKO) has continued to support and guide the LBHTQI target group (with a subsidy from the government)

## SUMMARY

### D. Violence against children

#### Issues 17 - 18

NGOs mentioned the following concerns:

- still huge concerns when it comes to violence towards children. Much more should be invested in preventive measures especially when it comes to neglect and domestic violence
- There are complaints about the quality and monitoring of the protection of children in (mental healthcare) institutions
- No concrete actions or interventions have been carried out by the government to create an inclusive society, including transgender and gender diverse children. A local NGO has continued to support and guide the LBHTQI target group

## E. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### Children deprived of a family environment



#### 19a. Alternative care

Tremendous concerns have been mentioned by consulted NGOs when it comes to institutionalizing children. Care professionals have indicated that the starting point at all times is keeping children at home for as long as possible. Only in case of an unsafe environment it is appropriate to consider taking children away from their parents and placing them out of their homes. However, there are not nearly enough places for all the children who have to be placed out of the home. The problem occurs as children grow older. The amount of places in institutions, especially for boys over 12 years old, is very limited.

In addition, the infrastructure and care in the homes, as indicated by NGOs, leave a lot to be desired. Institutes cannot function sufficiently as a proper substitute for family.

Besides that, proper care for these children is often absent. Although some training is offered for professionals who are working in these homes, it is not enough to provide the right care. These children have often experienced multiple traumas and proper diagnosis and care is necessary. As stated, cases are becoming increasingly complex, which means that more expertise is required to provide the right care. Since only few institutions have a behavioral expert or a multidisciplinary team, there is little help for placed minors who have psychosocial problems. Again here also applies, as mentioned by the NGOs, a lack of sufficient funding resulting in insufficient care within the institutions.

#### 19b. Differentiation between institutions

Consulted NGOs mentioned that there is no adequate differentiation within residential youth care on the island. In the past, the residential organizations' tasks were to provide shelter and structure to children. However, it is increasingly common for minors to enter residential youth institutions with complex problems. As mentioned by the state, the most difficult cases are now placed in Judicial Youth Institution Curaçao (JJIC). In practice, most children at the JJIC have a supervision order (ondertoezichtstelling, OTS), but also children with a pre-trial detention are placed causing associations of JJIC with crime, which does not benefit to the image of a youth care institution.

## Children deprived of a family environment

### 19.c Monitoring of institutions

The NGO institutions themselves indicate that there is insufficient regular supervision of the various institutions. While some accountability is due to the various ministries, it is stated as far from enough. The institutions themselves would be evaluated and monitored by the government, in order to come up with solutions and improvements if necessary. One of the institutions indicated that they lack a child-friendly, confidential and easily accessible complaints procedure and that there is no supervisory committee.

### 19d. Alternative care

As mentioned by the state, youngsters who are leaving alternative care can receive education and skills training for independent living at three institutions. However, as mentioned earlier, there are not enough places for all children who need such a place. NGOs mention lack of financial resources as the main motive that the amount of places has not been expanded in recent years.

### 19.e Foster care

Foster families are regarded as an important alternative to outplacing children, who can no longer live at home. In foster care children grow up in a situation that is more like a family situation. Unfortunately foster care is not well / professionally organized in Curaçao. Compared to four years ago, some initiatives have been taken to professionalize foster care, in collaboration with government and agencies.

It is unknown whether there are enough foster families on the island. There are several settings working on this theme, but there is no central file. The government has entrusted the task of recruiting and guiding foster families to the Social Care and Recovery Foundation (SMZH), but this organization does not carry out this task due to a lack of financial resources. Family Guardianship Institution Curaçao (GVI) has its own file of foster families for temporary placements of children placed under their supervision. In addition, a foster parent has also taken the initiative to develop a network of foster parents and to gain insight into the needs of foster parents and to organize support for them for optimal foster care.



## SUMMARY

### E. Family environment and alternative care

Issue 19

Consulted NGOs mentioned:

- lack of sufficient resources results in less than optimal care in institutions
- there is no adequate differentiation between the different institutions
- the organizations need more monitoring and evaluation, aimed at development
- there are insufficient options for children who need an alternative home situation
- compared to four years ago, initiatives have been taken in the field to professionalize foster care, in collaboration with government and agencies
- there is no central registration of foster families, the number and needs of foster families is unknown



## F. CHILDREN WITH DISABILITIES

### 20a. Inclusive education

The various NGOs working with children with disabilities would like to see this group have access to education. Because that is not self-evident at the moment, they are calling for attention to inclusive education. However, they also acknowledge that the current education system is not ready to include all children, and especially those with disabilities. The first step is to develop a vision of inclusive education within the Curaçao community and answering questions about how to organize it.

Linked to compulsory education, all children aged 4 – 18 years need to go to school. Children with a long-term mental or physical disability, who are unable to attend regular classes, have the right to an exemption from the compulsory education act. However, no committee has currently been set up to assess this exemption on the basis of the current compulsory education law.

