



The Situation of Children and Adolescents in Sint Maarten

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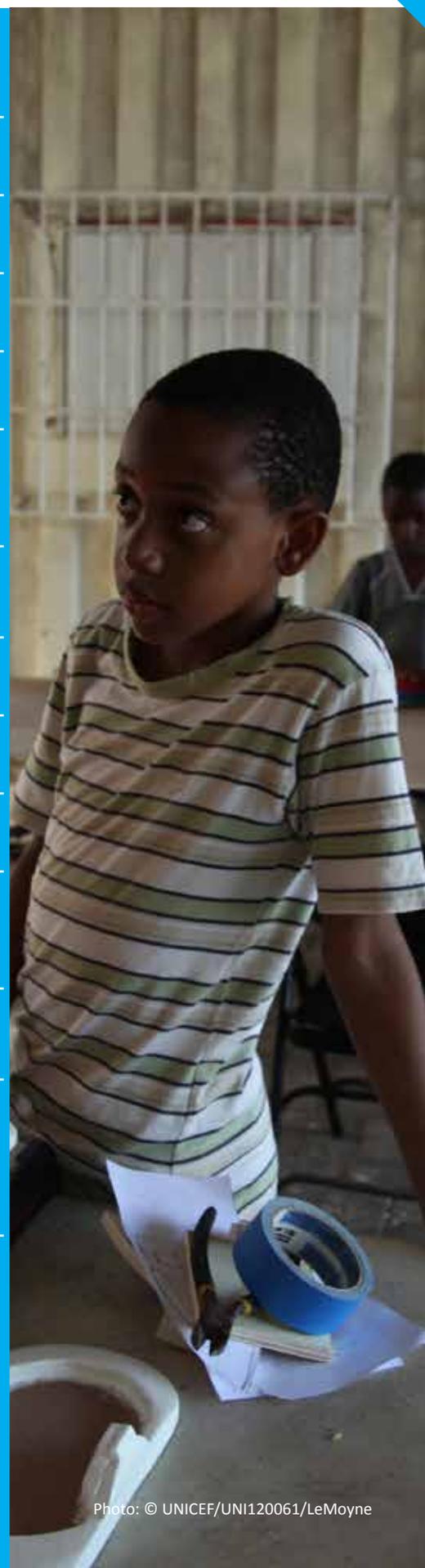
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Boy, 13 years old, St. Maarten

I was born in the Dominican Republic and came here when I was six. Growing up on St. Maarten is not great. There's a lot of violence and drugs, especially in this area. People kill each other for money. I'm not afraid that something is going to happen to me, because I've been living here since we came to St. Maarten and I know a lot of people.

I live with my mother, stepfather, and younger brother in an apartment. My real father lives in Santo Domingo. I haven't seen him since I was six. I would like to see him again. I don't have a good relationship with my stepfather. He always hits me without asking why I did something. My mother doesn't do anything. He went to the church to talk about it, and now mostly he just curses at me when he's angry. It makes me feel bad.

I go to school without eating breakfast because my mother always wants to sleep and she says I can make it myself. But there's no food to take with me and I don't get any money to buy food, either. So I don't eat until the afternoon when I get to the youth centre. For dinner, we have rice with something. I eat upstairs in my room in front of the television. When I go to stay with my grandmother, then I do get breakfast. When I have problems, I go to her to talk and she helps me.

My school is good. We have a lot of homework, and I do it at the youth centre. We get help there. I also play basketball there. Other than that, I don't do anything in my free time, because my stepfather doesn't let me. He thinks that I'm in a gang. I have to stay with my brother all the time. I would really like to do sport at the weekend or go somewhere. I always have to work at the supermarket, and

the rest of the time I'm at home. I get bored very often. I'm also not allowed to go to the Carnival. I don't get to make any decisions and I can't go anywhere, because they're afraid that something will happen to me. My mother also took away my laptop and my phone.

When I finish school, I want to go to Santo Domingo to study. I want to study law because a lawyer can put someone in prison and then I can explain why the things that someone did are wrong.





Boy, 16 years old, St. Maarten

live with my mother, two brothers, and sister in an apartment in Belvedere. My mother is one of the best mothers you could imagine. I have a lot of fun with my brothers and sister. We help each other with our homework. We are raised by both our parents, even though they're divorced now. We were taught to respect older people, not to swear, and to not use violence. I want to become a toy designer. These days, children have cheap toys that break very quickly. I would also like to design computer games, because I love computers.

We live in a nice neighbourhood, with a lot of children and dogs. Before, I lived in Fort Willem, with my father. Over there, a lot of young people smoke and drink on the street and play loud music. I like living on St. Maarten, but when I look at it from my mother's perspective, it's hard. Prices are going up, but salaries are not. You used to pay ten dollars for three things in the supermarket, but now you pay twenty.

For children, there's not much to do. The government should build a new playground for the younger children, because there's nothing for them. They could also build a play room or something or give the children something to do to keep them off the street, protected from bad influences.

I like going to school, but it's also boring. I don't like the fact that there are fights. I also don't like the fact that they don't give us the chance to do what we're good at. We get taught a set range of subjects. We don't get other things, like music. You have to do that kind of thing yourself, outside school. They don't let us discover and develop our

talents. That's why more and more children drop out of school. There should also be more security. There are two security guards, and when there are a few fights going on at the same time, that's not enough. What is good is that they search us. Usually at break times we are outside. The sporty children who want to play don't have anything to play with. I would change that.

On St. Maarten there are more unsafe places than safe places. School is not that safe and I don't feel safe on the street either because a lot of places don't have street lights. In the dark, you can't see who's coming at you. I'm not outside after 6:30 in the evening, unless I'm with my mother. I would improve the roads and the street lighting.

Here on the island they do their best to keep the children off the streets, but they have to work harder. I take part in a project called Girls and Boys Brigade. At first I didn't think it was going to be fun, but later I realised that you can meet new people and discover countries, because it's worldwide. They teach you discipline, skills and independence.





Girl, 12 years old, St. Maarten

St. Maarten is a small island with many hidden aspects. It's an island with a lot of financial and ecological problems. There are too many cars for the roads, and the roads are too narrow. The best things about St. Maarten are the food, the carnival, and the beaches.

I live with my mother, father, and two younger brothers. At home, I have my own room and my brothers share a room. I like dancing, singing, and going to the cinema and having pizza with my friends. When I grow up, I would like to be a chef or a dancer. I think I would like to study in the United States when I'm older. I know for sure that I want to leave St. Maarten. After that I might come back. It depends on what I end up doing.

I get up at six in the morning, and after school I do my homework if I have any, or I just sit and chat with my friends. On Wednesday afternoons, I have youth Parliament, and after that I go to church for confirmation class. On Friday afternoons I bake cakes with my mother.

My Dutch teacher is my favourite teacher. Everybody likes her. Some of the kids even call her their mother.

My parents can't always cook because they have very busy schedules at work. My father works at the airport, and if a plane is late he has to wait until it gets there. Then I eat leftovers or I make something myself. When we eat together, we do it in front of the television.

We always have food at home. If my parents don't get paid on time, then we eat bread or we eat at my grandmother's.

Sometimes we don't have money to buy things. For instance, these shoes are two years old. I'm hoping to get new shoes on Friday. I wasn't able to until now because my little brothers always needed shoes. I also have a lot of clothes that are too small. I don't mind it because I know my parents are doing their best to earn money to give us a good life.

There is not much to do on the island, except during carnival. There is a place where we can play paintball, but it's on the other side of the island. Most people live on this side of the island and it's difficult to get to the other side because of the traffic. I'm bored a lot when I'm at home with nothing to do. I wish there was something like a youth club.

I feel safe at home, at school and on the street but not in some neighbourhoods. There's a lot of violence on the island: fights, robberies, and drug dealers. I also know that many children are beaten or abused at home. I listen to the news and I also like to find things out for myself.

If I was in charge of St. Maarten, I would make more places for children to go to, and more and better sports facilities. I would also want to improve the environment.





Girl, 17 years old, St. Maarten

I don't like living on this island. There's not a lot for children to do. Some of the young people just follow the crowd, usually the boys and especially when there are drugs involved. Most boys have tried drugs. That's because some parents are old-fashioned and they don't give their kids enough attention. And that's because there are so many different cultures here and some people, like the people from Haiti and Santo Domingo, are very busy. They always have two or three jobs.

I live with my mother and my dog. I have four older sisters, but they don't live with us. My whole family comes from Santo Domingo. My father also lives on the island. I see him a lot. There's a lot of pressure on me because my older sisters never really made anything of themselves, so there's a lot of pressure on me to help the family get ahead. We always have food to eat, but sometimes we don't have enough money for clothes. My mother works during the week as a janitor and at weekends she sells lottery tickets. If I have a problem, I have no one to turn to. I don't trust anybody, so I talk to myself instead.

When I have free time, I do extra homework at home to get ahead in class. I also do a lot of activities: I do the youth Parliament and a radio and TV show called 'Voice of the Children' where children and young people can express their opinions. If I wasn't doing those things I would just be sitting at home watching television. You can do sports, but if you don't like sport there is not much to do, especially not for girls. In Santo Domingo, there were classes you could take, on make-up or sewing or things like that. We don't have that here. I wish they would give classes here about things that you could get something out of later in life.

School's fine. It's just that the school is not very well organised. I have a lot of homework and I do it myself. I sometimes get help with French. I'm pretty good at Dutch, I have it right in my head, but it doesn't always come out right. After secondary school, I want to study law, social work, or something with the police. I want to go to Curaçao, because it's an island and it's close by. There's just nothing here on St. Maarten. I would come back here, though. If we want to change something, we have to do it together. People who go away and never come back don't help the island, and we just see everything going to the dogs.

I don't feel safe on St. Maarten. There's a lot of violence, and robberies happen all the time. It's because of the drugs and because there are no jobs for young people, they say. When you come back to the island after your studies, you hope to be able to find a job. If that doesn't happen, you just hang around and smoke marijuana.

I would want to change the nepotism. That's difficult. And there are just not enough jobs. I would also want to help the environment, because people just throw rubbish on the street, and I would want to improve education. We are part of the Netherlands, and so I think that we should be at the same level as the Netherlands. I would also help the disabled children, so that they could get outside more and have things to do. There should be an organisation to help the young people who are taking drugs. That kind of help should also be more professional. Finally, I think that there should be no discrimination by skin colour; at my school, the kids with darker skin often get less attention than the kids with lighter skin.

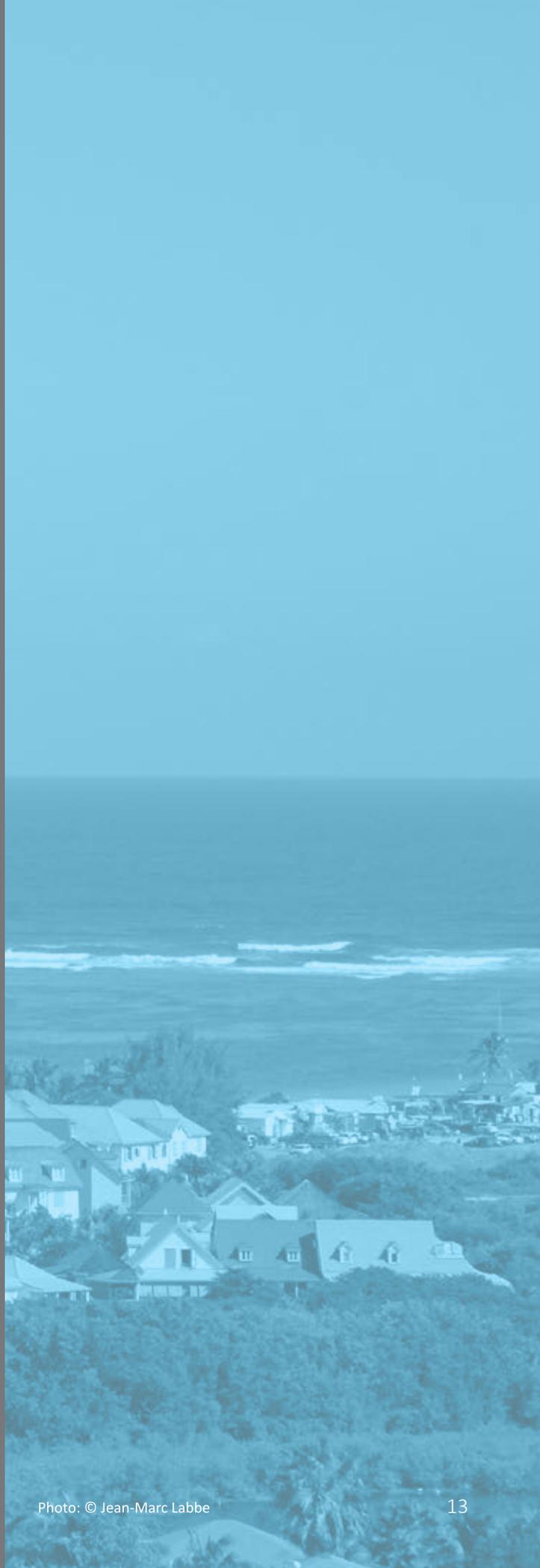




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Introduction

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A situation analysis of Sint Maarten’s children and adolescents was undertaken in 2012. Commissioned by the United Nations Children’s Fund-The Americas and Caribbean Regional Office, it was conducted by the Observatorio Social del Ecuador (OSE), a non-governmental organization based in Quito. The research had two main dimensions: (i) a review of sources and statistical data to understand the reality of the country; and (ii) dialogue with 48 key informants (25 state and 23 civil society actors) as well as 3 focus groups to collectively determine the advances and challenges in the situation of children and adolescents.

Sint Maarten takes up the southern half of one of the Leeward Islands (the northern half being the French overseas collectivity of Saint Martin). Previously a Dutch overseas territory, it became an autonomous country within the Kingdom of the Netherlands on 10 October 2010. Legacies of the historical relationship with the Netherlands include the general political structure of a welfare state, with a legal framework and a judicial system based on the Dutch Constitution; the internalization of a human rights approach, especially related to the fulfilment of the rights of children, adolescents and women; and, as part of the Kingdom of the Netherlands, commitment to a number of international treaties including the Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The economy is based on tourism, which has accelerated a long history of immigration. This is evident in one of the cultural traits that define Sint Maarten: its multiculturalism and therefore its multilingualism. Migration has altered the general trend of population dynamics due to immigration in the 40–44 age group and emigration of young people aged 15–29. According to preliminary results of the 2011 census, the total population is 37,427 persons – of whom 52.91 per cent are female and 47.06 per cent male – and 28 per cent of the population is a child or adolescent.



Acknowledgements

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This report is based on the 'Analysis of the Situation of Children, Adolescents and Women in Sint Maarten, commissioned by the United Nations Children's Fund-The Americas and Caribbean Regional Office (UNICEF-TACRO) and produced by Observatorio Social de Ecuador (OSE) with research carried out by Cristina Bastidas, Belén Febres Cordero, Soledad Álvarez and Edurne Cardenas. The Coordinator in Sint Maarten was Cristina Bastidas Redin while general coordination was provided by Margarita Velasco Abad, Executive Director; Soledad Álvarez, Research Coordinator; and Tatiana Cevallos, Administration, OSE.



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Foreword

In 2012 UNICEF-TACRO (The Americas and Caribbean Regional Office) and the Netherlands National Committee for UNICEF, alerted by government and civil society organisations, jointly took up the notion of not having a proper baseline on children in Sint Maarten. The Observatorio Social del Ecuador (OSE), a non-governmental organization (NGO) based in Ecuador was asked to prepare an ‘Analysis of the Situation of Children, Adolescents and Women in Sint Maarten. The study had two main objectives: to evaluate progress and challenges around the implementation of the rights of children and women; and to make recommendations for social action and public policies in the medium and long term in order to improve the conditions and life opportunities for children and young people on Sint Maarten.

The research methodology was based on ‘Guidance for Conducting Situation Assessment and Analysis of Children’s and Women’s Rights’ (UNICEF, 2008) as well as on OSE’s previous experience in qualitative and quantitative research. The aims of a situation analysis (SITAN) include identifying the causes of and structural links between the problems affecting children, adolescents and women; accounting for how resources and the social, economic and organizational structures of a country (including its policies and institutions) can help address constraints in the situation of children and women; developing capabilities (or enhancing existing ones) and local technical support; generating a process of participatory analysis to mobilize local actors and manage strategic alliances at different levels of society to achieve favourable outcomes for children, adolescents and women; and promoting the use and application of information generated in both civil society and the state and ensuring a process of monitoring and updating of the information produced.

