



# Economic and Social Council

Distr.: General  
19 October 2010

Original: English

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Substantive session of 2010

## Implementation of the International Covenant on Economic, Social and Cultural Rights

Fourth periodic report submitted by States parties under  
articles 16 and 17 of the Covenant

Addendum

**The Netherlands – Aruba\***

[28 September 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Introduction

1. The present report is submitted in pursuance of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, and in accordance with the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17. This report covers the period from January 2000 to September 2009. Part III.B of the previous Kingdom report, which provides general information on Aruba, has now been updated with Aruba's core document.

2. The Government of Aruba refers the committee to HRI/CORE/1/Add.68/Rev.1 (core document). Please note that the paragraphs in bold below refer to the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, contained in annex VIII of document E/2009/22-E/C.12/2008/3.

3. The Aruban Government is organising courses to familiarise everyone involved (investigating officers, public prosecutors, judges, lawyers, etc.) with the operation of the new Code.

4. Twice a year, judges attend a training course on civil rights and criminal law given by the University of Aruba. These courses are not specifically about applying the provisions of the Covenant on Economic, Social and Cultural Rights but cover the rights of a person in general.

## Article 1

### **5. In what manner has the right to self-determination been implemented?**

6. When Aruba obtained its current autonomous status in 1986 ("Status Aparte"), it was agreed that the countries of the Kingdom would hold a review conference prior to 1996 to reconsider, if necessary, the date of Aruba's independence in light of political developments in the Kingdom.

7. In 1993, the three countries — the Netherlands, the Netherlands Antilles and Aruba — discussed the future status of the Kingdom at two conferences. With regard to Aruba, the three parliaments agreed to delete article 62 of the Charter of the Kingdom, which stipulated that Aruba would become independent on 1 January 1996.

8. The Kingdom Act of 24 December 1994 amending the Charter of the Kingdom of the Netherlands entered into force in 1995. It allows Aruba to decide by National Ordinance to terminate the constitutional order laid down in the Charter as regards Aruba. The procedure to be followed for this purpose is laid down in articles 58, 59 and 60 of the Charter.

9. When the Bill constituting the National Ordinance is introduced in Parliament it must be accompanied by an outline of a future constitution containing provisions on fundamental rights, government, the representative assembly, legislation and administration, the administration of justice and amendments to the constitution. The Bill must be approved by a two-thirds majority of the sitting members of Parliament. Within six months after Parliament adopts the Bill, a referendum, regulated by National Ordinance, will be held in which voters can express their opinion of the Bill as adopted. The Bill may be enacted only if a majority of enfranchised citizens vote in favour of it.

10. After enactment of the National Ordinance and adoption of the future constitution by the Parliament of Aruba by a two-thirds majority, the date of termination of the

constitutional order laid down in the Charter as regards Aruba will be fixed by Royal Decree in accordance with the wishes of the Government of Aruba.

11. In supplementation of paragraph 437 of the previous human rights report, it can be reported that a draft National Ordinance amending the LTUV (the national ordinance on the admission, expulsion and removal of foreign nationals) was introduced in Parliament on 12 October 1992. It abolishes *inter alia* the discriminatory provision in article 1 of the present National Ordinance, which distinguishes between the legitimate family of a man born in Aruba and that of a woman born in Aruba. This distinction has already been abolished in practice.

12. The introduction of the National Ordinance on Administrative Procedure (Landsverordening administratieve rechtspraak or LAR) gives citizens recourse to an independent administrative court. However, anyone who believes his interests have been damaged by a decision given by an administrative authority must first submit a notice of objection asking the authority to reconsider its decision before he or she can apply to the courts. In this context the legislature set up the independent Objections Advisory Committee ("the Advisory Committee"), charged with advising administrative authorities in their decision-making on objections (article 7, paragraph 1 of the LAR). The Committee looks at the lawfulness of such decisions but also at their policy implications. A decision on an objection may be challenged by lodging an application for review with the administrative court. In 2003, an amendment to the LAR introduced two levels of recourse: review before the Court of First Instance and appeal before the Joint Court of Justice.

The Objections Committee consists of three or five members, appointed by national decree for a period of four years. The same number of alternate members may also be appointed by national decree. The committee's independence is guaranteed by the provision in the LAR that a majority of the committee, including the chair and vice-chair, may not belong to or work under the authority of an administrative body whose decisions are governed by the LAR.