Other points of attention mentioned by NGOs are:

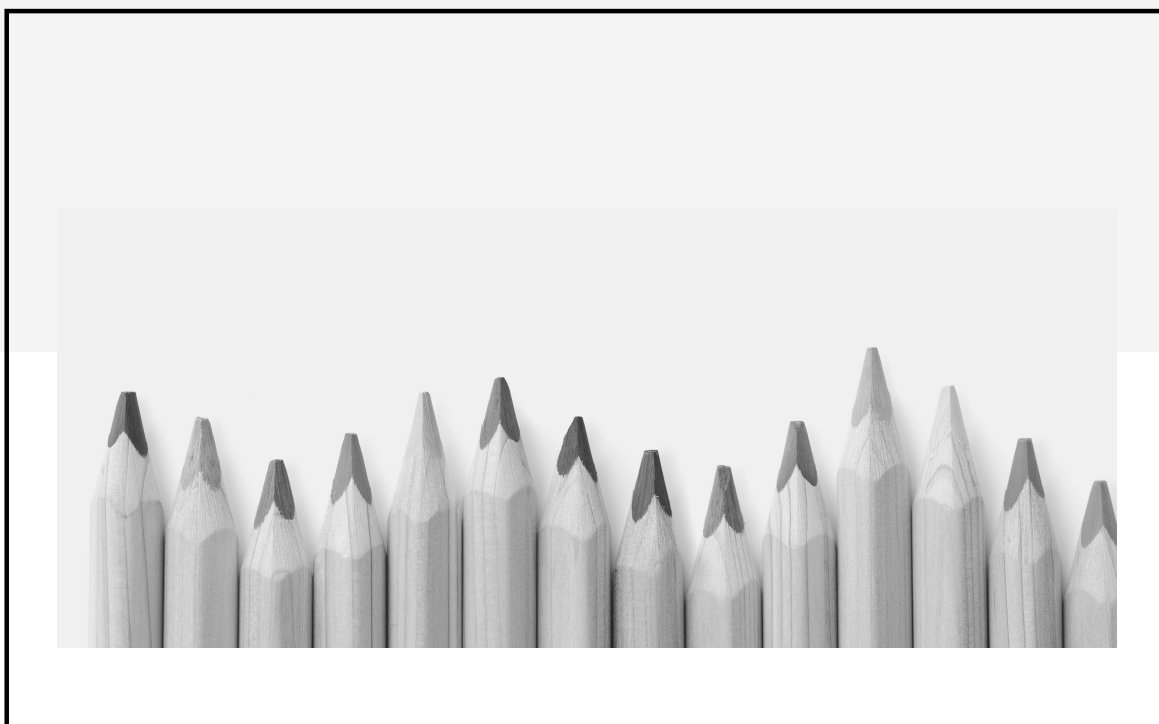
- Cooperation is needed between the partners in care and the partners in education. Education and care are sectors that are organized and function completely independently of each other. However, close collaboration between the sectors is required to fulfill children's special needs.
- Need for more expertise among teachers and care workers on how to deal with children with a disability. Care teams in schools could be strengthened to support children and teachers.
- A coordinating role in the field of healthcare and youth care in education is not provided. The consulted NGOs mentioned the need for a central organization of youth care that provides guidance and assistance in the field of care and education. Children easily become victims due to a lack of coordination between education and care.



## F. CHILDREN WITH DISABILITIES

Recently (in 2020) the Ministry of Education, Science, Culture and Sport has in collaboration with the platform for people who function at the level of a Mild Mental Disability (LVB Kenniscentrum), established the criteria for determining at which level of education children can enter, based on IQ psychological grounds (FAJ, 2020a&b). These criteria have been adopted by the Ministry in a national ordinance and legislation.

However the education system is currently not set up in accordance with these criteria, and as a consequence, children with disabilities are not being placed in fitting educational levels. That is why an additional transition framework for Special Education has been developed by the Ministry of Education, Science, Culture and Sport (Ministerie van OWCS, 2020a&b). All characteristics of the pupil population regarding special education have been investigated and it is clear now how to classify the entire pupil population in special education according to the established indication overview. This transitional framework has yet to be implemented by the Ministry of Education, Science, Culture and Sport.



## **F. CHILDREN WITH DISABILITIES**

### **20b. Absenteeism and dropouts of children with disabilities**

Children with a disability are being refused entry in schools, as mentioned by different NGOs. There are currently not enough places in the education system for students with a mental and / or physical disability. The Social Pedagogical Service (SPD or Stichting voor Gehandicapten- en Revalidatiezorg) conducts a screening to find out whether there is a psychological or mental disability. In practice, these children have implicitly left education because of a mental disability, but they are not exempted from education. They end up in the healthcare or youth care system, without receiving adequate education.

Within the educational system in Curaçao, a 'cluster 4 school' is seriously missing for children with (extreme) behavioral problems (including children with autism). Although this necessity has been emphasized in special education policy, it has not yet been implemented by the government. A permit for a private initiative for a cluster 4 school has been withdrawn by the ministry and the ministry would start up such a facility itself in the future.

As a result, children with a physical, mental or psychological disability are not offered the education that suits them, with as a consequence that they not enter or stay in the education system, resulting in absenteeism and becoming school dropouts. The size of this group is unknown due to a lack of data.

### **20c. Early diagnostics**

Mental healthcare professionals mentioned that children who need care are registered too late, mostly around the age of three. Much more attention needs to be paid to early diagnosis of any developmental problems in children aged 0-4 years. For example, the consultation centers could do much more on screening of children, if they have the resources and capacity.

An interesting point raised by interviewed professionals is the challenge of the aspect of (local) language in diagnostics. There is minimal knowledge of diagnostics and independent testing in the mother tongue language spoken on the island, namely Papiamentu. The consequence of this is that children are misdiagnosed.