To meet these aims, and given the size of the country and challenges in the availability of statistical information in some sectors, OSE used a highly participatory approach. A variety of investigative techniques (field observations, in-depth interviews, conversations, life stories) enabled it to ascertain key social, economic, political and cultural problems. Local counterparts worked with the team to identify key informants with whom semi-structured interviews were conducted. These included representatives of the state, civil society, academia and international organizations as well as several immigrant women, children and adolescents. Where possible, information derived from interviews and focus group discussions was cross-referenced with other quantitative and qualitative information and compared to existing government policies and programmes related to children and adolescents.

The child-portraits in this report, telling the stories of individual children, were made by the Netherlands National Committee for UNICEF. These portraits form part of a bigger project, complementary to this situation analysis, to allow children of Sint Maarten to be heard and to have their views or opinions taken into account, in line with the fundamental right of children to participate. The results of this project will be presented separately.

Performing a SITAN involves not only assessing and analysing the situation of children and women but also applying a human rights-based approach. This means that the research took into account the commitments assumed by Sint Maarten, as part of the Kingdom of the Netherlands, related to a number of international treaties including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Articles of the CRC and CEDAW were transformed into indicators in order to gather information that would reflect specific aspects of compliance with the rights of children, adolescents and women as referred to in these international agreements. In addition, the analysis was poured into causal chains, which helped clarify the structural causes of social problems afflicting these groups and identify gaps in social and state actions.

It is hoped that the information contained here will be received and used by both the state and civil society to guarantee full compliance with the rights of children and adolescents in Sint Maarten. It should be noted that the SITAN concluded in the first half of 2012 and hence any changes to legislation after that period may not be reflected in this document.

The researchers would like to express their gratitude to the Government of Sint Maarten, particularly the Honourable Sarah Wescot-Williams, Prime Minister; Hon. Silveria Jacobs, the Minister of Education, Culture, Youth and Sports Affairs; and Shermina Powell and Elmora Aventurin Pantophlet in the same ministry. Many thanks also to the Department of Statistics of Sint Maarten and to all the people who took part in the interviews and whose testimony was the basis for this research.

Acronyms and abbreviations

CBS	Central Bureau of Statistics
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
NGO	non-governmental organization
OSE	Observatorio Social de Ecuador
PAHO	Pan American Health Organization
SIFMA	Sentro di Informashon i na Formashon Bienestar di Mucha
SITAN	situation analysis
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
YHC	Youth Health Care



1.

Introduction

1. Introduction

The Observatorio Social del Ecuador (OSE), a non-governmental organization (NGO) based in Quito, Ecuador, conducted a situation analysis (SITAN) of children, adolescents and women in Sint Maarten, with the United Nations Children’s Fund-The Americas and Caribbean Regional Office (UNICEF-TACRO) and with major support from a counterpart team at the Sint Maarten Ministry of Education, Culture, Youth and Sports Affairs.

The first section of this report details the methodology and research dynamics. The second section is a description of the current political, economic and social situation in Sint Maarten, while section three looks at state policies and social investment. Sections four to seven then describe some of the progress made and remaining challenges regarding the fulfilment of the rights of children and adolescents to, respectively, health, education, protection and participation. Finally, section eight makes suggestions and recommendations of actions that could improve the conditions and life opportunities of children and adolescents. It is hoped that the information obtained through this study will be used by both the state and civil society so together they can ensure comprehensive protection for these vulnerable groups.

Methodology

The SITAN took a rights-based approach that involved both the identification of situations that cause rights’ violations and the possible public policy responses to these situations. The research sought to cover four key outcome areas:

- Identify the causes and structural links between the problems affecting children, adolescents and women – that is, show how local development issues in their various dimensions (social, economic, political and cultural) particularly affect these groups – and make less obvious problems more visible.
- Publicize the extent/incidence of and potential resources used to address the problems of violations against the rights of children, adolescents and women.
- Promote the use and application of information in the SITAN, by both civil society and the state, and ensure a monitoring and updating process of the information produced (UNICEF, 2008).

These four dimensions are tied to a new approach in development aid that seeks to strengthen the capacities of local actors themselves to tackle their problems and avoid external solutions. Local participation and ownership of research is of vital importance for a methodological approach such as this. During research preparation, local actors were actively involved in the methodological discussion, in the socialization of research objectives and in the identification of key informants. During the implementation phase, they identified key problems as well as their causes and possible solutions. In the final phase, the OSE team and UNICEF-TACRO discussed the report with representatives of state and civil society, which allowed for adjustment and expansion of the information collected.

Research dynamics

After a counterpart team had been identified by UNICEF in the Youth and Sports Directorate, the OSE researchers made three working visits to Sint Maarten in the months of November 2011 and February and August 2012 to collect information and to submit the preliminary report.

The in-depth interview is an essential tool for all qualitative research methods. Proper use of this tool is only possible when a mapping of actors has been established and the key players who have privileged information and experience in the field have been identified. Therefore, in the study of Sint Maarten, the mapping of actors was done during the first study visit. A focus group was held with civil society organizations and state agencies and institutions to identify a list of key individuals for in-depth interviews; this list was then validated by the Youth and Sports Directorate. Several interviewees subsequently identified other key players.

Of the interviewees, 52 per cent were high up in the state decision-making process or representatives of implementing institutions such as department heads of specialized children and education units, chambers of commerce, parliamentary actors and units specializing in the protection of rights. The remaining 48 per cent were non-governmental actors representing groups such as civil society organizations, trade unions, academics, schoolteachers, students, directors of foundations and individuals concerned about particular issues such as migration.

The comprehensive overview obtained in this way was strengthened by other methodological tools including further focus groups and a review of literature and statistical sources. Most of these groups were conducted with relevant actors from civil society, although state actors also attended the first ones.

The preliminary report was presented to key actors in two different sessions. The Prime Minister, the Minister of Education, the Minister of Health and the directors of the Youth and Sports Directorate attended the first delivery of results in an audience granted by these authorities. The second meeting was a workshop attended by some 50 civil society representatives and government officials. It should be noted that the data collection phase of the SITAN process was concluded in the first half of 2012 and hence any changes to legislation after that period may not be reflected in this document.





2.

Country Overview

2. Country Overview

Since 1648, under the Treaty of Concordia, this Caribbean island was divided into a Dutch territory in the south (Sint Maarten) and a French territory in the north (Saint Martin). In October 2010, Sint Maarten became a new country within the Kingdom of the Netherlands and now has its own legislation and institutions defining the public policy. However, the national defense and foreign relations remain under the responsibility of the Kingdom. As such, the Kingdom needs to provide consolidated reports, with specific chapters on each of the countries, to international human rights bodies, including those monitoring the implementation of the Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Tourism has increasingly become the main economic driver. Only about 10 per cent of the land is suitable for domestic agricultural production, and over 90 per cent of food products are imported.

Despite the boundary dividing Sint Maarten and French Saint Martin, residents move freely and make use of social services on both sides of the island while some families are divided between the two parts. Moreover, Sint Maarten's inhabitants speak English and only a minority have Dutch or French as their first language.



Figure 1. Map of Sint Maarten and Saint Martin
Source: www.charterworld.com/index.html?sub=st-martin-yacht-charter

Demographic characteristics

A major challenge is rapid population growth and a lack of adequate infrastructure to cope with this. Data from the Civil Registry Office show that between 2008 and 2010 there was an increase of 2,100 inhabitants. As of June 2012, the total population of Sint Maarten was recorded as 55,309 residents. At the same time, it should be noted that there are many undocumented immigrants as well as births to immigrant parents whose children have not been registered.

Data provided by the Civil Registry Office also show that the number of births and deaths has remained stable over the last decade (similar to developed countries), with no evidence of natural population growth. The demographic changes are due to immigration and emigration, which have increased dramatically in recent years. This is clearly shown by the population 'pyramid' (Figure 2). The figure bulges in the middle and indicates a tendency towards emigration among young people between 15 and 29 years old and collective immigration (/remigration) of persons between 40 and 44 years.

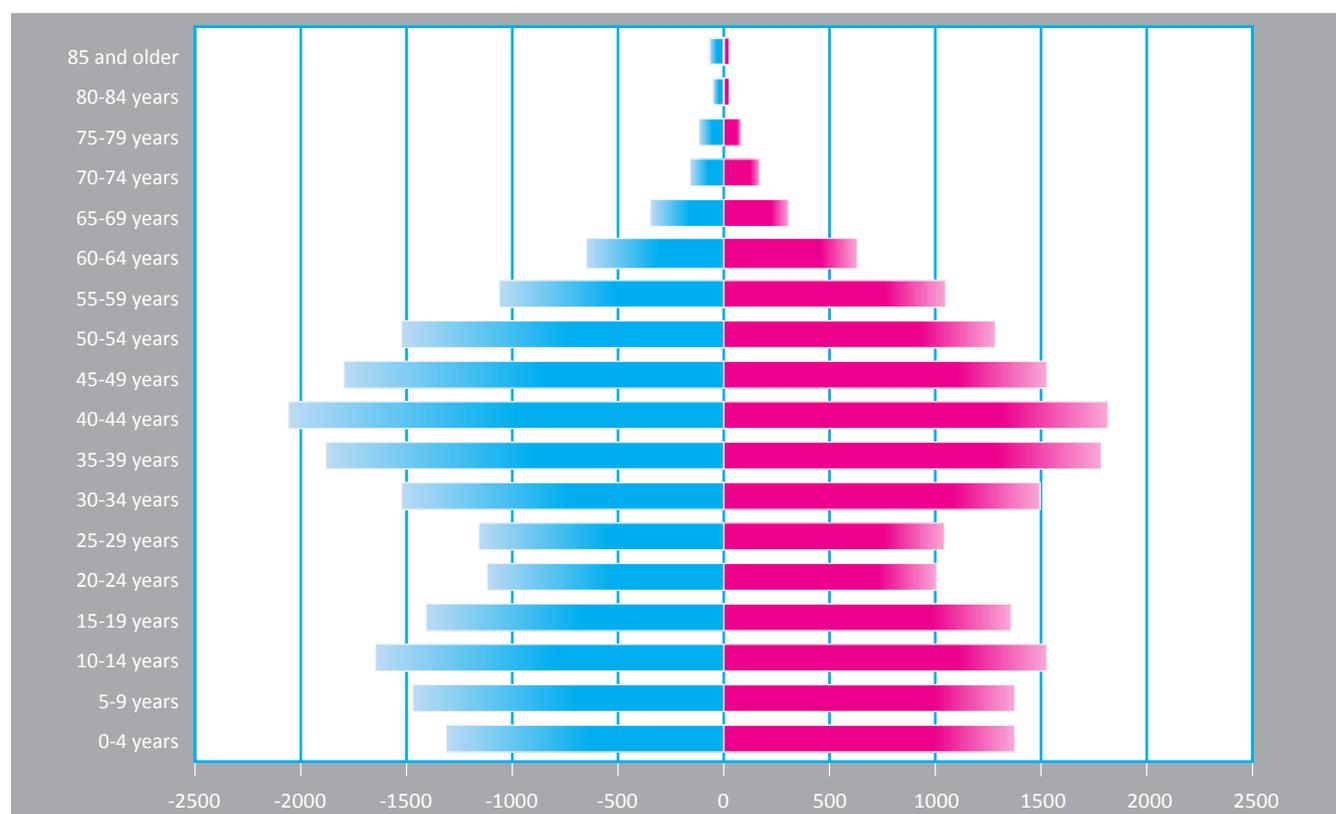


Figure 2. Demographic distribution of the population by age
Source: CBS, 2010 (prepared by OSE).

The population aged 0 to 19 years is 11,529 (UNDP, 2011), or 28.17 per cent of the total, and the bulk of this group is aged 10 to 14 years (see Figure 3) due again to high rates of emigration among young people. There are also more females than males in this age group as well as in the population as a whole; for every 100 men in Sint Maarten, there are 112 women (Department of Statistics, 2012).

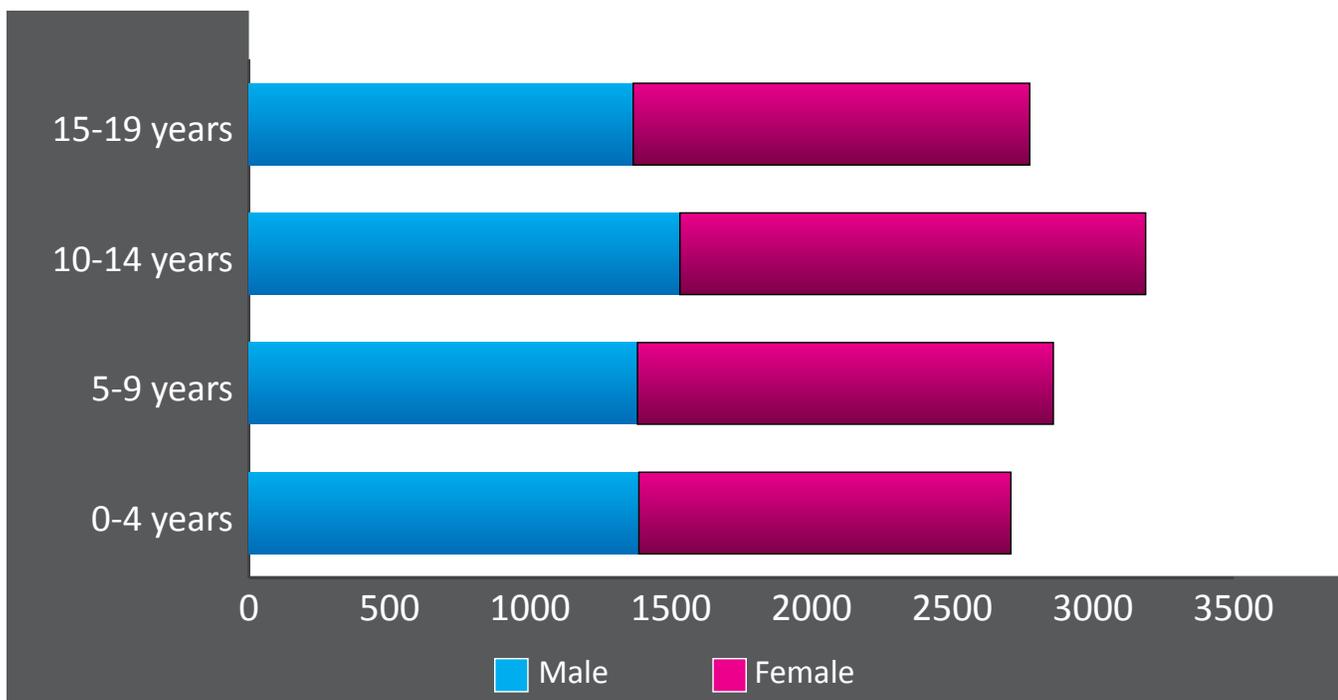


Figure 3. Population distribution of children and adolescents
Source: CBS, 2010.

Understanding a country’s population dynamics is a fundamental exercise in developing public policy. For example, detailed analysis of the demographics shows the need to create incentive policies to retain young people. Youth emigration causes brain drain, which creates the need to bring in skilled personnel from other countries. Immigration meanwhile causes various tensions at different levels within society and in some cases cultural confrontations between people of different nationalities. Both create difficulties in building a strong identity for the country.

According to the 2001 census, more than six out of ten people living in Sint Maarten (63 per cent) had been born elsewhere and there was a mix of more than 100 nationalities. Ten years later, the 2011 census found that seven out of ten people (70 per cent) had been born outside and there were 118 different birth countries, with the highest percentages coming from the Dominican Republic, Haiti, Jamaica and Guyana (Department of Statistics, 2011). This growing number of immigrants affects all areas of society and influences the situation of children and adolescents.

People come to Sint Maarten due to the existence of greater job opportunities there than in many other Caribbean countries. On the one hand, immigrants make up the majority of the owners of businesses: hotels, restaurants, resorts, etc. Immigrants also come to meet labour needs and are employed in jobs such as construction, cooking, services or cleaning (UNDP, 2011). This immigration has brought cultural diversity that can be seen in the number of languages spoken. Although Dutch and English are the official languages, others are also common. According

to the 2001 census, 67.5 per cent of the population speak English as the first language, 13 per cent Spanish, 8 per cent Creole, 4 per cent Dutch, 2 per cent Papiamentu, 1.5 per cent French and 3.5 per cent other languages. Although emigration is less common than immigration, it is also central to changes in the population. The main destination countries are the Netherlands, Aruba and the United States. Young people seek to study abroad in order to get an education that they qualify as superior to that available locally and often do not return.