**13. Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood. Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.**

14. Not applicable to Aruba.

## **Article 2**

15. Indicate the impact of international economic and technical assistance and co-operation, whether received or provided by the State party, on the full realization of each of the Covenant rights in the State party or, as the case may be, in other countries, especially developing countries.

16. The Minister of Economic Affairs is responsible for economic policy and development cooperation. The Department of Economic Affairs, Commerce and Industry (DEACI) is responsible for formulating and executing economic policy and development cooperation policy. The DEACI was established in 1986.

17. As a constituent country in the Kingdom of the Netherlands, Aruba has been deemed an Overseas Country and Territory (OCT) in its relations with the European Union (EU) since 1964. The association of the OCTs with the European Community is laid down in

Part Four of the Treaty on the functioning of the European Union (TFEU) and in Council Decision 2007/249/EC and in Regulation (EC) No. 1424/2007.

18. In 1986, when Aruba obtained separate status, it was given the status of an OCT independently from the Netherlands Antilles. Since then, Aruba has received development aid separately from the European Development Fund. The Territorial Authorising Officer (TAO) for the EDF in Aruba is the director of the Department of Economic Affairs, Commerce and Industry. The TAO is responsible for preparing, submitting and coordinating the execution of all development projects/programmes with the EC.

19. Two projects, the National Arikok Park and the National Museum, received a total of EUR 8.8 million in funding from the 9th EDF territorial envelope.

20. The National Park project comprised the refurbishment and construction of a vital section of the road network, formerly accessible only by four-wheel-drive vehicles and a Park Centre consisting of a Visitors' Centre and an Administration Centre.

21. The National Museum project entailed the restoration of the dilapidated historical Ecury Complex, which was converted from its original use into the nucleus of a national museum. It now houses the Archaeological Museum and exhibits of contemporary Aruban art.

22. The overall objective of the two projects was to promote tourism and diversify Aruba's tourism product by contributing to the preservation of Aruba's natural and cultural heritage. The Arikok and Museum projects have both been completed.

23. Aruba also receives funds from the regional envelope. The following projects are financed from this funding source.

#### **Regional HIV/AIDS programme**

24. The regional HIV/AIDS project — "Strengthening the Integration of the British and Dutch OCTs in the Regional Response to HIV/AIDS through the Pan-Caribbean Partnership Against HIV/AIDS (PANCAP)" — is being financed by the ninth regional fund. The first activity in this project, the "Situational Analysis of the Aruba HIV/AIDS response", was carried out in August 2009. Subsequent activities are currently being implemented. One is a project called the Design and Implementation of Condom Social Marketing Interventions and the other entails reviewing and updating the various National Strategic Plans for HIV/AIDS within territorial and regional commitments through a participatory approach.

#### **Regional risk reduction initiative (R3I)**

25. The OCT R3I initiative is a three-year project developed to increase and coordinate the level of risk reduction in both the British and the Dutch OCTs in the Caribbean Region. The project will also help strengthen the cost-control capacity on the small islands of the Caribbean. It will reduce risk by creating an optimal network for regional infrastructure, programmes, policies and protocols aimed at minimising the economic impact of disasters on the islands and the number of victims. The project is being coordinated by the UNDP in Barbados and is in the first phase of execution.

#### **Strengthening the development of small and medium enterprises of the British and Dutch OCTs in the Caribbean region**

26. The Dutch and British OCTs have submitted a project proposal to the European Commission for financing under the regional envelope. "Strengthening the Development of Small and Medium Enterprises of the British & Dutch OCTs in the Caribbean Region" is a 15-million-euro project. Its overall objective is to strengthen the development of Small and

Medium Enterprises (SMEs) in order to reduce social, economic and environmental vulnerabilities through enhanced cooperation and competitiveness within the region. The purpose is to strengthen the capacity of SME Intermediaries in the British and Dutch OCTs to manage and effectively implement strategies and mechanisms to develop linkages within the OCT sub-region and to increase participation and integration in the wider Caribbean. This programme will provide the necessary technical assistance to enhance capacity-building opportunities for the intermediaries. It will provide funding for OCTs to participate in existing parallel initiatives in the region. The programme creates synergies with regional SME agencies and is tailored to respond to specific sub-regional OCT needs.

#### **10th European Development Fund**

27. Article 4 of Council Decision 2007/249/EC and Regulation (EC) No. 1424/2007 call for the 10th EDF financial allocation for OCTs to, in principle, be provided as budgetary support, save in exceptional and duly justified circumstances. Article 5 of the Regulation states the following: "...the Commission shall decide whether 10th EDF financial assistance is to be granted as budgetary support, subject to a preliminary assessment of the transparency, accountability and effectiveness of public expenditure management and of the openness and transparency of public procurement in accordance with the standards set out in the Financial Regulation applicable to the 10th EDF".

