**5th ICCPR Report**

**Sint Maarten**

**Article 1**

**Right to Self-Determination**

During the last period of reporting (2008), it was noted that the islands of the Netherland Antilles had voted to reform their constitutional status within the Kingdom. To this affect, referenda were held on all five islands of the Netherlands Antilles. Sint Maarten held its referendum on the 23rd June 2000, the results of which are provided below:

Sint Maarten Referendum, 23rd June 2000

|  |  |  |
| --- | --- | --- |
| Option A | Remain part of the Netherlands Antilles | 3.7% |
| Option B | Become an autonomous country within the Kingdom of the Netherlands | 69.9% |
| Option C | Become part of the Netherlands | 11.6% |
| Option D | Become an independent state | 14.2% |

On the 10th October 2010, after ten years of negotiations, Sint Maarten finally achieved its autonomy, Option B, resulting in the dismantling of the Netherlands Antilles. The Kingdom of the Netherlands now consists of the Netherlands, itself composed of the country the Netherlands and the public bodies, or municipalities, in the Caribbean Netherlands : Bonaire, Saba, and St. Eustatius), and the countries of Aruba, Curaçao and St Maarten. Taking into consideration, the significant effort that was put into achieving this status and its importance to the people of Sint Maarten, the upholding of the universal right of self-determination is paramount to the government, and is enshrined in the Preamble of the Constitution.

**Article 2**

**Non-Discrimination**

As stated in Chapter 2, Subsection 2, Article 16 of the Constitution, all persons in Sint Maarten shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, skin colour, sex, language, national or social origins, membership of a national minority, assets, birth or on any grounds whatsoever shall not be permitted.

In terms of education and non-discrimination, compulsory education is guaranteed under Article 11 of the Constitution. There are also schools in plans for undocumented immigrants and children with special needs that had previously been excluded.

Having said that it was recommended that the Netherlands Antilles amend legislation that discriminated against children born out of wedlock, and as such the law of parentage has done away with the terms legitimate, illegitimate, and natural child when referring to the time of a child’s birth versus the marital status of its parents. This has also been coupled with the eliminating, as extensively as possibly, of all distinctions between children born in and out of wedlock, thereby mitigating the stigma attached to children born as such. Moreover, a married man with ties to a child may acknowledge it as his own. It was decided to amend the law that governed the right to paternity, with a reserved time delay because of the controversy surrounding the issue. In May 2013 Sint Maarten adopted the right to paternity into law as a result of a ruling by the Dutch Supreme Court. As in the European part of the Kingdom, a child with no legal father can now seek a judicial declaration of paternity. If the court rules that the asserted man is indeed the father of the child, the child acquires the right to inherit from the father and a note to this effect is made in the Register of births, Deaths, and Marriages.

The law regarding joint authority over minor children after divorce has been amended due to a verdict of the Supreme Court. This came into force in May 2013. Article 251 now states that after a marriage annulment, other than by death or after separation from bed and board a parent can request the judge to establish an arrangement concerning the exercising of joint authority. In the past, women were more likely to gain custody over the child, and this amendment levels the field between women and men. Notwithstanding Article 251, Article 253c states that in the event of conflict between parents regarding joint authority a request can be submitted by each of them to the court of first instance, which will be settled in the best interests of the child.

With regards to the naming of a child, the law stated that when a child is born in wedlock or is acknowledged by its father, he/she automatically takes the name of its father. In 1988, the Supreme Court found that the situation based on the Civil Code, where a child born in wedlock or acknowledged by its father automatically takes the name of the father, was discriminatory against mothers as well as in conflict with Article 26 of the International Covenant on Civil and Political Rights (ICCPR). Given the many conceivable systems within which such choices may be made, the Supreme Court felt that it was beyond its power to determine the law on this point and that it is for the legislature to decide how best to implement the principle enshrined in Article 26 of ICCPR. As of May 2010, Book 1 of the Civil Code concerning the law of persons and family has been amended as follows: If a child stands in a legal familial relationship to its mother, it has her surname. If through an act of recognition the child’s comes into a legal familial relationship with its father it keeps the mother’s name unless both mother and the recognized father declare jointly, at the time of recognition, that the child will adopt the father’s name. When a child through birth has come to stand in a legal familial relationship with both parents, both mother and father, at the time of registration, must jointly declare the choice of name or names that the child will have.