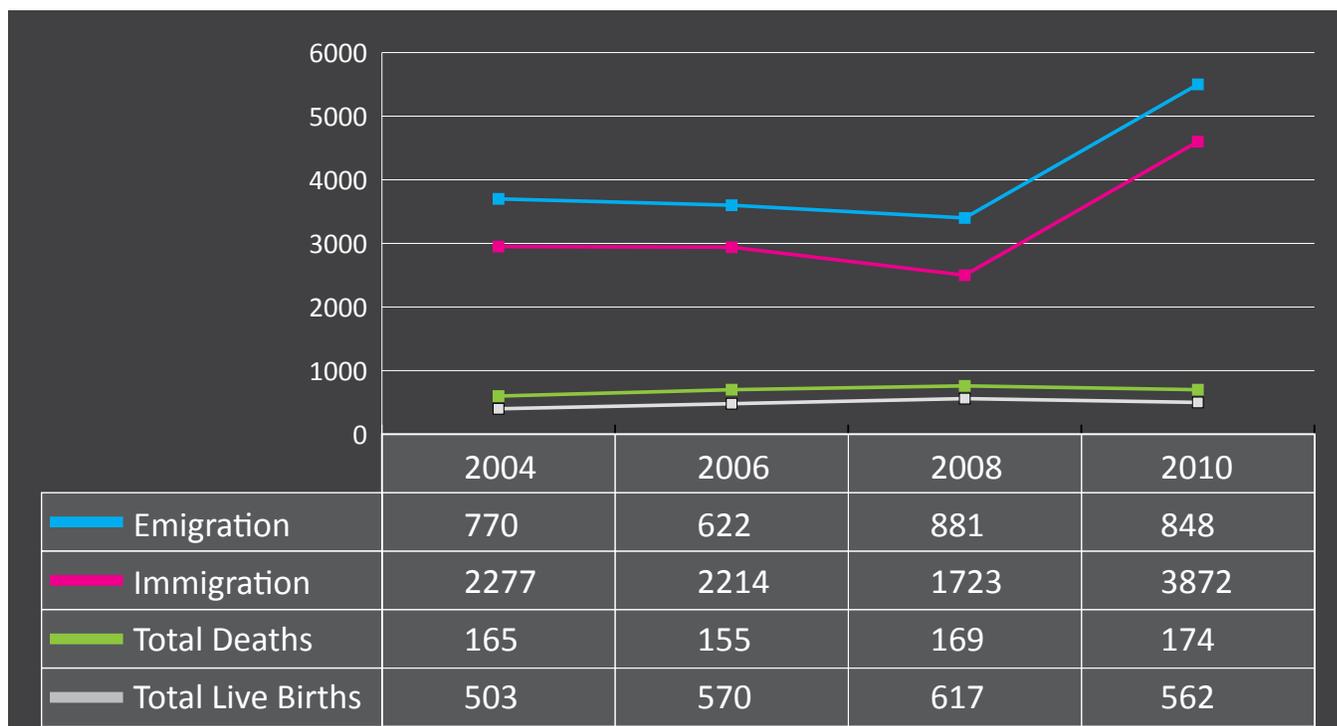


Figure 4. Vital statistics and migration (2004–2010)
Source: Sint Maarten Civil Registry

Institutional structure

As noted above, Sint Maarten obtained autonomy from the Netherlands in October 2010. The main changes institutionally are that it is now governed by its own constitution, can promulgate its own laws and policies and has its own democratic institutions. Although Sint Maarten is a new country within the Kingdom of the Netherlands, its public policy implementation institutions are quite old and most of the public administration staff have many years of civil service experience.

The government is headed the Governor of Sint Maarten, representing King Willem-Alexander. Parliament is the legislative branch and has 15 members elected by popular vote for a four-year period. The executive branch consists of the Council of Ministers, headed by the Prime Minister, and seven ministries (see figure 5). The judicial branch is comprised of the Common Court of Justice for Aruba, Curacao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba, Court of First Instance, Constitutional Court and Ombudsman. Judgements at the national level could be appealed at the Supreme Court of the Netherlands in The Hague.

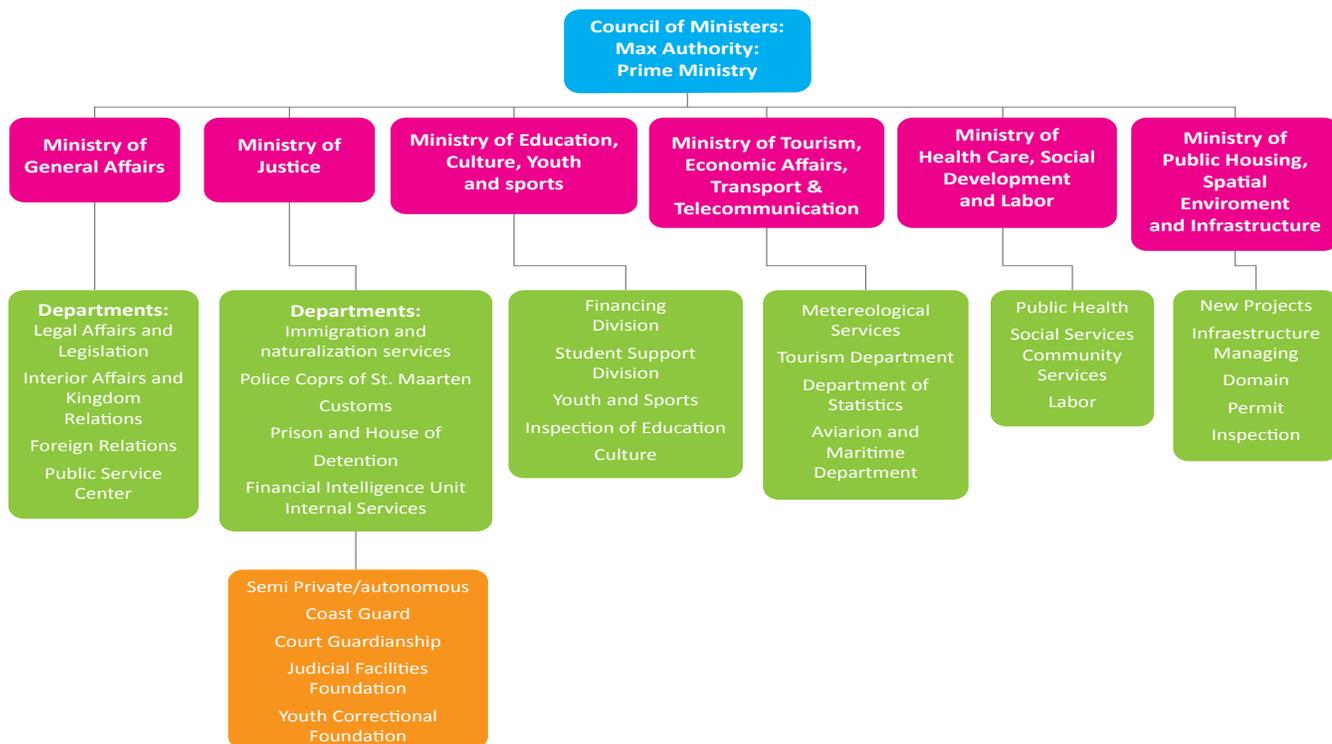


Figure 5. Organizational structure of the executive branch of government
Source: Government website: www.sintmaarten.gob

Ministries handle various sectors in an integrated manner, which facilitates building public policies across sectors – for example, health and labour. Moreover, the Council of Ministers enables continual dialogue between the various ministries and makes it possible for the Government to work towards common goals.

The general climate in this new period is one of optimism. However, there are some challenges to the consolidation of a stable country:

1. The current state institutions are recent, and strengthening of both the legal framework and the institutional structure are required. Although most of the population opted for autonomy, the transition may create changes with some degree of uncertainty and the accumulated learning stemming from shared political administration and collective decision-making within the Netherlands Antilles may be lost.
2. Civil society organizations have diverse capacities and face challenges in critically assessing state policies. However, there are several neighbourhood, women’s and youth organizations that could contribute to the development of public policies or defend the rights and interests of certain groups, including children and adolescents

Sint Maarten needs to have a real discussion on the state, its functions and institutional set-up. Many of the countries in the region could share important lessons in terms of the organization and function of the state, and Sint Maarten could benefit from such dialogue with countries in the Caribbean and also in Latin America. Maintaining and enhancing the capacity of civil servants and service providers will require continued attention. Although many of the civil servants in managerial public positions have previous experience in state and public services and benefitted from tertiary education, the local university currently offers no training in public administration or political science.

Social cohesion and national identity

The construction of a society with high social cohesion has been complicated by factors such as the settlement of two distinct colonies on the island, the migratory influx, the existence of varied secondary education models and the use of several languages in such a small territory.

Education plays a fundamental role in the construction of national identity and building communal bonds. Due to the recent birth of the country of Sint Maarten, however, this has not yet had a chance to become a cohesive agent. There are some shortcomings in regard to education too: (a) it is not contributing to dialogue between different sectors of society because the type of school attended depends on a family's ability to pay; (b); there is no official language of instruction in secondary education (some schools teach in Dutch, some in English) and there is no unified curriculum; and (c) little is taught about Sint Maarten's roots and history, and students know more about the history and political processes of the Netherlands than those of their own country.

Local economy and dependence on tourism

Sint Maarten's per capita gross domestic product (GDP) of over US\$15,000 per year is higher than most other Caribbean countries. A 10-year performance analysis shows that tourism began to rapidly develop in 2000 and peaked at 2.1 million visitors in 2005. This opened unprecedented opportunities for economic growth based on tourist services. However, dependence on tourism also brings many risks since it is highly vulnerable to global crises (which caused the number of visitors to drop in 2011). It is also vulnerable because it is difficult for a country to remain permanently attractive as a tourist destination.

There is a gap between the development of appropriate tourist infrastructure and dependence on commodities that must be imported, which explains the growing inflationary trend. The vast majority of work is built around tourism: hotels, restaurants, sales, construction and transportation. A second area generating employment is public administration and governance.

The growth of tourism has not gone hand in hand with human resource development and improved labour qualifications. There are few highly qualified staff positions and very strong competition for lower-skilled jobs. Local people will not accept the working conditions offered to undocumented immigrants, and employers in many

cases prefer to hire the latter to avoid paying social security and escape labour regulations. As shown in Figure 6, there has been an overall increase in the number of unemployed people. The numbers are higher for women than men.

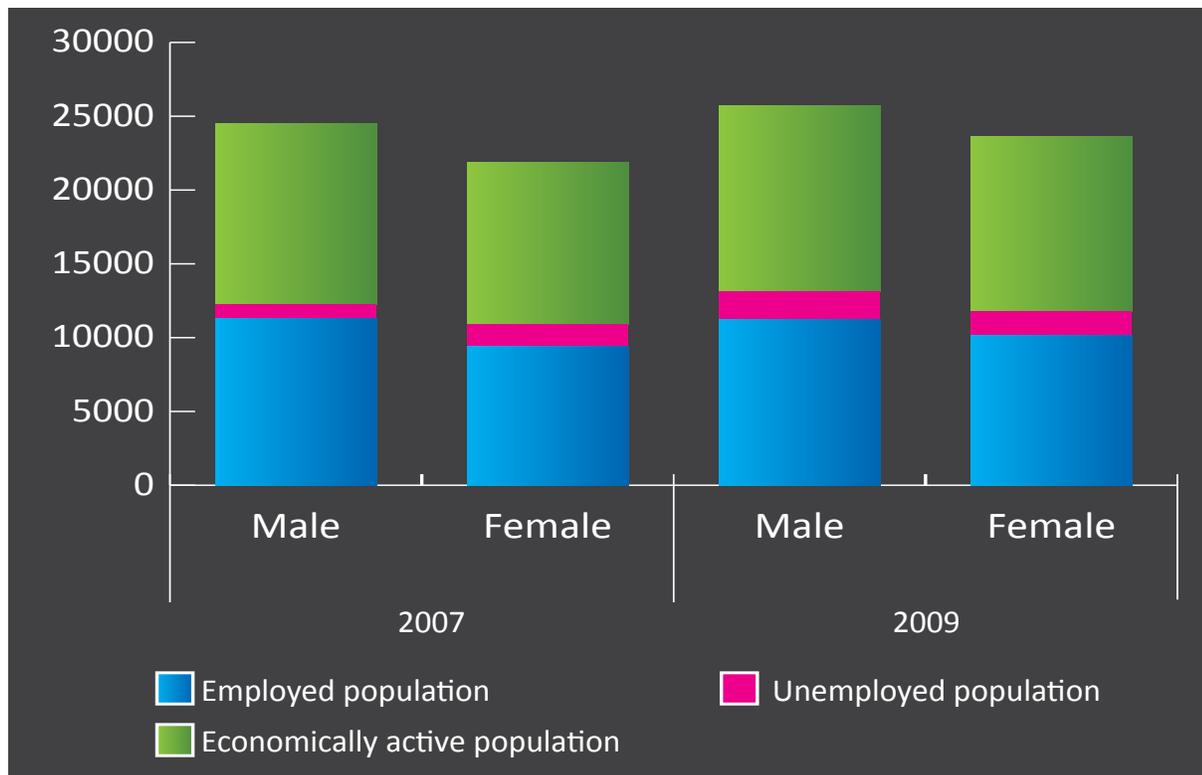


Figure 6: Employment and unemployment by gender, 2007 and 2009. Source: CBS, 2010'

Women also earn less than men: In 2001, average wages were 2,415 florins for women and 4,333 florins for men. Due to these wage differentials, the high cost of living and the fact that they are usually the ones responsible for their children’s economic well-being, mothers must work multiple jobs. This means that their children may be left in childcare centres – or home alone – for long hours, which may lead to situations where children are put at risk (see Chapter 6).

The minimum wage is 7.96 florins per hour for people over 21. Young people between 16 and 17 earn 65 per cent of this salary, 18 year olds earn 75 per cent, 19 year olds earn 85 per cent and 20 year olds earn 90 per cent (CBS, 2010). However, despite education being compulsory, there is a high dropout rate (discussed in Chapter 5) and lack of vocational education so that many children leave school without the skills and knowledge to enable them to find suitable employment in the local labour market.

While the average income allows people to meet their basic needs, and begging and child labour are not common, there are also areas of hidden poverty, especially among Dominican immigrants.



3. Social Policies and Social Investment

3. Social Policies and Social Investment

The ability to execute social policy from a rights-based approach is a key element for any State in the protection and guarantee of rights. The present moment is a historic opportunity to build social policy in Sint Maarten, which implies creating rules and regulations to guide public policy, establishing framework agreements with all sectors of society, establishing public policy baselines, strengthening state institutions, executing public policy and ensuring social investment and effectiveness in social spending. It also implies that every member of society has reasonable access to the so-called 'social minimum', which has been defined as the bundle of resources that a person needs in order to lead a minimally decent life in their society (White, 2004). Citizens should be made aware of their rights and entitlements, which they should all be eligible for on an equitable basis, and have mechanisms of redress if policy makers fail to deliver.

The socioeconomic indicators are already encouraging in most cases: life expectancy at birth, child mortality, access to education and literacy are at the levels of developed countries such as the Netherlands and the United States. The budget structure reflects a high rate of state investment in social areas (see Table 1).

Table 1. State budget 2011

Ministry	Expenses		Revenue	
	2011 (florins)	Percentage	2011 (florins)	Percentage
Governor	0	0	0	0
Parliament	9,553,249	2.3	0	0
Ministry of General Affairs	67,557,243	16.1	2,503,604	0.6
Ministry of Finance	39,797,890	9.5	343,247,673	81.5
Ministry of Justice	68,663,710	16.3	7,584,778	1.8
Ministry of Education, Culture, Youth and Sports affairs	110,168,683	26.2	5,801,943	1.4
Ministry of Public Health, Social Development and Labour	58,649,164	13.9	12,039,600	2.9
Ministry of Tourism, Economic Affairs, Transport and Telecommunications	33,855,314	8	43,118,000	10.2
Ministry of Public Housing, Spatial Development, Environment and Infrastructure	32,671,344	7.8	6,621,000	1.6
TOTAL	420,916,597	100%	420,916,598	100%

Source: Ministry of General Affairs

As can be seen in the table, the largest percentage of the budget is allocated to education, followed by justice and general affairs. While spending on health should perhaps come second rather than fourth, and greater efforts could be undertaken regarding access and universal health insurance, the income and spending structure show that the model is that of a welfare state, with strong revenues from taxes (collected by the Ministry of Finance) and outflows concentrated in the social sectors.