28. The Government of Aruba has submitted a request to the European Union to provide resources totalling EUR 8.8 million from the 10th EDF in the form of budgetary support for the education sector. The Single Project Document is currently being prepared and the aim is to have the financial agreement between the European Union and Aruba signed at the end of 2010.

#### **Dutch development cooperation**

29. The Government of the Netherlands and the Government of Aruba agreed on 15 May 2000 to launch a new development cooperation modality. Instead of project financing, Dutch development cooperation will be based on a five-year programme as indicated in the reports "Toekomst in samenwerking" and "Op eigen benen". The Governments of the Netherlands and Aruba will deposit funds into the Fondo Desaroyo Aruba (FDA) for a period of 10 years. This Fund was established in November 2001 especially for the new development cooperation modality and became operational in March 2002.

30. Dutch development cooperation is based on programme financing. The Dutch and Aruban Governments agreed on two long-term programmes for the periods 2001–2005 and 2006–2009. The DEACI is responsible for preparing the programmes and coordinating and preparing project proposals. The priority sectors agreed by the two governments are Good Governance, Health, Education, Sustainable Economic Development and Society. The National Security Plan was prepared by the DEACI and approved by both Governments in 2007, and is fully funded by the Dutch Government in areas such as immigration, security and safety. From 2010 onwards Aruba will no longer receive Dutch funding.

31. All project proposals are prepared using the PFM/Logical Framework and have to be approved by the FDA board before the projects can be carried out. Execution is the responsibility of the specific government department involved.

32. **In addition to information provided in the common core document (paras. 50 to 58 of the harmonized guidelines), provide disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal enjoyment of each of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.**

33. The Government refers the Committee to Article 1.1 of the Constitution of Aruba (Staatsregeling van Aruba, AB 1987 no. GT 1).

34. The first article of Aruba's Constitution states that everyone on Aruba must be treated equally and prohibits discrimination based on religion, philosophical and political ideology, race, gender, skin colour, language, nationality of origin, social minority status, economic status, birth or any other ground.

35. The Constitution prohibits discrimination but there is no statistical data available on the effectiveness of specific anti-discrimination measures.

36. On 18 June 2010, Aruba became the 36th country in Latin America and the Caribbean to join UNICEF (190 member countries worldwide). As an associate member of UNICEF Aruba is doing everything in its power to comply with the Convention on the Rights of the Child, which states that every child has the right to access to education. Aruba has accordingly implemented a policy requiring that all children between the age of 4 and 16 be granted access to the educational system, irrespective of their legal status.

**37. If the State party is a developing country, provide information on any restrictions imposed under article 2, paragraph 3, of the Covenant, on the enjoyment by non-nationals of the economic rights recognized in the Covenant.**

38. Not applicable to Aruba.

### Article 3

**39. What steps have been taken to eliminate direct and indirect discrimination based on sex in relation to each of the rights recognized in the Covenant, and to ensure that men and women enjoy these rights on a basis of equality, in law and in fact?**

40. The Civil Code was amended to include a provision in article 1614aa nullifying any clause distinguishing between men and women in the context of:

- Entering into a contract of employment
- Issuing instructions to workers
- Employment terms and conditions
- Renewal and termination of a contract of employment

41. An exception is made for provisions in an employment contract that protect female workers, particularly with regard to pregnancy and motherhood. Furthermore, any stipulation leading to termination of employment due to marriage, pregnancy or childbirth is void. In addition, employers are prohibited from giving notice of termination during pregnancy and maternity leave. These changes were made to prevent discrimination as defined in the Covenant. The discrepancy between the private sector and the public sector with regard to the length of pregnancy leave and the amount of benefit has been eliminated.

42. The first article of Aruba's Constitution states that everyone on Aruba must be treated equally and prohibits discrimination based on religion, philosophical and political ideology, race, gender, skin colour, language, nationality of origin, social minority status, economic status, birth or any other ground. The Constitution dates from 1 January 1986. Since then, all provisions of law that directly and indirectly discriminate on the basis of sex have been struck down by Aruba's Court of Justice. Consequently, men and women are in fact able to enjoy the recognised Covenant rights on a basis of equality.