**Article 3**

**Equal Rights of Men and Women**

As previously highlighted, Article 16 of the Constitution renders all persons on Sint Maarten equal, in equal circumstances. Under Article 3 of the Constitution of the former Netherlands Antilles everyone was equally entitled to protection of his or her person and property. This is also codified in Article 1:221 of the Penal Code where the exclusion from the and the preventing and/or undermining of another’s right to exercise fundamental freedoms; in the political, economic, economic, social, and cultural sphere; was prohibited. Moreover, women have been able to both vote and run for office on Sint Maarten since they achieved that right in 1948 (Netherlands Antilles). The Parliament of Sint Maarten is composed of 15 seats. Of these 15 seats, women have occupied three since 2010. A woman has held the position of President of the Parliament of Sint Maarten twice since its inception. Moreover, the Council of Ministers, and consequently the government of Sint Maarten, has been chaired by a woman, in the capacity of Prime Minister, since the inception of the new constitutional status in 2010. In addition, key positions in the high Councils of State are currently held by women: the Ombudsman and the Vice-President of the Council of Advice.

**Article 4**

**Restrictions on derogations from obligations under the Covenant**

Not Applicable

**Article 5**

**Prohibition of narrow interpretation of the Covenant**

Not Applicable

**Article 6**

**Right to Life**

Under Article 2 of the Constitution of Sint Maarten the right to life is stipulated, and consequently the provision on the death penalty has been removed from the new Criminal Code. In addition Article 1:114 of the Criminal Code contains the right to self-defence. Particularly noteworthy is that under the current Penal Code (Book 3, Title 6: Article 473, a person who displays publically materials or services, either solicited or unsolicited, which can be used to disrupt pregnancy, shall be punished with imprisonment not exceeding three months or a fine not exceeding three hundred guilders. In addition, legislation (Article 262 of the same code and book) states that any person, who intentionally treats a pregnant woman with the expectation of disturbing or disrupting her pregnancy, shall be punished with imprisonment not exceeding three years or a fine not exceeding three thousand guilders. If motivated by profit or as a criminal act this penalty may be increased by a third. Furthermore if the crime is committed in the capacity of the offender’s profession he/she may be barred from future practice. In short, abortion on Sint Maarten remains illegal, though tolerated especially in medical emergencies

**Article 7**

**Prohibition of Torture**

As stated in Article 3 of the Constitution of Sint Maarten, no one shall be subjected to torture or to cruel, inhumane, or degrading treatment or punishment. Furthermore, the Criminal Code of Sint Maarten contains general provisions related to offences against this liberty (Article 2:239-2:258) and offences against life (Article 2:259-2:269).

With regards to imprisonment, the criteria for detention and treatment of detainees on Sint Maarten are based on national and international rules. Laws and regulations on prison rules are based on the principles of the European Convention on Human Rights, with particular reference to Article 3 of said Convention. Detainees have basic rights as prescribed by the European prison rules: the right to family visits and a lawyer, the right to three meals a day, and the right to access medical care, including dental care. There is also an on-call physician and full-time nurses working in the prison and in case of emergency, detainees are transported to the Hospital. Detainees also have the possibility to do labour, sports, and recreational activities. Furthermore, detainees have the right to education, religious observance, assistance by social workers and probation officers, as well as psychiatric and psychological help. There is also an independent supervisory committee that oversees the treatment of detainees. Detainees are able to file a complaint if they believe they have been punished unfairly. Furthermore, the committee is allowed to visit the prisons at all times. There is also a council of law enforcement which functions as an independent inspectorate that oversees the treatment of detainees. Other supervisors that are not officially appointed as such but do have a role in the humane treatment of detainees are the professional: doctors, nurses, teachers, and church officials. In addition it was recommended that Sint Maarten, as a matter of urgency, take steps to improve the conditions in places of detention; as set out in Article 10, Paragraph 1. The Minister of Justice has taken the initial steps to renovate the prison, with the intention to expand the current facility.