### **20d. Personal health-care budget**

Currently, the healthcare system does not have the capacity to care for all those in need. The insurance system is not sufficient for all children with behavioral or physical needs, in the field of therapies. Also, there is a great lack of housing facilities for people with disabilities as mentioned by the NGOs. In addition, there is a shortage of school support resources for pupils with behavioral problems.



# SUMMARY

## F. Children with disabilities

Issue 20

Consulted NGOs mentioned:

- the current education system is not ready to include all children, and especially those with disabilities. As a consequence, children with disabilities, learning and behavioral difficulties do not receive the proper education, which results in absenteeism and dropouts
- a transition framework for Special Education was developed by the Ministry of Education (2020). This transition framework is not being implemented yet
- more focus is needed on early identification of developmental problems in children aged 0-4 years
- there is limited knowledge about testing and diagnosing children in their native language (Papiamentu)
- currently, the health care system does not have the capacity to care for all those in need

## G. BASIC HEALTH AND WELFARE

### Health and health services



#### 21a. Infant mortality

In 2017, 1,548 children were born alive in Curaçao, of which 793 boys and 755 girls (CBS Fertility). In the first year after birth, 16 children died, or 10.3 per 1,000 live births (infant mortality). Of these, 13 children died in the first 28 days after birth (neonatal death, 8.4 per 1,000 live births). Due to the small population with relatively small number of births and deaths, the death rates fluctuate over the years. Between 1998 and 2017, infant mortality varied between 11 (in 1999, 5.1 per 1,000 live births) and 29 (in 2006, 15.5 per 1,000 live births) cases per year. The average infant mortality rate for the 1998-2017 period is 9.5 per 1,000 live births.

In Curaçao, the infant mortality rate is in average three times higher than in the Netherlands (with 3.6 per 1,000 life births) (CBS, 2018). In the Netherlands, infants of Antillean descent also appear to have a higher mortality risk compared to Dutch infants (CBS, 2009). These ethnic differences can be explained to a small extent by risk factors that are known to be more common among the Antillean community in the Netherlands, such as a lower socio-economic status and more teenage pregnancies (Ravelli et al., 2008). Stillbirth (Ravelli et al., 2008), the prevalence of Sudden Infant Death Syndrome (Wal et al., 1999) and maternal mortality (Schutte et al., 2010) are also higher among the Antillean community in the Netherlands.

Some concerning issues, as mentioned by NGOs, are:

- There is no national policy on pre- and perinatal care. This type of care should take place from pregnancy until the child is 12 years old.
- There is no coherent policy with regard to first-line and second-line deliveries, despite the fact that this has been discussed for many years.
- Several healthcare professionals state that many pregnant women do not report until 20 weeks pregnancy, which can be too late to identify certain complications. However, it is not known how many women are involved because data is missing.

Although some measurements have been taken to prevent and reduce infant mortality, including prevention campaigns and improving access to mother and child care, the infant mortality rate is still much too high.

It also seems that the number of children with Down syndrome is decreasing, as mentioned by the Foundation for Disabled and Rehabilitation Care (SGR-Groep), because of better diagnostics during pregnancy. Care for children who are born at 26 weeks has improved, making the survival chances for these children many times higher. However, children born at 26 weeks are more likely to have limitations. In the opinion of the Foundation for Disabled and Rehabilitation Care, the number of children with a disability is increasing. Unfortunately there is no available data to state this.

## Health and health services

### 21.b Overweight and obesity

As mentioned in the Written Input for the List of Issues (FAJ, 2019), the level of physical activity and unhealthy dietary behaviors are important contributors to obesity and unhealthy lifestyle. Concerning these behaviors, the Global School Based Health Survey, conducted in 2015, concluded that 32% of the students (age 12-17) are physically inactive (Verstraeten, 2015). Also, a great percentage of students show an unhealthy eating behavior, such as not eating breakfast (15%), insufficient intake of fruit (60%) and vegetables (73%). In addition, almost one third of young people describe their own weight as 'light or strong' overweight (Vertraeten, 2015). However, this is their own experience, more valid data on obesity and overweight of children is not available. Lastly, the majority of students (69%) eat fast-food one or more days per week. These numbers are experienced as alarming by the field, and are a risk given the Covid-19 pandemic we are in.

The field considers it important that international best practices are used to target overweight and obesity in Curaçao. Experience is that currently not enough is being done to combat this serious problem.

Almost one third of young people describes their own weight as 'overweight'



## Health and health services

### 21.c Access to free basic health care

Since 2019, as mentioned in issue 16, there is a foundation called Fundashon Salú pa Tur (Health for All). This is a free primary care clinic for undocumented persons in Curaçao, providing basic medical care and free consults. Unfortunately there is no pediatrician available on this team yet.

Due to limited financial resources a few years ago, youth healthcare for 4 - 18 year olds was cut back and so far has not been restored. Consultation office cater for 0-4 years. In the past, these youth care consultation offices would also visit schools, giving courses to teachers and students. The general advice is to guarantee and strengthen youth care services for all ages (0 - 18).

### 21.d Air pollution

There is more asthma among adults in the neighborhoods under the smoke of the refinery. This is likely to be caused by air pollution from the refinery; however, this has not been studied thoroughly. Also, air pollution among children, pollution-induced asthma, has not been investigated further.



## Mental health

### 22a. Rapid access to quality psychological care

The structure of psychological/ psychiatric care on the island is insufficient for efficient access for all children with mental problems. The experience of mental health professionals is that much more manpower is needed to tackle the existing problems. This means that the government needs to provide more financial means in mental health care.