43. As regards paragraph 438 of the human rights report it can be stated that the National Ordinance on Administrative Procedure was promulgated in 1993, and that it will become effective on a date to be fixed by National Ordinance. A National Ordinance for this purpose was introduced in Parliament on 15 March 1995. The National Ordinance on Administrative Procedure (Landsverordening administratieve rechtspraak or LAR) was introduced on 1 December 1997.

44. The introduction of the LAR gives citizens recourse to an independent administrative court. However, anyone who believes his interests have been damaged by a decision given by an administrative authority must first submit a notice of objection asking the authority to reconsider its decision before he or she can apply to the courts. In this context the legislature set up the independent Objections Advisory Committee (“the Advisory Committee”), charged with advising administrative authorities in their decision-making on objections (article 7, paragraph 1 of the LAR). The Committee looks at the lawfulness of such decisions but also at their policy implications. A decision on an objection may be challenged by lodging an application for review with the administrative court. In 2003, an amendment to the LAR introduced two levels of recourse: review before the Court of First Instance and appeal before the Joint Court of Justice.

The Objections Committee consists of three or five members, appointed by national decree for a period of four years. The same number of alternate members may also be appointed by national decree. The committee’s independence is guaranteed by the provision in the LAR that a majority of the committee, including the chair and vice-chair, may not belong to or work under the authority of an administrative body whose decisions are governed by the LAR.

45. With regard to paragraph 443 of the previous report, it should be noted that admission quotas are no longer in force for nationals of the Dominican Republic or Haiti, or for any other nationals.

46. Reference should be made to the previous Kingdom report on this provision, as well as the combined eighth, ninth, tenth, eleventh, and twelfth periodic reports of Aruba on the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the initial Kingdom Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

47. The equal treatment injunction is formulated in article 1.1 of the Constitution of Aruba, which is worded: “All persons in Aruba shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, gender, colour, national or social origin, belonging to a national minority, property, birth, or any other grounds whatsoever shall not be permitted.”

48. Article I.22 of the Constitution stipulates that statutory regulations will not be applied, if application would be incompatible with the provisions in Chapter I of the Constitution. Pursuant to this article the courts have jurisdiction to review statutory provisions, including the provisions in National Ordinances, in the light of the basic human rights provisions in Chapter I of the Constitution. Although democratic, legitimate political organs are the appropriate bodies to determine whether a National Ordinance is constitutional, the individual has the right to invoke his fundamental rights before a court of law in the event of conflict. As an independent and impartial body, the court will then decide if the provision is constitutional.

49. **Indicate whether the State party has adopted gender equality legislation and the progress achieved in the implementation of such legislation. Also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome tradition cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.**

50. The Government refers the Committee to the previous answers stated under numbers 42 and 48.

51. As gender-based discrimination in Aruba is prohibited by the Constitution, it is uncommon in Aruban legislation. Still, there are a few laws on the books that may be discriminatory. They are generally struck down by the Aruban Court of Justice and the government is in the process of amending them. One example is the ban in the Labour Ordinance on women working at night. This ban has never been applied and the Government has drafted a new Aruban Labour Ordinance revoking it.

52. Although the population is multinational, cultural stereotyping which could negatively affect the equal enjoyment of economic, social and cultural rights by men and women is very rare in Aruba. There is therefore no need to undertake any gender-based assessment of the impact of legislation and policies to overcome this.

## Articles 4 and 5

### C. Part of the report relating to specific rights

#### Article 6

**53. Provide information on effective measures taken to reduce unemployment including on: (a) The impact of targeted employment programmes in place to achieve full and productive employment among persons and groups considered particularly disadvantaged, in particular women, young persons, older persons, persons with disabilities and ethnic minorities, in rural and deprived urban areas.**

#### **Jobfair project**

54. In order to facilitate the matching of jobseekers and job vacancies, the Department of Labour & Research initiated a Jobfair project in November 2003 in which local companies in a convention-type setting were able to present vacancies to attending jobseekers and discuss employment availability. The Jobfair project has two main goals: to increase employment opportunities for jobseekers and to help employers fill their vacancies with locals who are seeking employment.

#### **Reintegration project**

55. In 2004 a reintegration project was launched by the Department of Social Affairs, with the support of the Employment & Research Division of the Department of Labour & Research. The Government refers the Committee to the Government's 2005 Report on the Employment Policy Convention 1948, No. 88 of the International Labour Organization, for detailed information on the content of this project as well as to the attached report by the Department of Labour & Research entitled "Rapportage Pilot-Project Herintegratie" (2004) (report on reintegration pilot project). The reintegration project, which runs for several months at a time, organises workshops and mediates with employers in order to help benefit claimants find work. Most of the participants (about 90 per cent) are women. The project ran in 2005, 2006, 2007 and 2008.