The recommendation to introduce a separate offence of trafficking in human beings into its Criminal Code was given to the former Netherlands Antilles, during the previous reporting period. In addition, in 2004 the International Organisation for Migration (IOM) recommended that the country intensify its efforts to combat trafficking. Since the achieving of its new constitutional status, Sint Maarten has made this a priority. Under Article 2:239 of the Criminal Code and Article 4, Subsection 3 of the Constitution of Sint Maarten, human trafficking has been rendered a criminal offence. On an island level, Sint Maarten handed down its first penalty for the smuggling of illegal immigrants in 2004, and intensified efforts in 2007 with the establishing of the work group the Anti-Trafficking in Persons (ATIP). Composed of representatives from various organizations on Sint Maarten, including the Public Prosecutor’s Office and the Security Service, ATIP has already made itself known. A hotline was established and a number of projects have been implemented with the cooperation of IOM. These projects include campaigns using posters, brochures, and public service announcements in different languages. On the government level conferences and sessions to bring about awareness and offer training were initiated. A recommendation was made by the committee to Sint Maarten to broaden the legal definition of trafficking. In the Action Program 2013-2014 of the Ministry of Justice, all recommendations in the so-called TIP report of the US State department were embraced. Combating human trafficking is a priority for the country. As previously stated, under the constitution (Article 4, Paragraph 3) human trafficking is illegal; noteworthy is that the scope for criminal prosecution has become broader. In addition a work group comprised of civil servants from across the Kingdom and by the Ministers of Justice of each constituent country, has been established to monitor and ensure that agreements in the realm of combating human trafficking are carried out. A number of workshops have taken place on Sint Maarten to raise awareness on the issue of human trafficking and smuggling. In July 2012 ATIP, IOM and UNHCR organised a joint a workshop entitled ‘Protecting Vulnerable Migrants’. The aim was to share international best practices and to allow participants, namely senior law enforcement officials, Red Cross, and medical officials to attain technical knowledge, skills and tools. A similar follow-up workshop was organized in October 2012.

These initiatives are particularly important for Sint Maarten as prostitution, though illegal has been allowed to exist under a specific framework. Bars are established and girls are imported from across the region and Europe to work as barmaids, waitresses, and exotic dancers. They are given six-month work permits and rent individual rooms in these bars in which they ply their trade. Authorities enforce mandatory periodic medical checks (STD/HIV) and the industry popular to both tourists and locals alike, is growing. Under the new penal code, prostitution will be decriminalized and the steps being taken now will ensure a transparent and regulated system. Taking this into consideration the Ministry of Justice has decided to commemorate, for the first time, the EU Day against Human Trafficking (18th October). In addition, the Ministry of Justice will also use this opportunity to launch their Reporting Bureau, which will take tips and handle all cases regarding human trafficking and smuggling as well as abuse.

**Article 8**

**Prohibition of Slavery**

Article 4 of the Constitution of Sint Maarten states that no person shall be held in slavery or servitude and that no person shall perform forced labour or mandatory work, other than as community service. Moreover, the Criminal Code penalizes any forms of unlawful deprivation of liberty or intent thereto. Kidnapping or abducting people from their homes with the purpose of wrongfully putting these persons in the power of others or putting them in a helpless situation is punishable by a term of imprisonment not exceeding 12 years (Article 2:239-2:224). In addition, Article 1:1 of the Civil Code stipulated that personal servitude of whatever nature or under whatever name is not tolerated.

**Article 9**

**Right of liberty and security of persons**

The principle of liberty is explicitly mentioned in Article 27 of the Constitution of Sint Maarten. This article guarantees that no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Personal liberty cannot be curtailed by any authority other than the legislature. Deprivation of liberty is permitted only in the cases specified by law, namely: (a) pursuant to a judicial conviction; (b) on account of a failure to comply with a judicial order; (c) by way of remand in custody; (d) if necessary in order to intervene in the upbringing of minors; (e) for the purpose of isolation in the case of contagious diseases or mental illness; (f) in order to prevent illegal entrance in the country or illegal residence; (g) for the purpose of extradition or expulsion.