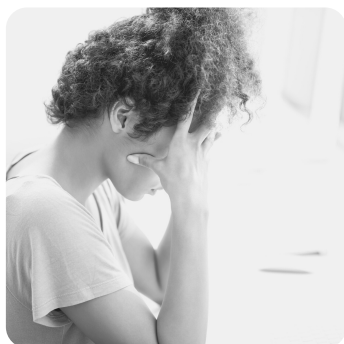
There are currently only two child psychiatrists on the island, which is very limited taking into account the severity of the problems and the number of children involved. The youth care organization has availability of data of their clients, but many children do not reach out for care or are not being served due to a waiting list. So actual data on this specific issue are not available.

In addition, as mentioned by consulted NGOs, there are far too few options for providing care in schools. Partly due to insufficient manpower, care structures in schools are not properly set up to provide extra care for children in need. In addition, many teachers are not equipped with the skills to recognize if a student is dealing with mental problems and needs additional help. Finally, community-based outpatient care is unfortunately almost nonexistent. Especially now, during the COVID-19 pandemic, this accessible form of care is desperately needed in the neighborhoods.

### 22b. Depression, self harm and suicide

As mentioned in the Written input for List of Issues (FAJ, 2019), the Global School-based Student Health Survey (GSHS) concluded in 2015 that 11% of students in Curaçao seriously considered attempting suicide, of which 28% actually attempted suicide two or more times (Verstraeten, 2015).

Insufficient attention is paid to the growing group of young people who exhibit suicidal behavior. Care takers are defining these youngsters as 'the forgotten group'. There are no fixed protocols for general practitioners to handle suicide attempts. It is unclear how many young patients are involved on an annual basis. Also (secondary) schools have indicated that since the Covid-19 period, they are experiencing more young people who are depressed, some of them even with suicidal tendencies.



## Mental health

### 22c. Restraint and isolation of children in psychiatric care

Mental health care professionals stated that there is still a lot to be done for children and their families in psychiatric care. There is no special treatment for young people; amongst other things, there is no children's ward for admission in psychiatry. Young people are currently treated in an adult institution.

As explained by mental health care professionals, when there is a crisis situation, young people are placed in isolation. All choices made in certain crisis situations are based on safety. However, in Curaçao, there are still some institutions where young people in psychiatric care are locked up in their rooms, in a closed ward. These young people are handcuffed when they have therapy with their psychologist. Sometimes it is unsafe for children to go back to their own family. When children do not go back to their families, the families also need support, which is often not available.

In conclusion, a psychiatric facility for young people is needed where young people are able to receive more guidance.

### 22d. Correct diagnosis and over-medication

Mental health problems of some children are still not being diagnosed correctly. Different psychologists have mentioned the following issues in this matter:

- There are no adequate measuring instruments available that have been validated for local context and language (Papiamentu), so that in fact unsuitable tools are used to make a diagnosis.
- Not all behavioral experts on the island have the qualifications necessary to diagnose. There are several diagnostic testers who do not have the correct educational background for this, but do offer tests at a considerable cost. As a result, children are not always correctly diagnosed and sometimes even receive unnecessary medication. Once a child has been diagnosed, it is difficult to get the diagnosis undone.

Professionals in the field are also concerned about the extent to which medications are prescribed for ADHD and ADD. Also, some youngsters who do need their medication are not taking them correctly. It also happens that parents and children are against the use of medicines, while professionals in mental health care think of it as a solution.



## Adolescent health

23. In general, consulted NGO's have indicated that considerable cuts have been made to preventive activities, including those focusing on sexual behavior, substance use and gaming disorders.

### 23a. Sexual and reproductive health policy for adolescent children

As mentioned in the Written Input for the List of Issues (FAJ, 2019), the number of people with HIV continues to increase in Curaçao, while the age of patients decreases. The youngest HIV patient in Curaçao is barely 16 years old, according to the data from Cura+ HIV/AIDS Support Foundation (Caribisch Netwerk, 2018). According to this article, Curaçao does not have the resources to prevent HIV. Also, Curaçao has a relative high percentage of teenage pregnancies, 7% of the children born in 2017 have a mother aged 19 or younger (VIC, 2021). These developments are considered as very alarming.

As mentioned by the state, there is currently no policy directing at the prevention of teenage pregnancies. Although some NGOs focus on safe sex prevention and carry out these programs, clearly this is not enough to achieve the needed effect on teenage pregnancy and the spread of HIV.

### 23b. Integrate sexual and reproductive health education into the mandatory school curriculum

The NGOs noted that neither the government nor the school boards have established a policy with regard to healthy sexual education in schools. As mentioned by the state, all school boards have the space to supplement this themselves. However, linked to the closed culture and influence from religion, few schools actually pay attention to this issue. Nevertheless some initiatives have been launched and successfully completed in recent years, including the translation of sexual health material into the local language Papiamentu.



## Adolescent health

### 23c. Incidence of drug, alcohol and tobacco use by adolescent children

Substance use by young adults is experienced as 'alarming'. Psychologists report an increase in problems with marijuana use among adolescent children. The use of soft drugs starts at a very young age.

According to different interviewed psychologists, since the COVID-19 pandemic, marijuana use among young people have increased enormously. It has also become clear to psychologists, that alcohol addiction of parents have increased as well during the lockdowns. This clearly also affects young people.