56. The data concerning the reintegration project is presented in the following table:

**Data reintegration project**

	2008	2007	2006	2005
<i>Total candidates in project</i>	26	55	60	62
Dropped out before start of or during project	8	10	17	31
Candidates with problem issues	-	5	8	-
Candidates who accepted a job	-	-	-	3
Candidates who accepted a job through mediation	3	23	19	13
Candidates who did not find a job		6	6	10
Candidates needing additional guidance	10	9	6	5
Candidates who opted for further study		2	-	-
Unknown	6		-	-

57. In 2004 the Government revised the geographical distribution of local employment centres and opened a branch in Pos Chiquito, situated on the other side of the island. The branch, which falls under the Department of Labour & Research, offers employment mediation services and is staffed by a career placement counsellor and a labour mediation adviser.

58. In 2006 the Department of Labour & Research ran a campaign to inform the public about the labour services available, labour obligations for workers and employers on the Aruban labour market and other labour-related legal issues.

59. **(b) The impact of measures to facilitate re-employment of workers, especially women and long-term unemployed workers, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises.**

60. Please refer to the information provided in the answer to article 6 question 53 (a).

61. **Provide information on work in the informal economy in the State party, including its extent and the sectors with a large percentage of informal workers, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.**

62. There are no data available on employment in the informal economy. Nor is information available on how the employment is divided among the different sectors of the informal economy.

63. The only measures that are taken to ensure access for informal workers, older workers and women to basic services and social protection are through non-governmental organisations and institutions.

64. **Describe the legal safeguards in place to protect workers from unfair dismissal.**

65. The law on the termination of employment is laid down in the Civil Code and the National Ordinance on Termination of Employment Contracts. Aruban law protects employees from unreasonable and arbitrary dismissal.

66. There is a procedure that employers have to follow in order to dismiss an employee. The employer must apply for a dismissal permit with the Director of Labour. The application must state the reasons for dismissal. A tripartite committee issues a

recommendation on the application to the Director of Labour, who then takes the final decision on the application.

67. **Indicate what technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalized individuals, to enter or re-enter the labour market.**

68. Vocational training programmes are provided by the Education for Employment Programme, which organises a number of courses every year. Unemployed persons can register for a course free of charge. The Government refers the Committee to the Government's Fifth Report on the Convention on the Elimination of All Forms of Discrimination against Women, page 18, table 6: Number of EPE Students.

69. *Programmes for adult and continuing education*

(a) *General education for adults*

- Afternoon/evening secondary school. Level: general education
- Evening secondary school preparation for higher vocational or general education. Level: secondary school
- Evening preparation for university education (VWO). Level: secondary school

(b) *Vocational education for adults*

- Evening vocational education. Level EPB-EPI
- Private institutes offering courses and training (with foreign diplomas and certificates)

(c) *Personal development (Enseñansa pa Empleo)*

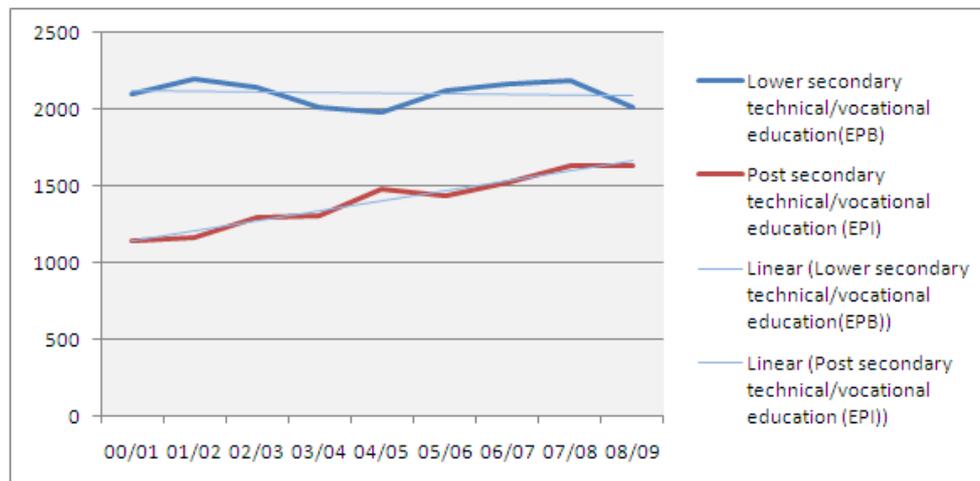
- Language training
- Basic vocational training programmes (for example, hairdressing)