Having said that, the ability to deprive persons of their liberty, under the abovementioned statutes, particularly statute (a) and (c) is also regulated. Authorities are allowed to stop a suspect, arrest and detain a suspect for hearing, place a suspect under police custody, and to demand successive stages of remand in custody. The Criminal Code sets the duration of police custody at two (2) days, with the possibility of an extension to a total of eight (8) days. An order for police custody made by an assistant public prosecutor may remain in force for not more than two (2) days, after which it may be extended by the public prosecutor for a maximum of eight (8) days if this is urgently necessary in the interests of the investigation.

The suspect must be brought before the examining magistrate as soon as possible, but, no later than within 24 hours of the moment when the public prosecutor has ordered the extension of the custody. The suspect's counsel may be present at the hearing and may speak on his behalf. The obligation to bring a suspect promptly before a judge is laid down in Article 27, paragraph 2, of the Constitution of Sint Maarten.

**Article 10**

**Treatment of persons deprived of their liberty**

Article 30 of the Constitution deals with the treatment of persons deprived of their liberty. All persons who are deprived of their liberty shall be treated humanely and with respect for the dignity inherent to human beings. The article also states that the prison system shall provide re-education and rehabilitation for prisoners. In addition, suspects shall be held separately from convicted individuals, unless in exceptional circumstances, and are entitled to claim distinctive treatment in accordance with their status as non-convicted individuals. Furthermore, a distinction is made between youth and adults and between male and female detainees, all of whom are placed in separate areas. Prisoners and detainees are permitted to maintain regular contact with the outside world and receive visitors as well as undertake religious observance. Prisoners and detainees are able to submit complaints to a supervisory committee and, in many cases, have the option to appeal. The government monitors prison and detention centre conditions. As previously outlined in Article 9, the Criminal Code regulates the duration of time that a person may be held in police custody.

**Article 11**

**“Prohibition of detention for inability to fulfil a contractual obligation”**

In Article 9, the reasons for possible detention were outlined, as stipulated by Article 27 of the Constitution. Taking that into consideration, one notes that detention based on the inability to fulfil a contractual obligation is prohibited.

**Article 12**

**Right to leave one’s country**

Article 14 of the Constitution explicitly states that everyone shall have the right to leave the country, except in the cases laid down by national ordinance. In addition, everyone lawfully present in Sint Maarten has the right to move freely there, to stay and to select their place of residence there, subject to restrictions to be imposed by or pursuant to national ordinance.

**Article 13**

**Prohibition of expulsion without legal guarantees**

A division exists within the initial and final decision making processes of an application for residency on Sint Maarten. Once the Director of the immigration and Border protection Service has made a negative decision on an application for residency, the client has the availability to appeal said decision with a separate Appeals Committee before deportation can be enforced. The same applies for expulsion whereby a lawful alien may submit an objection against the decision to expel at the Appeals Committee.

Further possibilities for aliens exist as it regards to filing appeals against similar decisions made by the organization with the Court of Justice as well as being allowed to make a formal complaint against the government institution with the national Ombudsman.

**Article 14**

**Entitlement to a fair and public trial**

In the Criminal Code of the Netherlands Antilles, namely Articles 9, 47, 50, 55, 56, 59, 90, 381, 407 and 488, stipulated the principle of the entitlement to a fair and public trial. Since the dissolution of the former, Sint Maarten has enshrined the principle of the entitlement to a fair and public trial into its Constitution, Articles 26-30 and Article 117.

**Article 15**

**Principle of ‘*nulla poena sine praevia lege poenali’***This principle is embedded in Article 28:1 of the Constitution of Sint Maarten which states: *“No offence shall be punishable unless it was an offence under criminal legislation at the time of its commission”.*

**Article 16**

**Right to recognition as a person before the law**

Articles 26- 30 of the Constitution of Sint Maarten outline the right to recognition of a person before law. In short the articles state that everyone shall be entitled to the fair and public disposal of their case in establishing their civil rights and obligations and during prosecutions for criminal offences, within a reasonable time limit, by an independent and impartial judicial body. The public nature of the disposal may be restricted under national ordinance.