On the other side, young people are less often registered for treatment during lockdown periods, because this registration usually goes through schools and the schools were closed due to the lockdown. Registration for alcohol problems takes place through the Ministry of Justice and unfortunately, these registrations processes are very slow.

Institutions treating young people for addiction highlight some troubling issues. The Addiction Care Foundation (FMA) indicates that the population has the perception that their institution is primarily a place for heavily addicted "junkies", which implicates that some people do not want to go there. Responding to this, a separate entrance has been created where people can enter unnoticed, but it is uncertain whether this strategy will also work for young people.

Brasami is another institution for the treatment of persons with addiction problems and psychological disorders in the criminal justice system. Brasami has a youth department, but due to scale there is no possibility of differentiation in terms of age. Consequently, 12-year olds are placed together with 17-year olds.

NGOs also indicated that, due to a lack of adequate inpatient and / or outpatient youth addiction care, a large number of juvenile criminals or young people at risk with addiction symptoms remain untreated.

FMA is realizing some prevention programs for substance use for adolescents, but due to of financial limitations, these programs depend on the involvement of volunteers. Peer education is a useful tool in preventive activities. However, there are not enough resources to realize peer education or preventive activities within neighborhoods, focusing on life skills education and preventing substance use.

There is also a need for school-based prevention programs with regard to drug policy and prevention. Triangle consultations between schools, government organizations and NGOs can provide assistance to young people with drug problems.

## Adolescent health

### 23d. Gaming disorders among adolescent children

The field is experiencing massive increases in gaming disorders, social media addiction and damaging dependency of phone use. This was already present before the Covid-19 pandemic and has only increased since then. There seems to be a shift in forms of addiction among young people: from alcohol, to sex and now to gaming. Again, some prevention activities have been realized by FMA, but there are not enough resources to effectively tackle this concerning issue.

## Standard of living

### 24a. Poverty

As stated earlier, there is enormous poverty on the island (please also refer to issue 2). GOs and NGOs indicated that the situation is incredibly worrisome. Homes are overcrowded, forcing children to grow up in problematic families. As mentioned in issue 2, poverty was already present before Covid-19, but Covid-19 has made the situation much worse. NGO have mentioned that there is not enough coordination in practice between the ministries and NGOs to tackle this complicated issue of poverty and safety together.

### 24b. Assessments of the impact of measures to combat poverty

There is no clear policy for combating poverty present in Curaçao. It is very worrying that, although the poverty problem is so serious, there is no vision for tackling poverty, no insight into the scale of the problem, let alone a structural policy approach. The state should invest in prevention and make use of a neighborhood-oriented approach. Several programs have been launched in the past years, including the Governmental Urgency Program (Urgentieprogramma Gobiernu di Kòrsou, 2017), an action plan to investigate in practice how poverty can be effectively reduced. This program started in 2017 but after a year it was no longer active .



## Standard of living

There is no baseline measurement of the poverty problem: the actual scale of poverty is therefore unknown. In 2018 a multidimensional poverty score card was developed for the Urgency Program, to document poverty on the island in the 7 priority neighborhoods. (Hellings & Griffith - Lendering, 2018). Although this poverty score card could be used to measure poverty multi dimensionally, it is currently not in use by the differen partners.

Due to the lack of policy and the lack of adequate data, it is also very challenging (if not impossible) to measure the impact of poverty reduction. As noted by NGOs, policymakers do not always realize the importance of evidence-based working and the importance of measuring impact. It is important that the government invests in concrete poverty reduction programs in the short term, whereby the impact of these interventions has to be structurally measured.

### 24c. Prevent the separation of children from their parents

Psychologists have indicated that the starting point in caring for children is always that the child stays with his or her parent(s), also in shelters, being the best situation for both parties. Because of the Covid-19 pandemic there are several harrowing situations in which domestic violence was so present that both mother and child were safer if they were placed in homeless shelters.

There is a need for more shelter places on the island and the care and support available in these shelters are not always adequate as illustrated with this example. It is suggested by the consulted NGOs that the State must invest more in safe shelters with adequate (mental) care.



# SUMMARY



## G. Basic health and welfare

Issue 21 - 24

The following has been mentioned by consulted NGOs:

- although some measurements have been taken to prevent and reduce infant mortality, infant mortality is still much too high
- almost one third of young people describe their own weight as 'light or strong' overweight. Too little is being done to combat overweight and obesity in young people
- there is a need to strengthen health care services for children
- the structure of psychological/ psychiatric care on the island is insufficient for efficient access for all children with mental problems
- some children's mental health problems are still not correctly diagnosed, also because of the lack of measuring instruments in the local language and the quality of behavioral experts
- a psychiatric facility for young people is necessary, where young people can receive more guidance when needed
- not enough is being done in order to decrease teenage pregnancies and the spread of HIV
- the amount of cases of depressed youngsters, some of them even with (multiple) suicidal tendencies, is rising. There are no fixed protocols when a suicide attempt is known
- there is no established policy focusing on healthy sexual education for all schools. It's up to individual school boards to organise this themselves
- the amount of substance use, gaming disorders and phone addiction by young people are experienced as alarming. Some preventive activities have been realized, but there are not enough resources to tackle these concerning issues



## H. EDUCATION, LEISURE, AND CULTURAL ACTIVITIES

### 25a. Uniform quality of school support

The situation in some schools in Curaçao is very worrying, according to consulted NGOs. There is enormous inequality in the quality of education between the different schools and school boards. There are no tools in place to balance this inequality. To overcome the inequality requires financial support and manpower. To give a few examples: there is not enough (practical) teaching material, not all schools have a curriculum, and parental involvement is very low. These points were already present before the Covid-19 pandemic, this has only been exacerbated by Covid-19. It is crucial to invest in the quality of education in Curaçao.