However, public policy may still need to have a stronger redistributive focus as groups with higher levels of poverty – including undocumented immigrant children – have more difficulty accessing state health care and other social services. A more comprehensive rights protection system is needed as although there are several sector-based state institutions, they do not always clearly operate in a coordinated manner. In the case of children, other countries' experiences show that the existence of an articulated and integrated system allows for better results. Sint Maarten has no linked child protection system (see Chapter 6).

Social protection

In addition to specific health insurance and other benefits to priority groups among the population, Sint Maarten has a welfare system that provides three types of social protection: (a) financial assistance, which may be ongoing (e.g., benefits for unemployment, pensions) or one-time support (e.g., payment of fees, uniforms, funeral expenses or for domestic calamities); (b) legal assistance for civil, work or marital problems; and (c) medical assistance for uninsured people who require medical attention.

Amounts of financial aid depend on the situation of the applicant and her or his dependents. Unemployed people with children under their care receive a higher amount. In 2012, there were a total of 196 applications for the three types of subsidies; of these, 80 per cent were accepted and 20 per cent were rejected (see Figure 7).



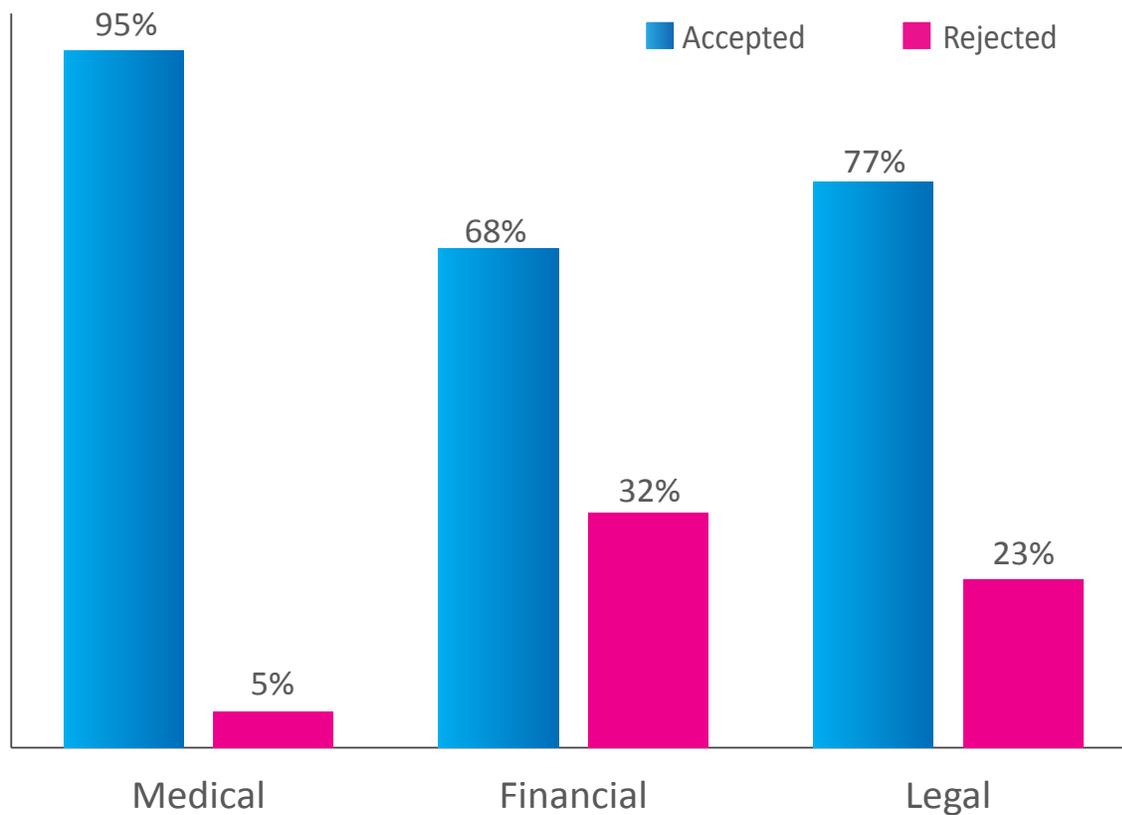


Figure 7: Subsidy applications accepted and rejected, 2012

About 70 per cent of grants are requested by women, suggesting that they are more vulnerable, are more affected by unemployment and need more legal, financial and medical help. Women seek financial and medical assistance more than twice as often as men. In 2012, 80 women applied for financial assistance, 13 for legal assistance and 41 for medical help. Of the 196 applications, only 12 were from non-Dutch citizens.



4. The Right to Health

4. The Right to Health

- Health receives 10 per cent of the state budget, and services are judged good or very good by 89 per cent of the population.
- There is a low child mortality rate of 7.6 per 1,000 live births and life expectancy at birth is 78.6 years.
- Overall, the health system is not organized by levels of care and does not work in an integrated way.
- No official data are available about births, deaths and major diseases or the changes in these from year to year.
- Health access is restricted for the unemployed and for undocumented immigrants.
- There are high rates of teenage pregnancy.
- Rates of obesity in the younger population have increased and are related to lifestyle and nutritional practices.

The Government of Sint Maarten puts significant emphasis on ensuring the availability of health care and the implementation of specific programmes and actions to further strengthen the health system.

According to the 2001 census, the majority of the population indicate that the health services offered in Sint Maarten are good or very good (Table 2).

Table 2. Citizens' perception of the health system

Population perception of health,	Number
Very good	12,409
Good	14,955
Reasonable	2,863
Bad/very bad	327
Unknown	40
Total	30,594

Source: CBS, 2001.

As noted above, the state budget allocated to the Ministry of Public Health, Social Development and Labour is 13.9 per cent, and about 10 per cent of it is destined exclusively to health – as a comparison, Costa Rica, which has universal social security coverage, spends 11 per cent of its budget on health. Table 3 shows that spending on medical care gets the highest percentage of the health budget (89 per cent), while investments in preventive health are relatively low (11 per cent).

Table 3. Social spending on health

Main expenses	Florins
Medical care	18,000,000
Garbage collection	9,500,000
Preventive and curative health care	2,300,000
Maintenance of sanitary landfill	2,800,000
Youth Health Care (YHC)	200,000

Source: Sint Maarten Public Budget 2009 (prepared by OSE).

The Government aims to increase spending on public health and implement a new health insurance system. Currently, not all people living in Sint Maarten have access to such health insurance (see Figure 8). This includes undocumented immigrants and, to a lesser extent, unemployed persons.

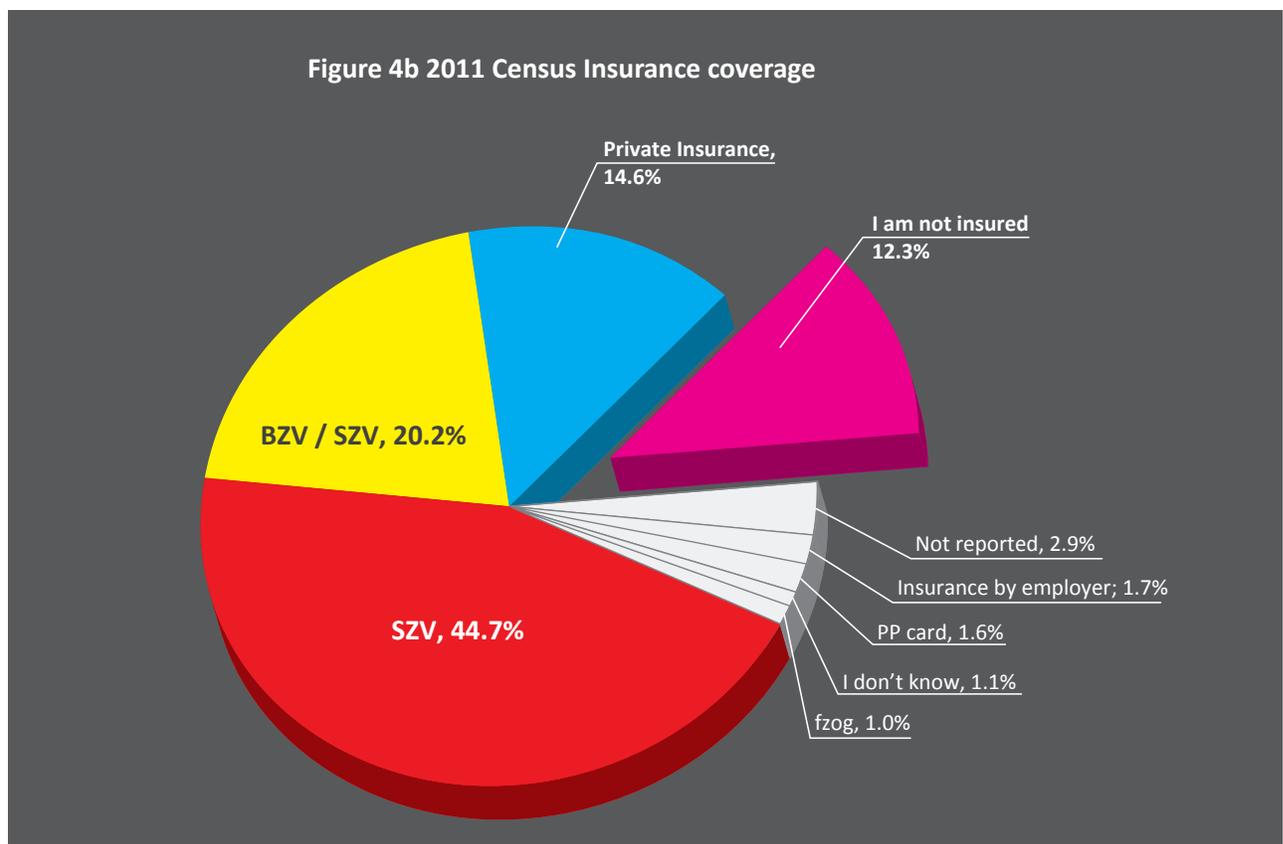


Figure 8. Insurance coverage
Source: Census 2011.

Progress achieved

Low child mortality

The right to life, as set out in the Convention on the Rights of the Child (CRC), is measured by, among other factors, the child mortality rate: a child's probability of living to her or his fifth birthday. Sint Maarten's child mortality rate has gradually decreased to 7.6 per 1,000 live births in 2008 (more current data were unavailable at the writing of this report). This figure places Sint Maarten among the countries with the lowest child mortality rates in the Caribbean and Latin America.

Tackling HIV

In 2008, Sint Maarten had the highest incidence of HIV in the Netherlands Antilles and there were 20 new cases in 2010 (out of a total of 664 registered cases between 1985 and 2010). However, as of 2010, it was estimated that 100 per cent of registered HIV cases had received treatment, including those without health insurance. There have been a number of infection prevention campaigns as well as provision of free HIV testing. The management of HIV and AIDS is a priority for the Ministry of Public Health, Social Development and Labour and programmes are conducted in close coordination with NGOs such as the Sint Maarten AIDS Foundation. The age group with the highest incidence is people between 25 and 44, followed by those between 45 and 64. There are few adolescents living with HIV.

Challenges remaining

Vaccination coverage

Vaccinations are free of charge and fully financed by the Government for children aged 0 to 17. However, the programme depends on the consent of parents and guardians and hence their comprehension of the importance of vaccinations. Two 'Vaccine Coverage Surveys' by the Pan American Health Organization (PAHO) in 2003 and 2008 found that a significant percentage of children 12–59 months old were not properly vaccinated.

Vaccinations for 0–4 years olds are provided by the White and Yellow Cross Foundation baby clinics. After age 4, the school system facilitates vaccinations up to age 17. The Youth Health Care (YHC) section reviews the vaccination records of all 4-year-olds and of children in the school system. Parents receive a consent form through the school that has to be signed and returned to YHC. Children who have missed vaccinations are then supposed to be put on a catch-up schedule.

Reasons for children not being vaccinated include that some are undocumented and do not access health-care

services; some do not visit the baby wellness clinics or any of the health centres; some do not go to school; and some come from abroad and are not registered at the YHC unless they are in school. Other children missing from the records may have got their vaccinations in French St. Martin.

A Policy Manual to expand the immunization programme was prepared in July 2011 with the support of PAHO and the World Health Organization (WHO). There has been no assessment yet of its impact or of the anticipated improvements in vaccination coverage.

High rates of teenage pregnancy

Sint Maarten's women generally have children at an early age. Many are teenage mothers and this leads to other problems such as lack of care for their babies, an interruption to their studies and loss of self-esteem (see Box 1).



Photo: © UNICEF/NYHQ20111991/LeMoyné

Box 1. Students' views on sex and teenage pregnancy

Students in the focus group indicated that the majority began their sex lives between 12 and 15. Although there is sex education at school, young people do not speak with their parents about the subject and most of their knowledge comes from conversations between friends. Many girls become pregnant. One girl said, "It is very common and it is difficult for them. Most who get pregnant have no support from the baby's father, so they have to take care of the baby themselves and they have to go to school and study, so they have no time to do anything. Some boys treat girls badly, have relations with them and then tell the rest of the school."

They also think that some of their difficulties are long-term issues. As another girl said, "I didn't have a dad in my life and I had a baby and now my baby doesn't have a dad and that happens a lot; all the problems are passed on from generation to generation."

Many programmes, such as on how to be sexually responsible and how to use birth control, have been launched to try to tackle teenage pregnancy. School social workers also provide information and contraception to young people. The problem may therefore not be lack of information but the gap between the information and its use.

Before the compulsory education law, many schools did not accept pregnant teens in their classrooms. Currently, there is less stigma surrounding teenage pregnancy and there are even programmes to support girls who are going to be mothers. A large number of adolescents participate in the Parenting Programme promoted by the Court of Guardianship.

Increasing levels of overweight and obesity

As in many Caribbean countries, the percentage of children who are overweight or obese is increasing. These children may develop serious health problems, including diabetes, that could eventually have an impact on the health system. The Government has therefore proposed to work on the prevention of obesity through programmes such as 'nutrition and physical education' that aim at creating a healthier society.

Improving health information systems

One of the biggest problems for the analysis of the fulfilment of the right to health of children in Sint Maarten is the lack of information related to its various components. For example, among the few agencies producing systematic information is the Sint Maarten Medical Centre, and while its administrative records show that only five neonates died in the country in 2010 and 2011, overall neonatal mortality data were not available.

This lack of information makes it difficult to track not only social policy – especially the Government's decision-making process regarding investment and the emphasis of state actions – but also its impact on the target population.



5. The Right to Education

5. The Right to Education

- Education is compulsory and 99 per cent of children and adolescents have access to primary and secondary schooling.
- The state provides funding for public schools and others run by various religions as well as for the university, technology institutes, the school transportation system, scholarships and second chance education.
- Several educational models exist – with teaching in either Dutch or English – and more affluent parents prefer to send their children to private schools.
- The educational model is based on the Dutch system and is not adapted to local needs.
- The increased number of students in public schools has led to large classes and an inadequate supply of teachers and educational materials.
- There are high rates of dropouts and expulsions, particularly in secondary school, and mechanisms to reintegrate students into education are lacking.
- With most people working outside the home and limited day-care facilities or after-school activities, children and adolescents tend to grow up without adult supervision.
- Immigrant children cannot always access regular schools due to language or academic limitations; if they attend special schools for immigrants, this may perpetuate forms of exclusion.
- The limited choice of university courses, increased opportunities for study abroad and lack of social policies to promote the return of graduates has led to brain drain.

Realisation of the rights to education in Sint Maarten has made great strides over the past two decades. Significant state investment, compulsory education and high rates of access are key elements that have led to the country's achievements in this area.

In 2011, state investment in education accounted for 26 per cent of the national budget, which shows that this is a state priority as also demonstrated in government plans for social sector investment. Table 4 shows the distribution of educational subsidies in 2009.