**Article 17**

**Right to privacy**

The principle of the right to privacy is embedded in Articles 5-8 of the Constitution of Sint Maarten. In addition the Personal Data Protection National Ordinance, particularly Articles 6-24, ensures the conditions for the legitimacy of processing of personal data.

**Article 18**

**“Freedom of thought, conscience and religion”**

The freedom of thought, conscience and religion is regulated in articles 9 and 10 of the Constitution of Sint Maarten. In short, everyone is entitled to profess freely his religion or belief, individually or collectively. Restrictions on the exercise of this right may be imposed by national ordinance in order to protect health and to combat or prevent disorder.

**Article 19**

**“Freedom of expression”**

The freedom of expression is incorporated in Article 10 of the Constitution of Sint Maarten. Everyone has the right to publish thoughts or opinions or provide information via the printed press. Radio and television broadcasts are subject to licenses in the interest of responsible use of air waves and in the interest of multiform broadcasting. Regulations, in order to protect good morals, may be implemented on the holding of performances accessible to persons younger than sixteen years of age.

**Article 20**

**“Prohibition of war propaganda”**

Article 2:61 of the Penal Code prohibits any form of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

**Article 21**

**Right of assembly**

Article 13 of the Constitution of Sint Maarten guarantees the right of assembly and demonstration without prejudice. As stipulated in Article 9:2, this right may be restricted, by national ordinance, in order to protect health, in the interest of traffic, and to combat or prevent disorders. Noteworthy to mention is that the government of Sint Maarten has agreed to lift the reservation imposed on Article 6 of the European Social Charter regarding the right to bargain collectively and Article 8, paragraph 1D of the International Covenant on Economic, Social, and Cultural Rights regarding the right to strike; with reference to civil servants. This has been sent to the Kingdom Council of Ministers for review and when approved the ability to exercise this right will be applicable to all persons on Sint Maarten.

**Article 22**

**The right of association**

The right of association is recognized on Sint Maarten, as stipulated by Article 12 of the Constitution; but this right may be restricted, by national ordinance, in the interests of public order.

**Article 23**

**Protection of the Family**

The family is one of the most important pillars of Sint Maarten society. Provisions are in place for the protection of family in areas such as inheritance and social welfare. If persons wish to get married, Article 31 of the Civil Code regulates the marriageable age for both men and women, currently set at eighteen.

**Article 24**

**Protection of the Child**

Chapter III, Article 18:1 of the Constitution explicitly states that the protection of children and young people and to promote their right to education, welfare, cultural development, and leisure activities shall be the constant concern of the government. Furthermore, Article 11:1-5 of the Constitution outlines the right of every child to a general and formative primary education. The government has also endorsed a number of initiatives geared towards ensuring this protection through a broader understanding of education. Real Talk and Girl Power, programmes of the Sint Maarten AIDS Foundation, take volunteers into high schools to foster knowledge on sexual health and life choices as well as goal development and confidence building. In addition, Sint Maarten is signatory to the Convention on the Rights of the Child.

**Article 25**

**Right to take part in public affairs**

As stipulated in Article 23 of the Constitution of Sint Maarten, every Dutch national residing on Sint Maarten has equal right to elect the members of general representative bodies and to stand for election as a member of those bodies, subject to exceptions laid down by national ordinance.

The Election Ordinance is based on Article 55 of the Constitution of Sint Maarten which indicates that further rules regarding the right to vote and elections shall be enacted by national ordinance. By national ordinance rules shall be laid down to promote the balanced and responsible course of elections.

Based on Article 12 of the Election Ordinance the central electoral committee has been instituted and operates independently of Parliament and of the government. Following consultation of the central electoral committee, Parliament shall provide all facilities for the effective and independent performance of its task.