Table

**Enrolment in junior vocational and intermediate vocational education by school year**

	<i>Junior vocational education (EPB)</i>	<i>Intermediate vocational education (EPI)</i>
00/01	2 105	1 148
01/02	2 203	1 169
	Junior vocational education (EPB)	Intermediate vocational education (EPI)
02/03	2 147	1 291
03/04	2 011	1 310
04/05	1 981	1 480
05/06	2 124	1 442
06/07	2 166	1 522
07/08	2 192	1 632
08/09	2 013	1 635

Figure  
Enrolment in junior vocational and intermediate vocational education by school year



Lower secondary = junior.

Post secondary = intermediate.

## Article 7

70. **Indicate whether a national minimum wage has been legally established, and specify the categories of workers to which it applies, as well as the number of persons covered by each category. If any category of workers is not covered by the national minimum wage, explain the reasons why. In addition, indicate.**

71. A national minimum wage for the private sector in Aruba is legally established by the National Ordinance on Minimum Wages (AB 1989, no. GT 26) (see attached document). Article 9 distinguishes two categories, namely:

72. Category I: all persons who have attained the age of 18 and over who work in industry, manufacturing, building industry and related undertakings, banking, insurance, transport, hotel, restaurant, service, agriculture, horticulture, cattle breeding, commerce, electronic industries, textile/clothing industries, laundry etc.

73. Category II: all persons who have attained the age of 18 and over who exclusively or mainly perform domestic services in the households of natural persons.

74. The following table shows the development of the minimum wage in the last four years.

Year	Category I (monthly wage in Aruban guilders)	Category II (monthly wage in Aruban guilders)
2004	1 236.00	576.80
2006	1 360.00	634.50
2007	1 460.00	681.14
2008	1 505.25	702.25
2009	1 542.90	719.8

75. **(a) Whether a system of indexation and regular adjustment is in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to**

**provide all workers, including those who are not covered by a collective agreement, and their families, with an adequate standard of living.**

76. There is a system in place to ensure regular adjustment. The system of indexation and regular adjustment is based on article 13 of the National Ordinance on Minimum Wages.

**77. (b) Any alternative mechanisms in place, in the absence of a national minimum wage, to ensure that all workers receive wages sufficient to provide an adequate standard of living for themselves and their families.**

78. Despite the economic expansion that Aruba has enjoyed in recent years, some inhabitants are unable, either temporarily or for a longer period of time, to provide for themselves. To alleviate this problem, a social security system is provided for under national legislation.

79. Although in principle all Arubans are responsible for supporting themselves through income from work, the National Social Care Ordinance and the National Income Support Ordinance provide assistance in the form of a financial contribution to basic living costs for families or households that have no income or insufficient income to support themselves and are not covered by any other statutory schemes or benefits.

**80. Provide information on working conditions for all workers, including overtime, paid and unpaid leave and on the measures taken to reconcile professional, family and personal life.**

81. The Government refers the Committee to the Government's 2008/2003/2002 Report on the application of the Weekly Rest (Industry) Convention, 1921, No. 14 of the International Labour Organization.

82. The Government refers the Committee to the Government's 2008/2003/2002 Report on application of the Weekly Rest (Commerce and Offices) Convention, 1957, No. 106 of the International Labour Organization.

83. Indicate the impact of the measures taken to ensure that women with the same qualifications do not work in lower-paid positions than men, in accordance with the principle of equal pay for work of equal value.

84. The principle of equal pay for work and equal value is applied in Aruba. Article 1.1 of the Constitution prohibits discrimination on any grounds. In addition, article 1614aa of the Civil Code nullifies any clause distinguishing between men and woman in the context of:

- Entering into a contract of employment
- Issuing instructions to workers
- Employment terms and conditions
- Renewal and termination of a contract of employment

85. An exception is made for provisions in an employment contract that protect female workers, particularly with regard to pregnancy and motherhood. Furthermore, any stipulation leading to termination of employment due to marriage, pregnancy or childbirth is void. In addition, employers are prohibited from giving notice of termination during pregnancy and maternity leave.

86. The Government refers the Committee to the Government's Fifth Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), page 15, 16, 17 and 18.

87. **Indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.**

88. There are no laws or policies that specifically criminalise sexual harassment in the workplace. The Government informs the Committee that no complaints related to sexual harassment have been submitted to the Department of Labour & Research.