Table 4. Educational subsidies

Subsidy to school and education	Florins
FAVE/SKOS/SVOBE/SPCOB/SDA ¹	41,500,000.00
Public schools	21,700,000.00
Scholarships and allowances	6,500,000.00
Bus transportation for school children	4,600,000.00
Second chance education	1,000,000.00
Sint Maarten Institute of Technology	600,000.00
University of Sint Maarten	500,000.00

Source: Sint Maarten Public Budget 2009.

According to state budget data from 2009, there are approximately 3,340 students in primary schools subsidized by the state, of whom 1,880 (more than half) are in public schools, and 2,519 students in secondary education. Much of the education offered in Sint Maarten is provided by religious foundations – Adventist, Catholic and Christian Methodist – receiving state subsidies.

Major gains in education are accompanied by some systemic limitations such as the high dropout and expulsion rate, the lack of regulations to universalize the secondary education model and the limited options in university courses. While the illiteracy rate was halved between 1992 and 2001 from 8.6 per cent to 4.1 per cent, it is still among the highest among Caribbean countries. The fact that most schools are run by religious foundations that receive state funds limits the Government’s ability to offer secular public education.

Progress achieved

Compulsory education and high rates of access

Education is guaranteed and made compulsory under Article 11 of the 2010 Constitution, and access to education is now 99 per cent at both primary and secondary levels. Schools have opened up to groups such as undocumented immigrants and children with special needs that had previously been excluded. For example, 1,646 undocumented children were enrolled between 2005 and 2008 (CBS, 2010).

The Educational Innovation Department and the Sentro di Informashon i na Formashon Bienestar di Mucha (SIFMA) conduct an ongoing assessment of texts, materials and curricula. The latter also undertakes teacher training and creates educational materials. An additional goal is to provide what is called ‘second chance’ education through the Youth Development Program (YDP) to young people between 16 and 24 who have not been able to finish school. This provides practical training and workplace skills and hence opportunities for employment.

¹FAVE: Foundation for Academic and Vocational Education

SKOS: Simple Knowledge Organization System

SVOBE: Stichting tot Bevordering van het Voortgezet Onderwijs op de Bovenwindse Eilanden

SPCOB: Protestant Church Schools

SDA: Seventh Day Adventist School

Improved structure at the Ministry of Education, Culture, Youth and Sports Affairs

Another major advance in education is in the way the Ministry of Education, Culture, Youth and Sports Affairs is structured. It includes: (a) an educational support division; (b) a sports and youth division responsible for developing extracurricular sports activities for children and adolescents and improving the situation of young people, especially those at risk, through motivational programmes; (c) an inspector of education responsible for monitoring the quality of the facilities and compliance with educational standards; and (d) an education funding division that funds scholarships and study opportunities in other countries.

Challenges remaining

Limitations in educational quality

Among the limitations in educational quality is the lack of a unified model. Under the 2010 Constitution, schools can teach in either English or Dutch and not all follow the Dutch model. Another factor is the difference between public and private schools. More affluent families prefer to send their children to private schools because there is a better school environment, fewer children per classroom, more teachers and better infrastructure.

Making education compulsory has also caused some problems in the public system because of the growing number of children, including immigrant groups with different cultural backgrounds and different levels of education. The number of students per class has increased substantially from an average of 22 to 30 or even 35. The increased access has not necessarily been accompanied by more teachers, infrastructure or mechanisms to support teachers in managing complex groups.



Photo: © UNICEF/UNI120068/LeMoyne

Box 2. The education system: voices from the classroom

Most students in the focus group thought the main problem with the education system was the lack of teacher preparation and interest. “The classes aren’t always attractive, some teachers repeat much of the same and others go too fast and don’t ask us if we understand or not. If we don’t know how to do something, they just tell us to find the answer on our own.” Another problem mentioned was that the school was overcrowded.

Students said that the education system was too strict, which is reflected in the high number of expulsions and dropouts. “If a student fights with another student, they kick you out. You only get one chance to make mistakes or have a problem. If a student is found with drugs, even marijuana, she will be expelled and not given an opportunity to correct her mistakes.”

The language of instruction also caused difficulties: “Several primary schools are in English and when you have to change to a Dutch school it’s hard”. Another problematic issue was the way students are streamed. “We are separated into three different groups; the first is for the most intelligent children, the last is for the worst students and the middle is for the rest. The first group has privileges the others don’t have. For example, they can bring cell phones to class and others can’t bring any electronic devices.”

Children and adolescents outside the education system

Despite the great achievements in access to education, there are still children and adolescents who are out of school. Table 5 shows the leading causes of school dropouts in the last two school years.

Table 5. Reasons for dropping out of school during 2010–2011 and 2011–2012

	2010–2011	2011–2012
Emigration	41	10
Failure in school + leave school for work	39	13
Referral to another kind of education	17	7
Failure to comply with the rules	12	4
Pregnancy	0	2
Other	6	0
Total	115	36

Source: Ministry of Education, Culture, Youth and Sports Affairs.

The table also shows a significant decrease in school dropouts between the two years, though it is not clear whether this is a permanent downward trend. The most important reason for dropping out (apart from emigration) is that adolescents are entering the workforce. Children most at-risk of dropping out come from families with greater economic difficulties. They look for work in tourism, have lower expectations of the future and in many cases think that finishing school or going to college is a waste of time. However, unemployment among young people is 29.4 per cent (compared to the overall rate of 12.2 per cent) (CBS, 2010). A lack of job opportunities, added to the high dropout rate, could be a contributing factor for some to engage in illicit activities.

Another reason for the high number of children out of school is the expulsion of pupils with behaviour problems such as physical violence between students, drug use and serious issues with teachers. There are also expulsions (though less than before) for poor school performance. Generally students expelled from a public or semi-public school do not find a place in another similar school. Many of those expelled for disciplinary problems go to the Sint Maarten Vocational Training School, which provides them with marketable skills. However, attending this school has a stigma, making it difficult for its students to improve their prospects. Other vocational training that responds to the needs of the economy are limited.

Need for increased day-care and after-school activities

Day-care centres are currently expensive and not all families can afford to send their children to such facilities. A Day Care Quality Committee that evaluated 39 centres based on 11 criteria – including infrastructure, security, staff qualifications, kitchen, sleeping facilities, bathroom facilities, education and outdoor playground – found that only 9 met all the criteria (Sint Maarten Day Care Situation Report). These centres have been selected to run a pilot project to implement state subsidies in this sector. According to the report, 20 children met the subsidy criteria and are part of the pilot project

A big problem for schoolchildren is that their parents do not have the time to take care of them when school ends. Many families, especially immigrant families, are nuclear or single parent and do not have extended family members such as grandparents or aunts to help children use their after-school time constructively. Sometimes, older children without adult care after school also have to care for younger siblings.

The Government is addressing the need for increased coverage of after-school care and the need to establish extracurricular programmes as part of the regular school day similar to the privately managed after-school programmes attended by children and adolescents from wealthier families that can afford to pay for such activities. In addition, a Sports Unit has been set up in the Youth and Sports Directorate with the objective of promoting and funding sports and creating clubs and associations for children and adolescents.

Policies to integrate immigrant children

It is estimated that 10 to 15 per cent of the school-age population are undocumented immigrants (UNDP, 2011). Special schools for undocumented immigrant children were set up before the compulsory education law and, despite public schools now being open to all children, these special schools are still in high demand. The regular education system has limited absorption capacity for immigrant children whose native language is other than English or Dutch as the human capacity and infrastructure necessary to insert these children into the school system does not exist.

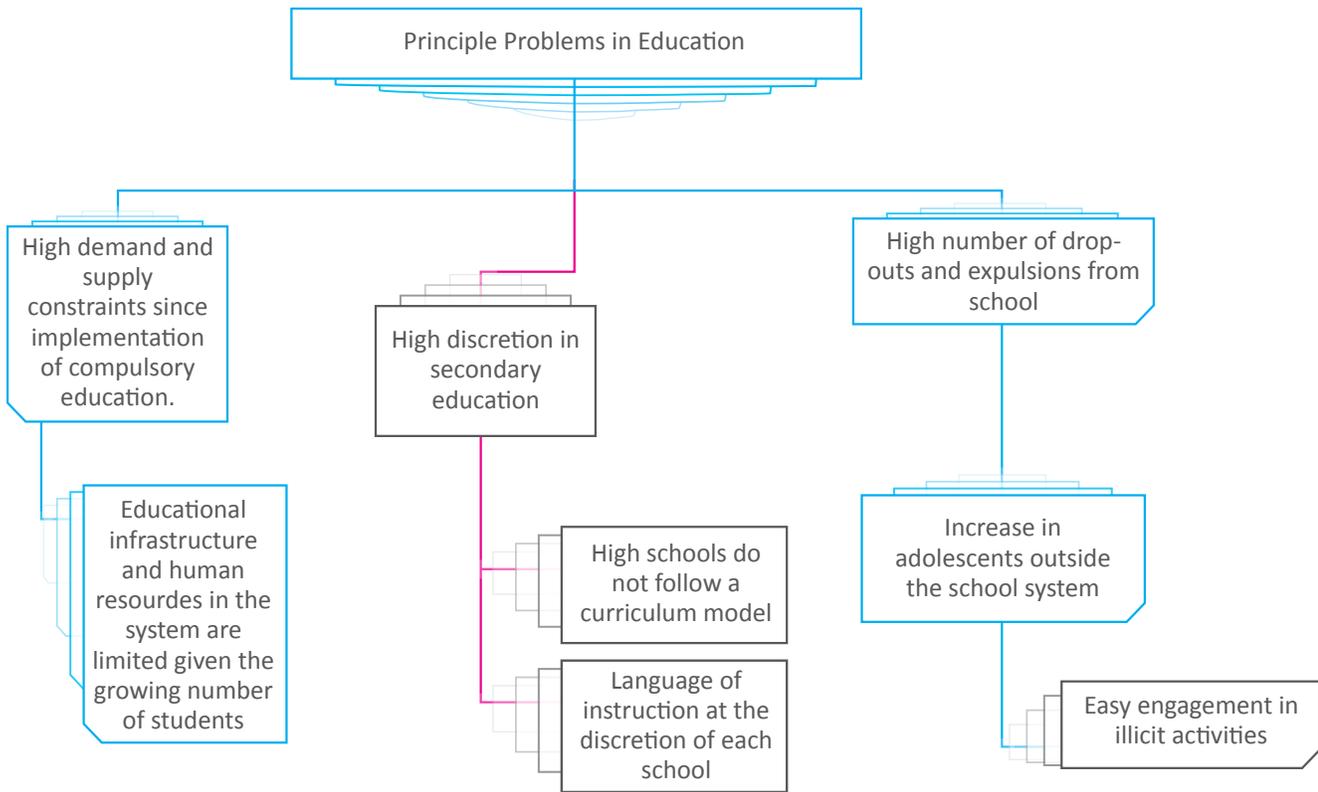


Figure 9. Causal chain of the principle challenges in education



6. The Right to Protection

6. The Right to Protection

- An initial child protection system has been set up and includes a six-step protocol on detection and intervention in cases of child abuse, violence, neglect and mistreatment.
- Domestic violence affects children, adolescents and women but is generally invisible and underreported. Physical punishment is commonly used as a form of discipline.
- A number of civil society organizations that work on issues affecting children such as neglect, abuse and violence are funded by the state.
- There is no comprehensive child protection system and a need for enhanced coordination and cooperation between the various institutions involved in child protection.
- Significant legal advances proposed in the new civil code include the right of children to know who their father is and to receive support from him.
- While the new criminal code provides substantive attention to juvenile justice, further alignment with CRC Committee's recommendations is required.
- A growing number of immigrant children have not been registered and are thus without the right to a nationality.

One of the major objectives of the CRC is the protection of children and adolescents from abuse or any form of violence. This treaty also mandates that signatory States ensure active intervention in such cases and the restoration of violated children's rights under due process. Establishing a comprehensive system to do this is one of the biggest challenges for contemporary states and societies.

The Government of Sint Maarten has taken important steps not only in strengthening the legal and institutional framework for the care and support of child victims of abuse, neglect and violence but also in terms of systems for the detection of children at risk of becoming victims. Several public and non-governmental institutions fulfil important roles in the implementation of prevention and support services for these children.

In 2011, a 'Protocol for Managing Child Abuse and Neglect' was created by the Department of Youth Health Care (YHC) in the Ministry of Public Health, Labour and Social Development. The protocol, which is based on the CRC, establishes six steps that must be taken to detect and intervene in cases of child abuse and mistreatment (Figure 10). It notes that the success of the detection, prevention and action implementation processes depends on intra- and inter-ministerial collaboration. Its goal is for all the various state agencies and civil society organizations to use the same procedure.

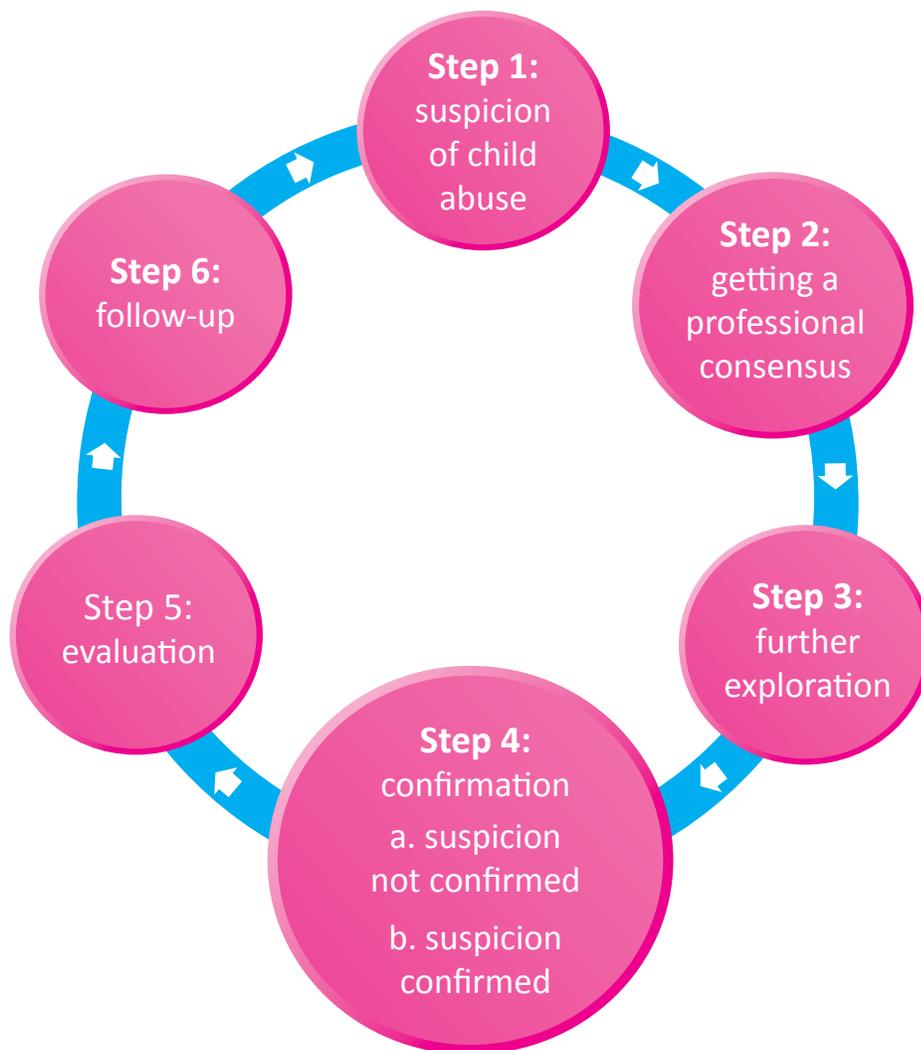


Figure 10. Six steps to address child abuse
Source: YHC, 2011 (prepared by OSE).

Progress achieved

An initial protection system

An initial protection system has been developed to implement the sequential steps outlined in the protocol, and Figure 11 illustrates the various public and private entities involved.