Based on Article 24 of the Constitution of Sint Maarten everyone shall have the right to submit petitions in writing to the competent authorities. Persons who are unable to write may submit petitions through the intermediary of other persons who are declared competent for that purpose by national ordinance.

The competent authority is required to respond to petitions within the term to be regulated by national ordinance. Parliament shall respond to petitions, to Parliament, within a term to be fixed in accordance with the Parliamentary Rules of Order.

**Article 26**

**Prohibition of Discrimination**

Chapter II, Article 16 explicitly states that everyone in Sint Maarten shall be treated equally in equivalent circumstances. Furthermore, discrimination on grounds of religion, belief, political persuasion, race, colour of skin, sex, language, national or social origins, membership of a national minority, wealth, birth or and any other ground whatsoever is prohibited. This applies to any and all circumstances including employment and the application of law.

**Article 27**

**Minorities**

Sint Maarten has a large migrant population, which in turn makes up the majority of the population. As stated in the previous article, discrimination on all grounds, including membership to a national minority is prohibited. The government of Sint Maarten has traditionally played a strong role in supporting activities of migrant groups, including celebrations related to their national days.

**List of Issues**

**5th Periodic Review on International Covenant on Civil and Political Rights**

1. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant
2. Please provide information on measures taken to implement the recommendations contained in the Committee’s previous concluding observations (CCPR/C/NDL/CO/4). Please indicate which procedures are in place for the implementation of the Committee’s Views under the Optional Protocol and for submitting follow-up reports thereon, and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

Sint Maarten has taken into consideration a number of the recommendations made during the previous reporting period.

Concerning Recommendations in Paragraph 21,

Sint Maarten has removed all provisions which discriminate against children born out of wedlock in matters of inheritance.

Concerning Recommendations in Paragraph 22,

On the matter of human trafficking as a separate offence this has been added and expressly addressed. Moreover, a broadened legal definition including the different forms of participation, penalties, and aggravating circumstances has been made. In addition, special attention is given to the protection of child victims of trafficking.

Concerning Recommendations in Paragraph 25,

On the matter of upholding of the covenant rights in the new constitutional arrangement, all treaties and the obligations derived from such treaties have been transferred to Sint Maarten.

1. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts and other law-applying institutions.

Since the new constitutional change in 2010, an inter-ministerial workgroup, the Human Rights Platform (HRP), has been developed to coordinate all human rights reporting obligations. In addition, HRP promotes human rights initiatives and has as its aim the mainstreaming of basic human rights tenants in the policies of the Government of Sint Maarten. Within the legal framework of Government, and as mentioned in our report, the Ministry of Justice has also launched their Reporting Bureau, which not only raises awareness on rights and obligations under certain treaties but also receives tips and handle all cases regarding human trafficking and smuggling.

**B. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee**

**Violence against women, including domestic violence (arts. 2, 3, 7, and 26)**

1. Please respond to reports that domestic violence remains a problem, particularly in the municipalities of Bonaire, St. Eustatius and Saba, as is domestic violence, rape and sexual harassment in Sint Maarten, Aruba and Curaçao, and report on measures taken to prevent and combat such violence, to ensure proper risk assessment by police and timely response to complaints, to guarantee the safety of victims and access to free legal aid for all victims, to ensure that local authorities provide adequate and sufficient support and rehabilitation services and safe shelters, including for undocumented women, and to effectively investigate and prosecute perpetrators.

The Penal Code once defined the victim of domestic violence as the spouse of the abuser. This has been amended to include a number of domestic arrangements including ‘life companion, partner, etc. Changes were also made regarding domestic child abuse. Prior to this children, in the eyes of the law, could only be victim to domestic child abuse by a named parent, but not by a legal guardian. These changes grant legal protection to a greater number of persons. If a person is unable to afford legal representation, they will be given free legal counsel. Moreover, government sponsors a number of NGOs working in this area to provide victim support and shelter and funds programs in high schools that educate both women and men in boundaries, sexual responsibility, social relations and respect, and empowerment.