89. Indicate what legal, administrative or other provisions have been taken to ensure safety and healthy conditions at the workplace and their enforcement in practice.

90. The Government refers the Committee to Safety Ordinance AB 1990, no. GT 31, the Government's 2009/2007/2005/2002 Report on the Application of the Labour Inspection Convention, 1947, No. 81 and the Government's 2002 Report on the Labour Inspection (Agriculture) Convention, 1969, No. 129 of the International Labour Organization.

## Article 8

91. **Indicate: (a) What substantive or formal conditions, if any, must be fulfilled to form or join the trade union of one's choice. Also indicate whether there are any restrictions on the exercise of the right to form or join trade unions by workers, and how they have been applied in practice.**

92. The right to organise is protected under article 1.11 of the Constitution and the right to assemble is protected under 1.13 of the Constitution.

93. The formation of organisation is established in the National Ordinance on Organising and Assembly (see attachment). There are no substantive or formal conditions for workers to join a trade union and there are also no restrictions on the exercise of the right to form or join trade unions by a worker.

94. **(b) How trade unions are guaranteed independence to organise their activities without interference, as well as to federate and join international trade union organisations, and the legal and de facto restrictions, if any, on the exercise of this right.**

95. Workers are free to organise their activities without interference, as well as to federate and join international trade union organisations, and there are no legal or de facto restrictions on the exercise of this right.

96. The Government refers the Committee to the Government's 2008/2006/2005/2002 Report on application of the Freedom of Association and Protection of the Right to Organise Convention, 1948, No. 87 of the International Labour Organization.

97. **Provide information on collective bargaining mechanisms in the State party and their impact on labour rights.**

98. The National Ordinance on Collective Labour Agreements (AB 1987 no. GT 9) prescribes regulations to which both workers and employers or their organisations must adhere when drafting and exercising a collective labour agreement. A copy of the National Ordinance on Collective Labour Agreements is attached to this report.

99. Negotiations between the parties occur privately. Public authorities do not participate in collective bargaining negotiations. If negotiations or renegotiations reach an impasse, the Government Mediator may step in at the request of one of the parties. The

Government Mediator is responsible for bringing the two parties together for further negotiations.

100. The Government refers the Committee to the Government's 2008/2006/2005/2002 Report on Application of the Freedom of Association and Protection of the Right to Organise Convention, 1948, No. 87 of the International Labour Organization.

101. **Indicate: (a) Whether the right to strike is constitutionally or legally guaranteed and to what extent such guarantees are observed in practice.**

102. The right to strike is laid down and guaranteed in article I.13 of the Constitution of Aruba. As a result, any legislation or policy in contravention of any rights enshrined in the Constitution would be null and void.

103. **(b) Any restrictions on the right to strike in the public and private sectors and their application in practice.**

104. According to article 3 of the Conflicts Ordinance the Government Mediator must be brought in immediately in cases of strikes or lockouts involving 25 or more workers.

105. **(c) The definition of essential services for which strikes may be prohibited.**

106. Article 3b of the National Ordinance on Labour Disputes imposes restrictions on the right to strike in certain enterprises. Please refer to the Labour Peace Decree II attached to this report.

107. The Government refers the Committee to the Government's 2008/2006/2005/2004/2002 Report on Application of the Freedom of Association and Protection of the Right to Organise Convention, 1948, No. 87 of the International Labour Organization.

## Article 9

108. **Indicate whether there is universal social security coverage in the State party. Also indicate which of the following branches of social security are covered: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.**

109. Both employer and employee contribute to a social security plan, which provides coverage for medical expenses, old age pensions and widows' and orphans' benefits. At the age of 60 every citizen is entitled to an old age pension. The contributions to the old age and surviving dependants' pension funds are made by employers and employees. The contributions for sickness, employment injury and unemployment are made by the employer. Maternity leaves comes under the sickness insurance ordinance. In the event that the Social Insurance Bank (SVB) becomes insolvent the Government is the ultimate guarantor.

110. The following branches of social security are covered in Aruba by the SVB, in accordance with the related national ordinances (see table below).