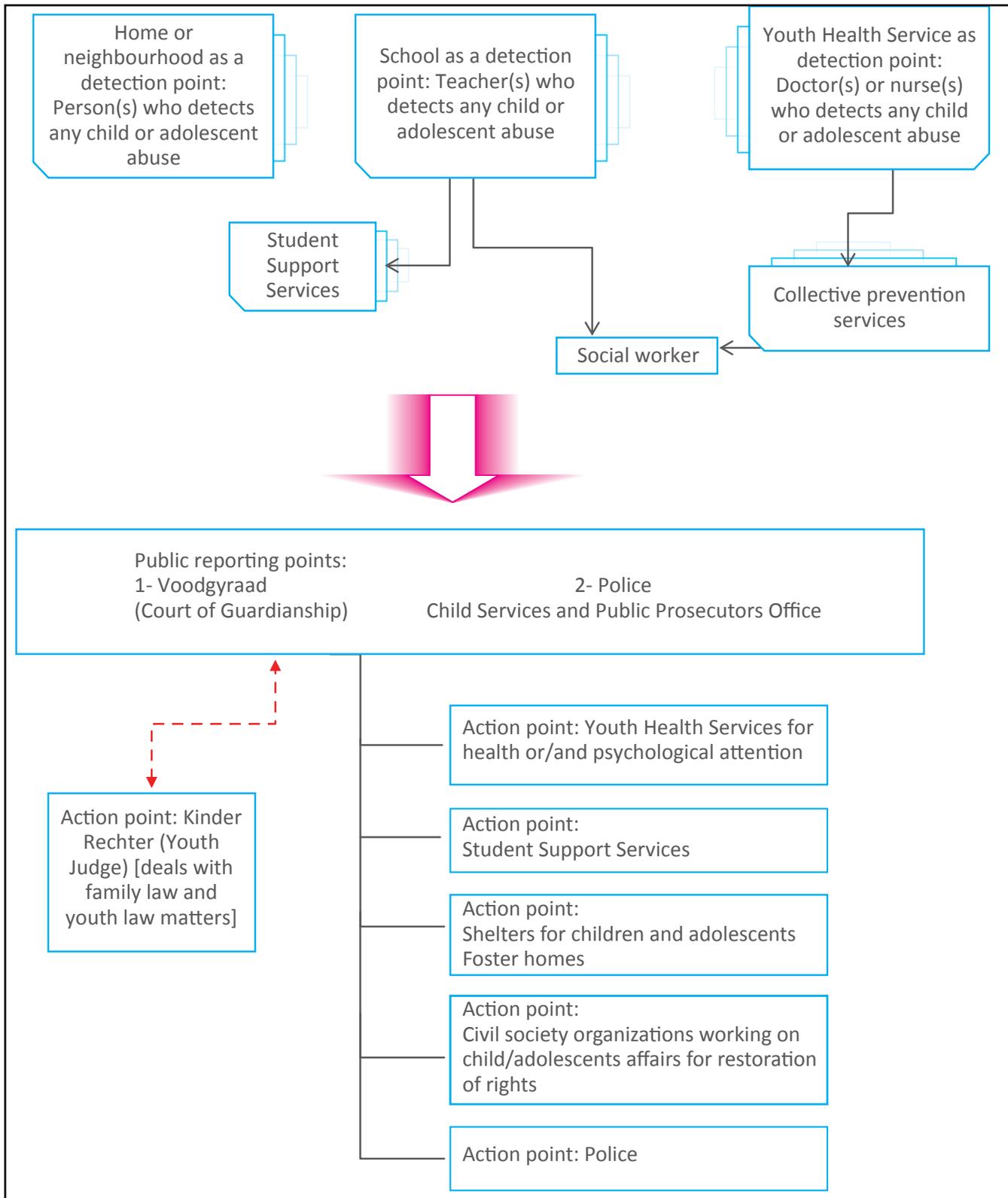


Figure 11: Sint Maarten's child protection system

As shown in the chart, there are three different levels of involvement. The first is public and private entities and/or civil society actors that serve as detection points for various forms of abuse and/or neglect but that could also fulfil a role in prevention-related activities. Among others, these include day-care centres, schools, medical services, family members and neighbours. Schools have social workers who can be very helpful in the prevention and detection process, although human resources adapted to this role are limited. The involvement of the Youth Health Service and Collective Prevention Service is also key. While their work focuses on vaccination campaigns and health education, their biggest goal is for health professionals to not only provide care but also be able to identify cases of abuse, violence and/or neglect.

Once any kind of abuse or violation of the rights of children and adolescents is detected, it must be reported to the second level. A key public agency here is the Court of Guardianship (Voogdijraad), which looks into the cases of children who have been abused and/or mistreated. Another reporting point is the police, particularly Child Services and the Public Prosecutors Office.

Once the case has been analysed, the Court of Guardianship sends it on to the third level: agencies that act on behalf of children and adolescents in caring for victims of neglect and/or abuse (psychological and medical care) and restitution of their rights. In more complex cases, the Court works with the Youth Judge (who deals with family law and youth law matters) to determine what action should be taken to intervene to protect the child or adolescent. Measures may include, where warranted, removing children under 17 from their families and placing them in shelters or with foster families and the initiation of prosecutions.

Several civil society organizations working on children's issues, such as SIFMA, provide education to parents to prevent child abuse and neglect. Other organizations working on psychosocial issues, such as the Mental Health Foundation, are also involved. Psychologists and social workers who work in this institution provide counselling and treatment to victims.

One of the key agencies linked to school dynamics, which also plays an important role in detection, intervention, prevention and restoration of rights, is Student Support Services. This is part of the Ministry of Education, Culture, Youth and Sports Affairs and develops programmes to provide assistance and guidance to schoolchildren and scholastic innovation programmes to be implemented in schools. Other institutions involved in this area are listed in Box 3.





Photo: © UNICEF/NYHQ20112008/LeMoyné

Box 3. Additional institutions working as part of the protection system

- The following also form part of the child and adolescent protection system:
- Department of Youth and Sports Affairs: Attached to the Ministry of Education, Culture, Youth and Sports Affairs, this aims to build and run programmes related to youth care and the prevention of problems associated with drug addiction and crime, creating alternative spaces for recreation and strengthening sporting activities. Among its flagship programmes are motivational talks in schools and the ‘Get off the block, get on the bus, get busy’ programme aimed at young people who have dropped out of school.
- Department of Social Services: This unit is attached to the Ministry of Public Health, Social Development and Labour. It provides medical, legal and financial aid to families. The main users of its services are the unemployed, single mothers and the elderly, and the main beneficiaries of financial assistance are women who have children and are heads of households; these subsidies thus indirectly provide protection for children and adolescents.
- Department of Social Development, Family and Humanitarian Affairs: This is another unit of the Ministry of Public Health, Social Development and Labour and provides non-material services (related to abuse, discrimination, psychological needs, etc.) in communities and neighbourhoods. Its mission is “to prevent social disadvantages and promote the general wellbeing of society”. The Department contains a community development unit, which aims at having district level locations where people can seek assistance for social problems, and a woman’s desk, which aims to function as a central point for addressing the interests of women.
- Juvenile Police Unit: This is a special police unit dedicated to cases involving young offenders.

The existence of this initial system is undoubtedly a crucial first step to prevent and address child protection violations. However, all state agencies need to assume a much more active and complementary role regarding detection and intervention. The basis for reversing abuse, violence and neglect is for it to not be normalized in society; that is, it must be seen as a problem and therefore reported, and social and state actions must also be implemented promptly. Ongoing awareness and prevention programmes are therefore essential.

Programmes to guide parents in the proper way to raise children would also be desirable, hence the need to encourage links between schools and families. It is also essential that the Ministries of Economic, Social and Cultural Rights, Justice, Education, Health, Labour and others integrate actions to put a wide-reaching childcare social policy into effect. Moreover, the private sector and civil society organizations should also be part of this system.

Legislation related to child protection

A body of law is needed that guarantees the rights of certain priority groups. Most countries in the world have adopted not only special policies but also specific legal frameworks in the areas of childhood and gender – for example, a code for children and adolescents and a law against domestic violence. Sint Maarten does not yet have these in place, but a number of rights are protected by specific articles in more general laws. The new civil code, for example, gives children the option to go to court to establish paternity and a subsequent right to child support and legal ties to their father. The law also deals with inheritance. Table 6 summarizes the various legal articles that protect children.

Table 6. Important components of the legislation related to child protection

Constitution: Chapter 3 Solidarity	It shall be the constant concern of the government to focus on the protection of children and young people and to promote their right to education, welfare, cultural development and leisure activities.
Prohibition of child labour, night work/ dangerous work for youthful persons and women (Labour Relation 2000)	It is prohibited to let work be done by children, whether or not in exchange for compensation. Work means all activities inside or outside an enterprise with the exception of: a. activities in or for the benefit of the family, where the child is being raised; b. activities in schools, work camps or in approved schools, as long as these activities are of an educational nature and are not aimed at economic gain. Children who have reached the age of 12 and who have graduated from primary school may perform certain work to be stated in a Labour Decree, as long as these activities: a. are necessary for the learning of a trade or profession ('apprenticeship'); b. do not require high physical or mental standards and are not of a dangerous nature.
Civil code	Regulates the rights of the families and persons. Related to children the most important areas are: a. the right to a name; b. the paternity law against child abandonment, which includes children's right to know who their parents are; c. Child Care Protection Boards: Articles 238–244; d. Custody over minor children;
Penal code	Articles 315 and 316 establish the obligation to report cases of sexual abuse. Article 250 stipulates that sexual abuse and sex acts with minors under 17 are punishable by law.

Challenges remaining

Accelerated changes in family dynamics

The percentage of couples with children dropped dramatically by 31 percentage points between 1992 and 2001. This breakdown of the nuclear family is due to the high number of women who have children at an early age without a steady partner and also to a significant increase in the number of divorces per year (around 46 per cent over the same period). A large number of young couples who have children do not make a commitment on childcare together and the mother is usually the only one responsible for the child.

Paradoxically, although tourism provides economic development opportunities, it is a double-edged sword when it comes to childcare since it involves working night shifts and constantly changing schedules. Parents who work long hours and/or in multiple jobs hardly see their children, and older children are the ones that take care of their siblings and the responsibilities in the home, thus breaking the traditional roles of the family structure. Relatives such as aunts or grandparents who might previously have provided care are now usually working themselves or may have emigrated in search of opportunities in Aruba, the Netherlands or the United States.

In addition, many people who became parents at an early age are not prepared to assume the parenting role and instead try to continue enjoying their youth. The need to teach parents to assume their responsibilities has been recognized in some way by the state. The Court of Guardianship has a Positive Parenting Programme (PPP) that tries to address the difficulties parents have in taking care of their children. However, in general there is a lack of institutional support, with many parents unable to handle their own problems, far less those of their children.

Violence in the home

The problem of domestic violence against children and women is not sufficiently recognized in Sint Maarten. There are no official data on domestic violence, and a major problem noted by the Prevention Services Section of YHC is the low reporting of cases of abuse and/or neglect. A kind of culture of silence around the issue means that victims often choose not to make reports.

However, domestic violence is believed to be a common phenomenon in the country and to feed into a cycle of abuse that ends up affecting the most vulnerable, including children. It is more widespread in less structured households – single parents, divorced parents, etc. – and the 2011 census found that single-parent households account for 15 per cent of the population (Department of Statistics, 2012). Disciplining with physical punishment is also very common. In addition, sexual abuse and incest reportedly take place within families, especially in certain social groups where it is considered normal.

The new law on parental care for children clearly prohibits any form of violence against children, which strengthens the legislative framework to address domestic violence. However, without detection or reporting it is very difficult to

implement the law or the protocol mentioned above and strengthen the protection system. To address this, it is important for the state to both design media campaigns to raise awareness and encourage reporting and develop mechanisms to ensure the right to privacy of those who break their silence. More emphasis is also needed on providing care and psychosocial support to victims of violence, alongside better monitoring of abusers since the sentences or punishments are not always sufficient. Another key point is educating parents in the prevention of abuse and any form of violence in the upbringing of their children. Both state agencies and civil society organizations working on issues of childhood should join forces to create a school that teaches parenting skills.

Children in conflict with the law

The breakdown of households – along with the lack of authority figures within the family and the lack of an integrated programme to re-insert dropouts into the school system – is also linked to youth becoming involved in crime. Young people who grow up in violent family environments, with economic problems or with weak parental figures, are more likely to take part in criminal activities. The absence of guidance also increases the influence of the mass media, especially television and the Internet, which create a desire for different lifestyles and risky behaviour.

Table 7 indicates the types of crimes committed by adolescents between 2008 and 2011 and the number of offences.

Table 7. Crimes committed by juveniles (13 to 17 years), 2008–2011

Crime	2008	2009	2010	2011
Theft	2	3	4	2
Theft from residence or hotel	10	2	7	10
Theft from car		2	5	4
Robbery	10	1	3	6
Robbery with use of violence	17	13	4	5
Street violence	14	15		5
Gun violence	4	9	1	4
Kidnapping	1	2	1	4
Revenge	8			2
Destruction of private property	11	3		5
Car theft				4
Falsification				2
Murder	1		1	
Attempted murder		1		
Sale of stolen goods	2			
Sexual intercourse with a child under 15	1			
Weapons use	2			
Total	83	51	26	53

Source: Police Unit (prepared by OSE).

Challenges in the protection of immigrant children

Immigrant parents who have children locally are supposed to return to their home country to legalize their children's birth. Current legislation is blind to a growing reality: many parents do not do this because they would lose their jobs. As a result, there are an ever-growing number of children without registration and thus the right to a nationality. Although a programme was created in 2009 to help immigrant parents register their children, people did not necessarily participate for fear of being deported.

The existence of populations with different cultural backgrounds is the reality in Sint Maarten; however, this is not addressed adequately at school, in institutions or at the public policy level. There are no policies for tolerance, respect for personal identity or for the integration of undocumented immigrant children. In many cases women arrive with only their children and have no extended family to help in their upbringing. Due to their economic situation they cannot pay for after-school activities and their children often spend many hours without adult supervision.

Undocumented immigrant women suffer high levels of exploitation in the workplace. They must work longer hours for less pay than locals or documented immigrants and do not file complaints for fear of being deported. Moreover, they have limited access to social security and cannot use the health, financial or legal systems or other community services. Due to the places where most of them live – combined with factors such as lack of time and, in many cases, speaking another language – they have no access to the already limited assistance given to other women.



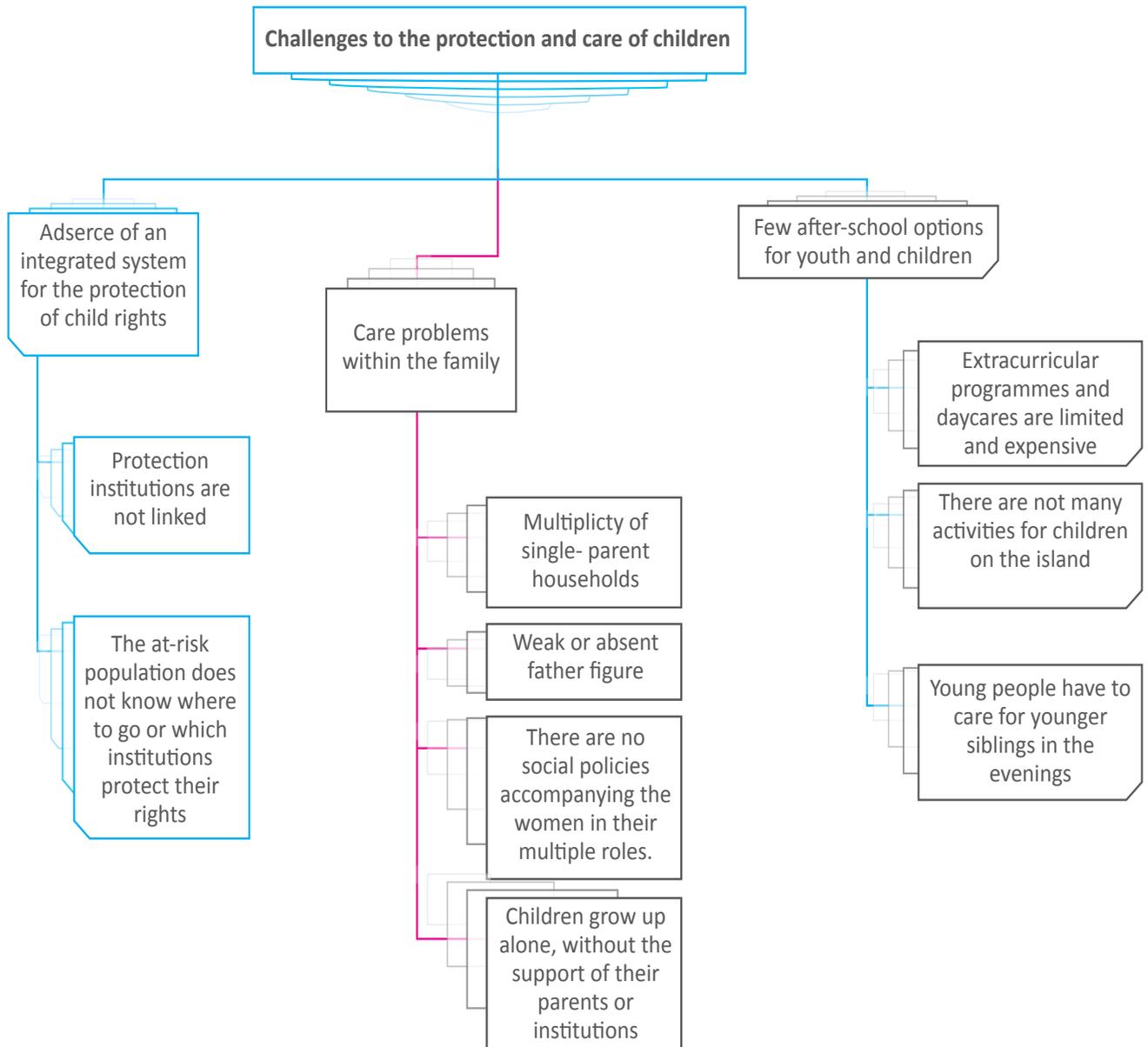


Figure 12: Causal chain of problems affecting the protection of children and adolescents