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)**

1. Please provide information on the laws governing access to abortion and on provision of information on sexual and reproductive options in Sint Maarten and in the Caribbean Netherlands.

The Ministry of Public Health, Social Development and Labour is finalizing the Sexual and Reproductive Health Policy. This policy is aimed at ensuring the sexual and reproductive health rights for all persons on Sint Maarten and in it abortion is defined as the Medical Termination of Pregnancy. On 15th August 2017, the Ministry held a consultation with stakeholders to outline this policy. There were a number of policy commitments addressed during the session ranging from education to access of services, counseling and aftercare. Most importantly topics such as: Addressing the Age of Parental Consent for Contraceptives and Access to Sexual Reproductive Health Services, Introduction to Comprehensive Age Appropriate Sexual Reproductive Health Curriculum in schools, and the Inclusion and Awareness of Persons that form Sexual Minority Groups, were included.

**Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

1. Please clarify whether the use of fixation beds in prisons has been discontinued, and address the high resort to disciplinary procedures, including disciplinary confinement, at the Zuyder Bos Prison. Please also report on measures (a) to improve detention conditions at Alkmaar Police Station, the Philipsburg Police Station in Sint Maarten, the Rio Canario Police Station in Curaçao, the Correctional Institution in Aruba (KIA), Block 1 of the Centre for Detention and Correction Curaçao (Sentro di Detenshon i Korekshon Kòrsou), and to combat overcrowding at Point Blanche Prison in Sint Maarten; (b) to address instances of ill-treatment and inter-prisoner violence in the Correctional Institution in Aruba (KIA), the Centre for Detention and Correction Curaçao and the Point Blanche Prison in Sint Maarten; (c) to increase the presence of general practitioners in prison establishments, and of a psychiatrist at Krimpen aan den IJssel Prison particularly; (d) to ensure appropriate healthcare for drug-dependent inmates, including sufficient substitution programmes.

On that matter of the prison improvement, a plan of approach for structural and organizational improvement is being drafted and the Ministry of Justice has been given this priority. Moreover, prison and police officers, as part of their basic training, are educated on human rights provisions and the rights of persons in detention.

Detained persons are entitled to medical, dental, and psychological care. The prison has concluded contracts with General Practitioners who provide medical care to the prisoners. If a detainee is required to visit a specialist, he is able to do so, accompanied by two prison guards. At the beginning of this year (2017) the prison purchased inventory to provide dental care on-site. Currently, a contract is concluded with one dentist. With regard to psychological care, the nurses working at the Mental Health Foundation visit the prison weekly, or as much is needed, to provide care to detainees. In addition, there are on-site sick bays, where general medical care is administered.

**Treatment of aliens, including refugees and asylum seekers (arts. 7 and 13)**

1. Please report on measures taken to: (a) prevent excessive delays in processing family reunification claims; (b) combat harassment, threats, discrimination and violence against LGBTI asylum-seekers or refugees in reception facilities and ensure the effective investigation and prosecution of such acts; (c) strengthen asylum procedures in the Caribbean Netherlands and introduce legislation or regulations governing asylum in Aruba, Curaçao and Sint Maarten. Please also respond to allegations that asylum applications in the ‘accelerated track’ of individuals from countries with a high acceptance rate (such as Syria and Eritrea) are mostly processed during the eight-day General Asylum Procedure and thus assessed in a rushed manner, without proper access to legal assistance, and may result in an increased risk of prohibited refoulement. Please provide information on the process for determining what constitutes “safe third countries”, the procedures that apply for removal of individuals to those countries and safeguards available for individuals designated for removal to those countries. Please also indicate what form of assistance and support is provided to rejected asylum-seekers.

Sint Maarten is not party to the 1951 UN Convention relating to the Status of Refugees. Consequently, persons who enter the territory cannot claim asylum. Foreigners requesting asylum are processed as foreigners requesting a humanitarian permit. A humanitarian permit is a residence permit based on humanitarian grounds. The requirements are derived from legislation and policy and mentioned in the application form. If the asylum seeker does not receive this, the authority can deport the asylum seeker to his own country of origin or a country where he would be accepted.