Within the context of the Curaçao Country Package (Landenpakket), the realization of a basic quality standard at all schools is one of the formulated goals. The Curaçao Country Package is an 'Agreement between the governments of Curaçao and the Netherlands, in which measures and structural reforms are agreed to make Curaçao financially, economically and administratively resilient' (Rijksoverheid, 2020).

To achieve this, a baseline measurement of the entire education system is carried out by the Ministry of Education, including all public and private parties involved. The emphasis in the audit will be on both the governance surrounding education and the quality of education. Based on the results of the baseline measurement, proposals for improvement of the education system will be developed and implemented by the Ministry of Education, Science, Culture and Sport.



## Education, including vocational training and guidance

### 25b. Reducing school dropout rates

As mentioned by the Written Input for the List of Issues (FAJ, 2019), the number of children achieving educational qualifications is terribly low and the school dropout rate is high. There is still no general accepted or used definition of a school dropout, sometimes also called push out, because our education system is failing (Actieprogramma, 2015). Different definitions result in different calculations of the percentage of dropouts, with makes it difficult to draw conclusions and comparing different measurements. Some schools do use a tracking system, but whether and how it is used varies per school and school board.

Furthermore, the information generated in these tracking systems is limited to personal data and school grades. Therefore, it is still unclear what the exact percentage of school dropouts is and how it develops over time. The data that are provided on this, are outdated: according to the Census of 2011, 33% of our youngsters were dropouts. There is no recent information on the amount of dropouts, or structural information on why youngsters are dropping out.

It is mentioned by the NGOs, that sometimes it is known that a child has dropped out of school, but it is unknown where this child went, whether he or she went to another school, is at home or maybe moved abroad.

Critical here too is that the Compulsory Education Act is also failing, according to consulted NGOs. There is no comprehensive structure, from which the various duties of the attendance officer are successfully performed. Also, it was said by professionals that there is not enough manpower to support the education welfare officer. Their registration system is not always clear and specific; therefore, the Ministry of Education, Science, Culture and Sport does not have current data on structural truants.

Moreover, there is no shared vision on the prevention of school dropouts and there is a lack of sufficient support options for children and young people who are at risk of dropping out. In tackling the school dropout problem, it is essential that all stakeholders are involved, both GOs and NGOs, according to the interviewed NGOs.

### 25c. Monitoring the quality of home-schooling

A pilot group of 17 children is currently engaged in home schooling, which is strictly being monitored by the government. However, as experienced by parents, homeschooling is not yet taken seriously by partners in the education field. Parents of homeschooling students feel that they are not being accepted and that they are not being taken seriously. Several important issues need to be investigated and monitored, including the quality of home schooling, the emphasis on the development of the children and the organization of education at home.

## Education, including vocational training and guidance

### 25d. Combating peer bullying

There are currently no national anti-bullying programs. As mentioned by the Written Input for the List of Issues (FAJ, 2019), it is worrying how much bullying occurs in schools in Curaçao. School teachers also indicate this. The latest figures are from 2015, which shows that a quarter of the Curaçao students (age 12-17) are sometimes bullied (Verstraeten, 2015). It is not researched how bullying takes place in Curaçao and which factors contribute to bullying. It is a hugely worrisome issue, because it has a lot of effect on those who are being bullied. Several schools are certainly paying attention to it, but it is important that all schools have a program to tackle this in a structural way.

### 25e. Developing and expanding early childhood education.

Not all children aged 0-4 years are participating in preschool education. There are not enough subsidized places for parents who cannot afford preschool education. These families often live in poverty and these children are therefore extra vulnerable and in desperate need of preschool education. It is unknown how large this group is. Quality standards have been established by law to monitor childcare centers. Within the government officials are trained to monitor the quality and there is also a support organization funded by the government to improve the quality of child care. However, the field is experiencing a lack of quality control of daycare centers.





## Rest, leisure, recreation and cultural and artistic activities

### 26a-b. Promote the availability and accessibility of spaces for children to play

As stated by the State, there is no policy that regulates accessibility of spaces for children to play in neighborhoods. Some neighborhoods do have playground, however, there is not a coordinator or a neighborhood watch available to stimulate use of these playgrounds. The government is currently (2020) reviewing the after-school education policy, in which, as with childcare, quality requirements are included and cooperation between schools, community centers and other organizations is stimulated. There is a distinction between private childcare paid by the parents themselves and subsidized childcare. The subsidized after-school care is currently linked to schools. This childcare is now mainly visited by children who already attend the schools, not necessarily children whose parents cannot afford childcare. Investigation is taken place how this can be corrected, so that subsidized childcare reaches the target group.

Because of the climate, education on Curaçao is organized in such a way that children are only at school in the morning hours. In the afternoon, the children do not attend school. There is a high demand for extracurricular and after-school activities to offer children an educational program in the afternoons. There are several after school programs available for children aged 4-12 years. After school programs for children aged 12 years and older is limited to organized activities like sport clubs.