7. The Right to Participation

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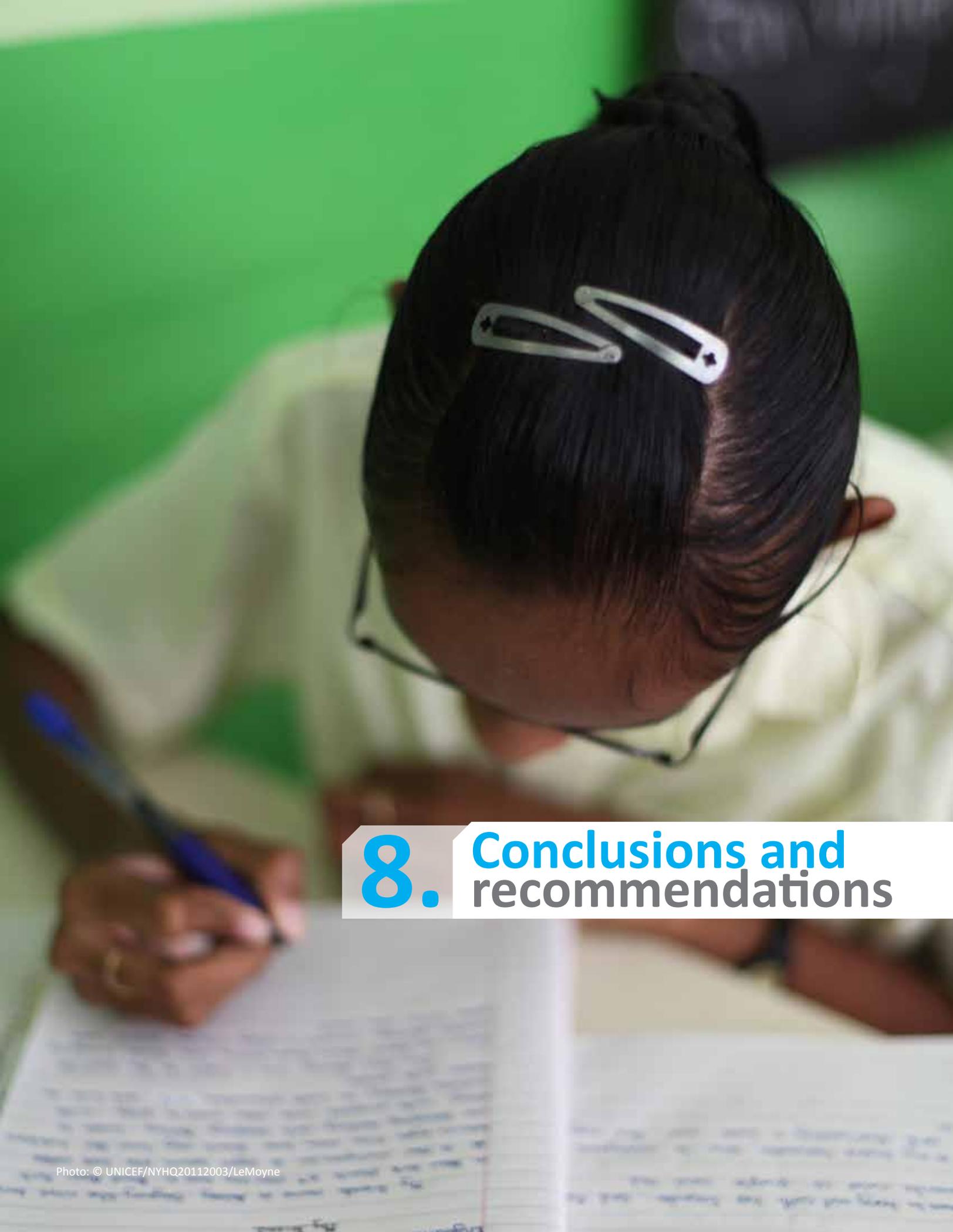
- The participation of children and adolescents in the public sphere is encouraged, mostly through schools, and various programmes allow for such participation.
- Undocumented immigrant children and adolescents have limited access to health care and education while undocumented women may face labour exploitation. They may all experience social prejudice.

There has been no specific study undertaken to clearly assess the participation of children and adolescents within the public sphere in Sint Maarten. However, it is clear that there are limited spaces where young people can express themselves. Further efforts could be made in the construction of a culture of dialogue among youth. Phenomena such as bullying, exclusion and marked distinctions between good and poor students form restrictions to child and adolescent participation.

At the same time, there is also a lack of interest among children in taking an active role in society. They tend not to get involved in the programmes and projects put in place to help them, perhaps because these programmes were not designed in ways that appeal to them. It is also common for children to sign up for these activities and then abandon them soon afterwards.

The principle participative spaces open to children are:

- The student associations found in most high schools.
- Interscholastic athletics: participation in these activities has increased with support from the Sports Unit of the Ministry of Education, Culture, Youth and Sports Affairs.
- Science fairs.
- Debates between various high schools.
- Completing a certain number of community service hours for credit, as required by some schools.
- Community organizations, which some students join.
- Sports organizations and clubs.
- The Sint Maarten Youth Council, an NGO that organizes youth meetings.



8.

Conclusions and recommendations

8. Conclusions and recommendations

Overall, children and adolescents living in Sint Maarten can access good health services, can develop and learn adequately, are protected and have some opportunities to participate in decision-making. Sint Maarten is a new country under construction and involved in institutional strengthening, consolidating an organized society and training local cadres in public administration. It is currently undertaking a series of efforts to reconstitute its institutional structure and the work of the executive branch. New agencies to govern as well as to create laws and policies are being set up, and their consolidation will take time. The legal framework contained in the Constitution provides the basis for new laws, policies, programmes and activities that are gradually being designed and implemented.

An analysis of the budget reflects a country with high investment in social areas, and major progress has been made in fulfilling the rights of children and adolescents. Important successes include compliance with the right to life, as measured by the low child mortality rate, and universal health-care coverage for children and adolescents. The introduction of compulsory education has led to universal access. Regarding child protection, the new civil code seeks to address the issue of parental absence while violence against children is being addressed with updated legislation. Other advances at the legal level are in the criminal code with a specific section on juvenile justice.

However, a number of challenges remain for further improving the situation of children and adolescents in Sint Maarten. These include:

- The lack of updated information systems and statistics to monitor the country's health situation, particularly that of children, adolescents and women;
- The need to maintain high immunization levels and reduce the number of unwanted teenage pregnancies;
- The lack of a unified secondary education model and few programmes for reintegrating dropouts;
- Limited access to affordable childcare, day-care facilities and after-school extracurricular activities for both children and adolescents;
- The lack of coordination between public and private institutions working in child protection, domestic violence and widespread silence surrounding this, family breakdowns and the vulnerable situation of immigrant children;
- The need to further align legislation, including on juvenile justice, with the recommendations of the Committee on the Rights of the Child;
- While there are plenty of spaces for youth participation such as sports clubs, debates, student associations and activities organized by the Youth Council, young people have limited opportunities to participate in the formulation and implementation of child and youth policies.

Recommendations

General

- The Department of Statistics should be strengthened as an agency to produce accurate and timely information on the situation of children, adolescents and women not only from censuses but also from new household surveys. Moreover, it could collate the available administrative data from education (EMIS), health (including vital statistics) and police administrative records. The statistics should cover all the inhabitants of Sint Maarten. Adequate financial resources should be allotted for this.
- An independent child rights observatory could be created to monitor compliance with children's and adolescents' rights with special emphasis on the situation of the most disadvantaged and excluded, including immigrant children.
- An opportunities policy should be designed and implemented with the aim of retaining adolescents and young people in Sint Maarten and reducing the outflow of 15–29-year-olds to other countries. This could link learning and education with the needs of the labour market.

Health

- There should be a broad-based primary health-care system that provides a model of comprehensive care focusing on prevention, promotion, care, cure and rehabilitation.
- An up-to-date system to collate information on residents, their epidemiological profiles and their medical histories should be developed to enable monitoring of the country's health situation, especially that of children, adolescents and women. Further linkages should be created with the health services on the French side of the island, with an emphasis on sharing administrative records, to optimize attention to children and adolescents.
- Sexual and reproductive health programmes for adolescents should be designed and implemented to provide information and access to mechanisms to prevent unwanted teenage pregnancy and increase knowledge about prevention of HIV and other sexually transmitted infections.
- An affordable social protection system for universal access to health care should be created in the medium term aimed at all inhabitants of Sint Maarten, including the immigrant population.
- There is a need for special attention to be given to increasing and sustaining vaccination coverage of all children.

Education

- Actions should continue to be taken to reduce school dropout, particularly among adolescents in secondary school.
- A unified model of secondary education should be designed and implemented aimed at all schools using similar methods and language of instruction.
- Children with special needs should be included in public education.
- The opportunities for and coverage of vocational training programmes should be increased and a vocational training policy designed and implemented.
- The availability of affordable and quality day-care centres should be increased, aimed at allowing mothers to enter the workforce while ensuring adequate care for children during working hours.
- After-school programmes for children and adolescents should be introduced, expanded and, when feasible, subsidized by the state to encourage the best use of free time after school in artistic activities and cultural expression.

Protection

- The building of an efficient and effective comprehensive child protection system, constituted by a legal framework, should be continued. Coordination between the actors engaged in providing child protection services, from both government and civil society organizations, should be enhanced to provide an adequate and comprehensive response. The role of the government in fulfilling a normative role in terms of evaluating the quality and relevance of services offered by actors in child protection should be increased.
- The components of the criminal code on juvenile justice should be aligned with the recommendations of the Committee on the Rights of the Child, and the juvenile justice system should aim at using alternative mechanisms to prevent children in conflict with the law being placed in institutions.
- Legislation against domestic violence should be promulgated and mass education programmes on prevention, treatment and resolution of violence should be developed in order to encourage people to speak out about it and report incidents. Social mechanisms should be created to prevent the normalization of violence against children and adolescents.
- A telephone hotline or another form of public communication should be set for reporting cases of violence, abuse and neglect. Such a hotline could not only provide counselling services but also direct callers to the relevant protection services and, when needed, undertake concrete actions to protect children from being subject to violence and abuse.
- An early warning system should be designed related to the violation of the rights of children and adolescents that includes the judicial, health and education systems as well as civil society watchdogs to prevent the proliferation and normalization of child abuse.

Participation

- Additional participative spaces for children and adolescents should be created and include possibilities for political interfaces to encourage their greater involvement with society.
- A gender policy should be designed and implemented and the functioning of the women's desk should be reinforced. Laws should be reviewed and revised to eliminate any discrimination against women and, if necessary, new laws introduced specifically focusing on protecting women's rights (e.g., on domestic violence).
- An integration policy for immigrant children should be elaborated and implemented and include (1) a process to normalize their immigration status; (2) provision of documents; (3) school insertion mechanisms (academic levelling and language teaching); (4) access to health services; and (5) cultural integration and social life programmes in neighbourhoods.

Sint Maarten is a new country under construction and is in the process of developing new laws, policies, programmes and activities for institutional strengthening, consolidating an organized society and training local cadres in public administration. The budget reflects a country with high investment in social areas, and major progress has been made in fulfilling the rights of children and adolescents. Important successes include universal health-care coverage for children and adolescents, the low child mortality rate and the introduction of compulsory education. Undoubtedly one future priority should be collecting and collating adequate information in order to understand and tackle the main challenges of childhood and adolescence through a continued emphasis on the formulation of evidence-based laws, policies and programmes aligned to the CRC and CRC Committee's recommendations.



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Annex:
Monitoring the CRC
Committee's recommendations
for Sint Maarten

Year	1. Alternative care system			
	Identified problem	Recommendations	Measures taken	Observations
	Limited residential infrastructure for young people to participate in after-school activities leads to long waiting list to be part of those programmes	Create alternative care centres for young people and decrease the waiting lists.	*Four day-care centres have after-school programmes. *The Sint Maarten Youth Council Association offers after-school programmes. *The Cultural Centre has after-school and weekend programmes where children and adolescents learn to play instruments and get involved in national traditions.	*There are not enough places for youth recreation and the ones that exist are too expensive.
	Limited number of centres for children with special needs	Create alternative care centres for children, including preventive care and decrease of waiting lists.		
	2. Complaint system of public care			
	Identified problem	Recommendations	Measures taken	Observations
	Absence of a complaint system to monitor the quality of the public care system	Take measures to ensure constant monitoring of the complaint system of public care	*The state has created a neighbourhood development programme that detects and combats the different problems that each district has in order to ensure balanced development.	*There is not a close relationship between the state and the private sector.
2008	3. Access to medical treatment			
	Identified problem	Recommendations	Measures taken	Observations
	Possible limitations in the access to medical treatment of uninsured children and uninsured pregnant women.	Take measures to ensure the access of children and pregnant women to medical treatment even though they are not covered by the social system.	* The law establishes that undocumented immigrants have access to medical treatment if they pay for it.	* Only the employed population has access to health insurance. However, if people pay, they have access to treatment. * There is no recent research about health problems in terms of prominence of diseases, knowledge about health and use of health-care services.
	4. Care, education and social integration for children with disabilities			
	Identified problem	Recommendations	Measures taken	Observations
	There is no round-the-clock care for children with disabilities. Certain schools have been adapted for the access of children with disabilities, thanks to the intervention of the board of governors and parents' committee.	Take measures for improving the care system for children with disabilities, particularly in educational services or day-care centres.	*Some churches have schools for children with learning disabilities.	*The number of children in classrooms (around 30) negatively affects the education of those who have disabilities because they do not receive the attention that they need.

	Discrimination and limited social integration of children with disabilities.	Create special programmes to combat any form of social discrimination and to integrate children with disabilities.		
5. Prevention of drug use				
	Identified problem	Recommendations	Measures taken	Observations
	Drug use by children	Take measures to prevent drug use in children	*The Mental Health Foundation plans to open a centre for addictions and crisis.	*The schools are trying to implement student support and counselling to address addiction issues. Even if this step is implementing, however, there is not yet a shelter or a centre that can provide further intervention. *Easy access to alcohol and drugs, together with the negative influence that tourists have on local youth, are factors that contribute to this problem. *A student who has behavioural or drug problems will be expelled and no further help is offered.
6. Prevention of bullying in schools				
	Identified problem	Recommendations	Measures taken	Observations
	Bullying in schools	Take measures to prevent bullying in schools	*Some schools have mentors in the classrooms that work on preventing bullying and aggression among students.	*The more crowded a school is, the greater the number of incidents. School authorities do not always know about it. Some teachers call the police or let students fight because staff have been hurt trying to break up fights.

7. Obtaining information about the existence of commercial sexual exploitation of children				
	Identified problem	Recommendations	Measures taken	Observations
2005-2006-2007	Limited research about commercial sexual exploitation of children	Implement a systematic investigation to obtain information about this problem. This information shall be the basis for the state and society to take measures over commercial and sexual exploitation of children.		<ul style="list-style-type: none"> * Pornography and prostitution exist but are hidden and underreported. *Prostitution is legal in certain establishments. However, it also takes place illegally elsewhere in situations that are not controlled in terms of age/disease.
8. Types of crimes that may lead to pre-trial detention of children				
	Identified problem	Recommendations	Measures taken	Observations
	Certain types of crimes may lead to pre-trial detention of children	Implement alternatives to pre-trial detention and plan to reduce its use	*Victorious Living Foundation offers advice to unemployed youth to facilitate the process of finding a job. This foundation also has a programme to help young entrepreneurs open their own businesses.	<ul style="list-style-type: none"> * 25 per cent of men in jail are between 17 and 24 years old. This is due to several factors, including the desire to get things fast, the media role in society, absent fathers, frustrations and peer pressure. *There is a lack of communication between adults and children/adolescents, which can lead to behaviour problems among youth. *Some of the crimes committed by children are related to the fact that they are NEETs (not in education, employment or training). * Youth unemployment is high, which causes low income and poverty among this population group. *In order to reduce the number of NEETs, the Ministry of Public Health, Social Development and Labour plans to start a programme to teach young people mechanisms to find a job.

2008-2009	9. Priorities of the State party			
	Identified problem	Recommendations	Measures taken	Observations
	Issues affecting children that require the most urgent attention in regard to the implementation of the Convention.	<p><i>Justice:</i> Open a juvenile prison, set up a probation unit to ensure that children who have been in contact with the criminal justice system are supervised on their return to society, introduce and enforce juvenile criminal law.</p>		<p>* There is lack of continuity in programmes, projects and policies regarding implementation and protection of children's rights, mainly due to lack of funding and infrastructure.</p>
		<p><i>Education:</i> Introduce compulsory education in the national law, focus on children who have been excluded from school, address the problems of children who are under-performing at school or who drop out of the school system, particularly boys.</p>	<p>*Education is compulsory by law. *The Youth Development Programme works with children who were excluded from school because of their behaviour by paying attention to their social skills, teaching them languages and providing guidance so they can learn outside the school system. It has helped a total of 180 children over 18 months. *The project 'Get off the block, get on the bus, get busy' helps children that drop out of school or are unemployed to find a job. *The Academic Achievement Award Programme held by the Sint Maarten Council Association works on giving incentives to young students to achieve good grades at school. *Since 2008, a programme for inserting immigrant children in the school system has being implemented. It started gradually, with children of ages 4 to 6 and at the moment it is working with 12-year-olds.</p>	<p>* The Government considers youth as one of its main concerns and priorities, especially on aspects related to education. *SIFMA is creating a project to implement innovations in the educational system. * The Teacher Labour Union works with the state to improve the quality of education. *There is not enough diversification in the programmes of study offered by the University. This institution is currently trying to develop more programmes.</p>

		<p><i>Health care:</i> Take measures to deal with child abuse and neglect, develop campaigns to raise the awareness of prospective parents, take measures to identify children who are suffering emotional, physical or sexual abuse in their own surroundings [home, school or neighbourhood], take measures against aggression and other behavioural difficulties among children, campaign to prevent teenage pregnancy</p>	<p>*Safe Haven works to create awareness about domestic violence and child abuse. It has a 24-hour telephone line that gives counselling and support to abused women and children and a shelter to receive them. *There is a law that says that schools have to report abuse if they detect it. *The Girl Power Programme of the Health department focuses on preventing teenage pregnancy. This programme has been implemented in all secondary schools for the last six years. It gives information about sex and pregnancy and works on improving girls' self-esteem. *The Active Parenting Programme started on 2007 and focuses on teaching parents mechanisms to raise their children in a respectful way. *The Active Families programme takes place in several secondary schools and focuses on improving communication between teenagers and their parents. *'Baby think it over' is a project that works on reducing teenage pregnancy by demonstrating to youth the difficulties of parenthood.</p>	<p>*Abuse and neglect are present but are still not being sufficiently addressed. *There is no specific law to punish domestic violence. *There is no child abuse report centre. Abuse can be reported to the police or the Court of Guardianship, but the help is not centralized. *Corporal punishment is still used in homes and some schools. * The Ministry of Health Care, Social Development and Labour is conducting an investigation in order to obtain more accurate and up-to-date data that will inform specific programmes to reduce teenage pregnancy.</p>
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2009	10. Decrease obesity			
	Identified problem	Recommendations	Measures taken	Observations
	Increased number of obese children	Implement programme to reduce overweight from 30 to 25 per cent, especially in children attending kindergarten schools.	*Some day-care centres have nutrition programmes	* The two main challenges for the State regarding health problems among young people are obesity and vaccination coverage. * Some projects to reduce obesity are being developed. However, they have not been implemented yet. *Obesity is related to the fact that the necessity of importing food makes the price of fruits and vegetables extremely high. The cultural conception of beauty also plays an important role because the idea of 'bigger is better' is widespread. Other factors are lack of time to prepare healthy food and to think about nutrition and lack of physical activity.
2008	11. Budget allocations in the areas of health and education			
	Identified problem	Recommendations	Measures taken	Observations
	Article 4 establishes that States that sign the Convention must prioritize investment in health, education and social insurance. Despite this, States do not always assign enough percentage of the total budget to these areas.	Update information for 2006, 2007, 2008		*Around 26 per cent of the national budget is designated for education and 10 per cent for health.
12. Trial as adults of persons below 18 and reported cases of abuse				
	Identified need	Recommendations	Data	Observations
	Provide updated data for all three parts of the Kingdom on the number of persons below 18 who have been tried as adults. Also inform the Committee on the number of reported cases of abuse or mistreatment of children during their arrest and/or detention as well as on the follow-up given to these cases.		*The Police Department has a special unit for crimes committed by people under age 18.	* After 16 children are tried as adults if they commit a serious crime. Before 16 they have to do community service.

13. Children involved in sexual exploitation

Identified need	Recommendations	Measures taken	Observations
Provide updated data for the Kingdom on the number of children involved in sexual exploitation, including, pornography and trafficking, and the number of those children who were provided access to recovery and social reintegration services.			

Questions regarding the Optional Protocol
14. Statistical data

Identified need	Recommendations	Information	Observations
Provide (if available) statistical data (including by sex, age, group, urban/rural area) for the years 2005-2006-2007 and so on, for the following items:		*Sexual abuse is generally underreported.	
*Number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals, sanctions and rehabilitation for perpetrators.			
*Number of reported cases of children trafficked to and from Sint Maarten for sexual exploitation.			
*Number of reported cases of crime related to child sex tourism and follow up.			
*Number of child victims provided with recovery assistance and compensation as indicated in Article 9, paragraphs 3 and 4 of the Protocol.			

15. Children's Ombudsman

Identified need	Recommendations	Measures taken	Observations
Establishment of a Children's Ombudsman	Create an ombudsman's office or other independent monitoring mechanism on child rights that will be in charge of receiving complains from or on behalf of children on violations of the Optional Protocol	*An Ombudsman was created in January 2011.	*Knowledge about children's rights is not widespread and this issue is not yet considered to be a priority.

16. Plans of action

Identified need	Recommendations	Measures taken	Observations
Indicate whether the State party has a plan of action in relation to the sale of children, children prostitution, and child pornography. If so, please provide information on the competent authorities responsible for its implementation and coordination.			

17. Tougher sentencing for child pornography			
Identified need	Recommendations	Measures taken	Observations
Indicate whether the recommendation from the Board of Procurators General to apply tougher sentencing in child pornography cases has been followed up.			* The punishments for those engaging children in prostitution or child pornography are not severe enough.
18. Criminalizing certain kinds of advertising			
Identified need	Recommendations	Measures taken	Observations
Indicate if any steps have been taken towards criminalizing the production and dissemination of material advertising the sale of children, child prostitution or child pornography			*Around 85 per cent of the population has cable TV and it does not regulate any type of advertisement.
19. Domestic and inter-country adoption and surrogacy			
Identified need	Recommendations	Measures taken	Observations
Provide information on the relevant framework on domestic and inter-country adoption procedures and surrogacy, including legislation criminalizing offences under article 3.			



Key findings

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Overall, children and adolescents living in Sint Maarten can access good health services, can develop and learn adequately, are protected and have some opportunities to participate in decision-making. Sint Maarten's budget structure reflects a state with high social investment, and the Government has several social programmes that promote actions focused on young people. The socioeconomic indicators are encouraging in most cases and show similar living conditions to those in developed countries such as the Netherlands or the United States.

On a less positive note, however, the unemployment rate increased from 10.6 per cent in 2007 to 12.2 per cent in 2010 and is especially high among young people at 29.4 per cent, providing little encouragement to remain in the country. There is also limited coordination between the state and civil society organizations to address issues related to children and adolescents, reducing the possibility of an efficient response. There is no youth policy or gender policy to promote integrated actions focused on children and adolescents.

The right to health

Progress achieved

Health receives 10 per cent of the state budget and, according to the 2001 census, 89 per cent of the population graded health services as good or very good. Coverage for children and adolescents is universal. There is a low child mortality rate of 7.6 per 1,000 live births, and life expectancy at birth is 78.6 years.

Challenges remaining

Overall, the health system is not organized by levels of care and does not work in an integrated way. There is no consolidated information available about births, deaths and major diseases or the changes in these from year to year. Undocumented immigrants face challenges in accessing health care.

There are high rates of teenage pregnancy, with 9 per cent of total births in 2007 to mothers under 20 years. Some of the causes are the limited dialogue between parents and children about sex and prevention of pregnancy and the gap between the sex education received at school and the way teenagers implement it. Early pregnancy limits girls' future possibilities and may put them at risk of ongoing poverty.

There are increasing rates of obesity in the younger population related to lifestyle and nutritional practices. These may lead to serious health problems that could have an impact on the health system.

The right to education

Progress achieved

Article 11 of the Constitution guarantees compulsory education, and 99 per cent of children and adolescents now have access to primary and secondary schooling. This includes immigrants (including those without documents) and children with special needs.

Education receives 26 per cent of the total state budget. The state provides funding for both public schools and others run by various religions as well as for the university, technology institutes, the school transportation system, scholarships and second chance education (for young people aged 16–24 who did not finish high school). An inspector of education is responsible for monitoring the quality of the facilities and compliance with educational standards, and there is also ongoing assessment of educational materials.

Challenges remaining

The Dutch educational model persists and is not adapted to local needs. In addition, there are several educational models – including teaching in either Dutch or English – and more affluent parents prefer to send their children to

private schools. The increased number of students in public schools has led to large classes (up to 35 students) and an inadequate supply of teachers and educational materials.

Coordination between families and schools is limited, and mechanisms to reintegrate dropouts are absent. With most people working outside the home and limited day-care facilities or after-school activities, children and adolescents tend to grow up without adult supervision. Despite the compulsory education law, immigrant children cannot always access regular schools (due to language or academic limitations); if they attend special schools for immigrants, this may perpetuate forms of exclusion.

The limited choice in the university courses offered, increased opportunities for study abroad and absence of social policies for promoting the return of qualified human resources has led to brain drain.

The right to protection

Progress achieved

An initial child protection system has been set up and a protocol has been developed that establishes six steps to be taken to detect and intervene in cases of child abuse, violence and neglect. The goal is for all the various state agencies and civil society organizations to use the same procedure.

There is a large state budget for social protection, including universal subsidies for all citizens. There is no evidence of child labour on the island. A number of civil society organizations that work on issues affecting children such as neglect, abuse and violence are funded by the state, while other organisations depend on other sources of funding. Significant legal advances in the new civil code include the right of children to know who their father is and to receive support from him.

Challenges remaining

Despite the legal advances and the existence of a rights-based legal framework, there is no comprehensive protection system for children and adolescents. Nor is there a youth policy or specific legal code for children and adolescents.

Nuclear families have become less common – due to women having children at an early age without a steady partner and high rates of divorce – and the majority of household responsibilities fall on women in both their productive and reproductive roles. They often work long hours and/or in multiple jobs and hardly see their children. Young parents may also ignore their parenting responsibilities, and there are limited programmes to guide them in the proper way to raise children.

Domestic violence affecting children, adolescents and women is believed to be common but is generally invisible. There are no official data and low levels of reporting due to a culture of silence. Physical punishment is frequently used as a form of discipline, leading to the possible normalization of violence. This is also witnessed in schools with increasing levels of violence.

Violent family environments, the breakdown of households, a lack of authority figures within the family and the lack of an integrated programme to re-insert dropouts into the school system are linked to children and adolescents getting at risk of being involved in violence, including in schools, and in some instances into other behavioural problems. The new criminal code contains a specific section on juvenile justice aimed at dealing more appropriately with children in conflict with the law, and a juvenile facility is being constructed that will offer a rehabilitation programme and psychosocial counselling. However, there is still a need to further align legislation with the CRC Committee's recommendations.

An ever-growing number of immigrant children have not been registered and are thus without the right to a nationality. Undocumented women suffer high levels of exploitation in the workplace.

The right to participation

Progress achieved

In general terms, children's and adolescents' participation in the public sphere is gradually increasing. The principle participative spaces open to them are primarily through their schools and include student associations in most high schools, interscholastic athletics, science fairs and debates. Several schools also require that students complete a certain number of community service hours for credit. In addition, some students join community organizations.

Challenges remaining

While no specific study has been carried out to assess the participation of children and adolescents in the public sphere in Sint Maarten, it is clear that restrictions exist. These include limited spaces where young people can express themselves, weaknesses in the construction of a culture of dialogue among youth, and phenomena such as bullying, exclusion and marked distinctions between good and poor students.

At the same time, there is also a lack of interest among children in taking an active role in society. They tend not to get involved in the programmes and projects put in place to help them, perhaps because these programmes were not designed in ways that appeal to them. It is also common for children to sign up for these activities and then abandon them soon afterwards.

Undocumented children and adolescents have limited access to the health and education systems and may experience social prejudice and exclusion.

Recommendations

General

- Strengthen the Department of Statistics to produce accurate and timely information derived from not only the census but also new surveys on household living conditions in order to prepare specific indicators for monitoring compliance with the rights of children and adolescents.
- Create a social observatory to monitor state actions concerning children and adolescents with special emphasis on the situation of those who are immigrants.
- Design and implement a youth employment policy and create more opportunities for adolescents aged between 15 and 19 through integrated academic and technical training to meet the country's development needs.

Health

- Develop a broad-based primary health-care system that provides a model of comprehensive care focusing on prevention, promotion, care, cure and rehabilitation.
- Design sexual and reproductive health programmes that provide information and access to mechanisms to prevent teenage pregnancy and the transmission of venereal diseases.
- Strengthen the health information system with an emphasis on epidemiological surveillance and continue collaboration and coordination with the French side of the island, including on health information and statistics
- Create, in the medium term, a system of universal access to health care without restrictions for the immigrant population.
- Give special attention to vaccination coverage of all children.

Education

- Maintain and strengthen actions to decrease dropouts, particularly in secondary education, and integrate all children outside of regular schools, especially immigrant children, into the formal state education system.
- Design and implement a unified model of secondary education aimed at all schools using similar methods and the same language of instruction.
- Include special needs children in public education.
- Increase opportunities for and coverage of vocational training programmes and design and implement a vocational training policy.
- Increase the supply of high quality, subsidized childcare centres to relieve the burden on working parents, especially mothers.

- Introduce, expand and, when feasible, fund after-school programmes for children and adolescents to promote the best use of free time and develop artistic and cultural expression as well as encouraging participation in sports.

Protection

- Continue to build and enhance a comprehensive system of care and protection backed up by a legal framework.
- Enhance coordination between government and civil society actors engaged in providing child protection services.
- Align the components of the juvenile justice system with the recommendations of the CRC Committee and prevent children in conflict with the law being placed in institutions.
- Reinforce and implement legislation against domestic violence and develop mass education programmes on prevention, treatment and resolution of problems of violence to encourage people to report incidents.
- Create social mechanisms to prevent the normalization of violence against and among children and adolescents.
- Set up a telephone hotline or other means of communication about the problem to provide counselling services and referrals to child protection services for victims of abuse, violence and neglect.
- Design an early warning system for violations of the rights of children and adolescents that involves the judicial, health and education systems and civil society watchdogs.

Participation

- Create additional participative spaces for children and adolescents to encourage their greater involvement in society.
- Develop and put into effect a gender policy, reinforce the functioning of the women's desk and review and revise laws to eliminate discrimination against women and protect their rights.
- Design and implement an integration policy for immigrant children that includes a process to normalize their immigration status, school insertion and access to health services as well as neighbourhood programmes encouraging cultural integration.



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