Neighborhood centers are not functioning optimally now, in the sense that they are underused. Although mentioned as a critical point in the after-school education policy, there is currently a lack of cooperation between GOs, NGOs, sports organizations and private centers. This collaboration can ensure that more opportunities for sports are available in the neighborhood centers. Youngsters themselves consider it important that neighborhood centers become more accessible and offer more activities (Actieprogramma Jeugdontwikkeling, 2015). They have indicated that a multidisciplinary academy should be established that works centrally in all neighborhoods, which is specialized in activities for young people after school. A condition is that public transport is available through which youngsters can reach the neighborhood centers.

Young people have indicated the need for extracurricular activities organized for young people in neighborhood centers (Actieprogramma Jeugdontwikkeling, 2015), including:

- Debates, markets, artist workshops, motivational speakers.
- Activities focused on art and theater.
- Sports activities, such as skateboard ramp, acrobatics, swimming, rugby
- Literary workshops
- Workshops on technology and science
- Radio programs for and by young people

## Rest, leisure, recreation and cultural and artistic activities

### 26c. Unstructured and free play

Within schools, children are entitled to a 30-minute break per day. This is included in the Education National Ordinance. There is no policy on promotion of free play in day-care centers and at home.

## SUMMARY

### H. Education, leisure, and cultural activities

#### Issue 25-26

The following has been mentioned by consulted NGOs:

- there is enormous inequality in quality within the education system, between schools and school boards. Currently, the Ministry of Education is realizing a baseline quality measurement of the entire education system, in order to develop and implement improvements
- too few children achieve educational qualifications and the dropout rate remains high. A failing Compulsory Education Act, no vision on preventing school dropouts and insufficient detection mechanisms and guiding possibilities of youngsters at risk are contributing to this
- a homeschooling pilot of 17 children has started, quality is monitored by the Ministry of Education, Science Culture and Sport
- there are currently no national anti-bullying programs. It is important that all schools have a program to tackle this structurally
- there are not enough subsidized places for parents who cannot afford preschool education
- there is no policy that regulates accessibility of spaces for children to play in their neighborhoods
- within schools, children are entitled to a 30-minute break per day. This is included in the Education National Ordinance

# I. SPECIAL PROTECTION MEASURES



## Asylum-seeking, refugee and migrant children

### 27a-e. Asylum children

Although the government in Curaçao claims to have an asylum procedure, in practice it appears to be almost impossible to apply for asylum.

More and more Venezuelans are fleeing the intensifying crisis in which their country finds itself. Just 70 kilometers from Venezuela, Curaçao, like other countries in the region, is a haven for Venezuelans. It is estimated that between 5,000 and 15,000 Venezuelans without resident status currently reside on the island. However, exact figures are unknown.

Effective registration and screening has to be organised, including a humane reception approach (Amnesty, 2019).

The (asylum) protection procedure (Article 3 ECHR, European Convention on Human Rights procedure) is not yet sufficiently structured. According to lawyers and activists in Curaçao, Venezuelans who reach Curaçao by boat are placed in detention. Without an individual article 3 ECHR review and without legal protection, they will immediately receive an expulsion order. This is contrary to the international right to protection. Venezuelans have no choice but to live illegally on the island. As stated by the state, there is no special procedure for protecting children in this situation or preventing them from separation of their own parents.

### Unaccompanied children

### 28a-b. family reunification policy for unaccompanied children who do not have parents or whose parents cannot be traced

Social workers have indicated that there are undocumented children on the island without parents. It is unclear how many children; there is no data available on this matter. It also happens that illegal parents leave their children behind on the island, with the perception that their children in Curaçao have a better life than in their country of origin, for example from Jamaica. Although organizations try to contact the parents in their country of origin, it is often impossible to get in touch with parents.

Undocumented children without parents cannot be placed in residential youth care institutes because undocumented children do not have an insurance to pay for this. As stated by the State, these children are placed with a foster family after an examination. It is an alarming situation that calls for immediate improvement.

### Economic exploitation, including child labour

29. As stated by the state, there are no confirmed cases.

## **Sale, trafficking and abduction**

### **30a-d. Provide protection, rehabilitation and special residency schemes for child victims of the phenomenon of “lover boys” and trafficking**

As mentioned in the Written Input for the List of Issues (FAJ, 2019), youth prostitution, child trafficking and sexual abuse does take place. However, because there is no in-depth research data on these issues, it is unknown how often it occurs.

NGOs have expressed their concerns. Because of financial support, minors have sexual relationships with elderly men (sugar daddies / lover boys) even with the consent of parents. Consequently, the whole family becomes dependent on this child-sugar daddy relationship.

Other issues which have been mentioned are:

- There is little specific policy available for the prevention and identification of youth prostitution, child trafficking and sexual abuse with children, adolescents and women.
- There is insufficient awareness of youth prostitution, child trafficking and sexual abuse. Therefore, signals of these issues are not being recognized, or if they are, it is usually much too late. Professionals in the field are not trained to deal with these issues and to respond adequately to it with guidance and interventions.
- There are no shelters available specifically for young people who are victims of international human trafficking.



## Administration of child justice

### 31a. Committee's recommendations (CRC/C/NLD/CO/4)

Regarding children's rights in juvenile criminal law, much remains to be done. In recent years, some steps are taken, which are mentioned in the report of the State.

The following issues have been mentioned when dealing with underage detainees, namely:

- Personnel and infrastructure do not meet the requirements of the Convention on the Rights of the Child. Juvenile detention centers have low security, while a number of detainees have a "high risk"-profile.
- Facilities and manpower are lacking when it comes to rehabilitation of young people. Prisoners aged 16-17 years who have commenced serious offenses are placed in the Young Adults section in the adult prison together with adults aged 18-24 years. There is no separate detention place for girls.
- The detained youngsters are placed in cells / rooms, not meeting the requirements of modern juvenile detention, namely simulating a family situation.
- Returning to society is extra difficult for these young people: being a youth delinquent makes it particularly difficult to find a job.
- There is not enough manpower to test all juveniles, to treat them and, where necessary, to draw up a treatment plan. Due to the lack of juvenile psychiatry, a number of these juvenile criminals with psychiatric problems remain untreated.

### 31b. Raise the age of criminal responsibility to 14 years

As mentioned by the State, according to our legislation, people from 18 years and above are adults. The Foundation Judicial Youth Care Curaçao (AJJC) assist people from the age of 12 for resocialization. However, AJJC is currently being seriously threatened by budget cuts, putting the counseling of juvenile offenders under pressure.

### **31d. Develop a strategy for the prevention of child offending**

According to the field, the focus of juvenile crime is mainly on combating it. There is far too little focus on prevention of juvenile crime. This is shown in the way in which budgets are drawn up for the various ministries, with insufficient focus on prevention.

### **31e. Support the right of children in conflict with the law**

As mentioned by the State, the legislation is in place.

### **31f. Reconsider aspects of criminal record systems that prevent children from obtaining a certificate of good conduct**

There are too few options for young people with a criminal record. There is only one organization in Curaçao that actively welcomes youngsters with a criminal record in a trajectory to guide them towards the labor market, namely Funditut. Funditut is a supporting foundation of the Stichting Jeugdcentrale Curaçao (JCC), with the aim of supporting young people in looking for and keeping their work. Funditut receives extremely limited funding from the Curaçao government and depends on private funding to carry out activities.

When young people with a criminal record are able to get a job, there is insufficient coaching for these young people on the job. Consequently, they are failing in keeping their jobs. Return to social life therefore takes place without employment and/or income. Much more needs to be developed for the rehabilitation of juvenile detainees.



# SUMMARY



## I. Special protection measures

Issue 27 - 31

The following has been mentioned by consulted NGOs:

- although the government in Curaçao claims to have an asylum procedure, in practice it appears to be almost impossible to apply for asylum
- undocumented children without parents cannot be placed in boarding schools because undocumented children do not have an insurance to pay for this
- there are no confirmed cases of economic exploitation, including child labor
- policy development for the prevention and identification of youth prostitution, child trafficking and sexual abuse with children, adolescents and women is limited
- the Foundation Judicial Youth Care Curaçao (AJJC) assist people from the age of 12 for re-socialization. However, AJJC is currently being seriously threatened by budget cuts, putting the counseling of juvenile offenders under pressure
- the placements of juveniles are not adequate in terms of personnel and infrastructure, to meet the requirements of the Convention on the Rights of the Child
- there is far too little focus on prevention of juvenile crime
- there are few options for young people with a criminal record. If young people with a criminal record are able to get a job, there is insufficient coaching for them

## **J. OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**



### **32a. Criminal legislation in order to reflect a definition of the sale of children**

The Children's Rights Convention has been supplemented with protocols, including protocols on sale of children, child prostitution and child pornography. The Netherlands has ratified this protocol, Curaçao not yet. In order to be able to ratify a protocol, the Foreign Relations Department must wait for advice from other departments; Justice or Legislation and Regulations. As far as known this has not yet been implemented.

### **32b. Investigate both producers and users of child sexual exploitation materials**

There is still far too little knowledge available for professionals, including social workers and prosecutors on the sale of children, child prostitution and child pornography. There is a desire for research and data on this issue: how big is the issue, what are risk factors and what signals do children give when one of these issues arises. In addition, there is a desire to promote expertise for all professionals involved in this, especially to learn how to act in this situation.

### **32c. All children below the age of 18 years are treated as victims**

There is a certain awareness amongst mental health care professionals that children who are offenders of sexual exploitation, can be victims themselves who must be protected and treated. In recent years modules have also been developed on how to deal with victims and perpetrators. Residential youth care institute Kinderorden Brakkeput has developed a multimodal intervention for offerenders of sexual abuse, called Nò Mas (Kinderordenbrakkeput, 2019). However, not all professionals have been trained adequately and professionals are not always able to recognize the signals of victims and perpetrators, which means that they do not always act correctly in this situation.



## K. OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT



### 33a-e. involvement of children in armed conflict

As mentioned by the state, we do not have armed groups in conflict and Curaçao is not part of the asylum convention. Also, we are unaware of any cases where children are involved in armed conflicts abroad. There is no policy in place for these cases.

## SUMMARY

J. Optional Protocol on the sale of children, child prostitution and child pornography

K. Optional Protocol on the involvement of children in armed conflict

Issue 32-33

The following has been mentioned by consulted NGOs:

- the Children's Rights Convention has been supplemented with protocols, including the protocols: Sale of children, Child prostitution and Child pornography. Curaçao has yet not ratified this protocol
- there is still far too little knowledge available for professionals, including social workers and prosecutors, on the sale of children, child prostitution and child pornography
- professionals should be trained in recognizing signals of offenders and victims of sale of children, child prostitution and child pornography
- there are no armed groups in conflict and Curaçao is not part of the asylum convention. Also, we are unaware of any cases where children are involved in armed conflicts abroad

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