<i>Branch</i>	<i>Ordinance</i>	<i>Landsverordening</i>
1. Sickness	Sickness Insurance Ordinance	Landsverordening ziekteverzekering, AB 1993 no. GT 24
2. Maternity	Sickness Insurance Ordinance	Landsverordening ziekteverzekering, AB 1993 no. GT 24

<i>Branch</i>	<i>Ordinance</i>	<i>Landsverordening</i>
3. Old Age	Old age Insurance Ordinance	Landsverordening algemene ouderdomsverzekering, AB 1990 GT 30
4. Unemployment	Severance Insurance Ordinance	Landsverordening Cessantia, AB 1998 no. GT 18
5. Employment injury	Accident Insurance Ordinance	Landsverordening ongevalverzekering, AB 1993 no. GT 24
6. Survivor's and Orphans	Widow's, Widower's and Orphan's Insurance Ordinance	Landsverordening algemene weduwen-en wezenverzekering, AB 1996 GT 30

*Source:* SVb Aruba.

The unemployment benefit is not recurrent.

### Health care

111. Aruba has a General Health Insurance Plan based on the National Ordinance on General Health Insurance, which comprises a standard package of essential health care. The defined set of insured treatments include, for example, primary medical care provided by general physicians; secondary care provided by medical specialists, obstetricians and physiotherapists, and coverage for prescription drugs, hospitalisation, dental care for children and ambulance transport.

112. Medical expenses are covered by a General Fund which is managed by the General Health Insurance Agency AZV (Uitvoeringsorgaan Algemene Ziektekostenverzekering). The General Fund is resourced through income-related contributions by persons liable to pay social contributions and contributions from employers. This compulsory health insurance is for everyone who is recorded in the population register and has his or her main residence in Aruba in accordance with the LTUV (the national ordinance pertaining to the admission, expulsion and removal of foreign nationals). By law, the following persons may be exempted from compulsory insurance:

- Residents and their family members who, by virtue of international treaties to which the State is a party, are exempt from participation in social security insurance schemes
- Residents and their family members who are employed elsewhere by a legal person established elsewhere in the Kingdom and receive income from this employment
- Any persons lawfully deprived of their liberty

113.

### Mid-year insured population as at 1 July 2009, by age category and gender

<i>Age</i>	<i>2006</i>		<i>2007</i>		<i>2008</i>		<i>2009</i>					
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>				
0–9	6 856	6 636	13 492	6 585	6 484	13 069	6 717	6 525	13 242	6 864	6 544	13 408
10–19	7 296	7 124	14 420	6 852	6 681	13 533	7 056	6 961	14 017	7 133	7 033	14 166
20–29	5 384	5 906	11 290	4 580	5 360	9 940	4 863	5 459	10 322	5 113	5 531	10 644
30–39	7 587	8 360	15 947	6 176	7 364	13 540	6 299	7 382	13 681	6 371	7 415	13 786

Age	2006		2007		2008		2009					
	Male	Female	Male	Female	Male	Female	Male	Female				
40-49	8 993	9 885	18 878	7 960	9 100	17 060	8 027	9 158	17 185	8 200	9 290	17 490
50-59	6 184	6 979	13 163	6 005	6 967	12 972	6 413	7 340	13 753	6 844	7 711	14 555
60+	5 697	7 314	13 011	5 781	7 477	13 258	6 082	7 880	13 962	6 370	8 238	14 608
<b>Total</b>	<b>47 997</b>	<b>52 204</b>	<b>100 201</b>	<b>43 939</b>	<b>49 433</b>	<b>93 372</b>	<b>45 457</b>	<b>50 705</b>	<b>96 162</b>	<b>46 895</b>	<b>51 761</b>	<b>98 657</b>

### Sickness

114. Sickness is covered in Aruba by the SVB in accordance with the National Ordinance on Sickness Insurance (AB 1993 no. GT 24). For the purpose of this legislation, sickness includes pregnancy and childbirth. The beneficiaries are all those who work for an employer, whether on a permanent basis or under the terms of a contract. Civil servants are likewise insured by the government. The Sickness Insurance Ordinance provides employees with compensation for loss of wages due to sickness or maternity. The beneficiaries are those registered with the SVB and those who comply with the requirements of the law as well as other policies stipulated by the SVB. Starting in July 2007 the SVB assumed control of the Government's Occupational Healthcare Services Department. The latter means that the SVB is responsible for checking on civil servants in the event of inability to work due to sickness, maternity or accident and for specific cases the reintegration of civil servants in the labour market.

### Old age

115. Since 1997, the general old age pension has been modified and now benefits both men and women. Single men and women receive the same pension on reaching the age of 60. If a married woman reaches 60 years of age before her husband, she is now also eligible for the married person's pension. In the event of the death of a partner, both men and women below the age of 60 qualify for a widower's/widow's pension. On turning 60, they automatically receive the single person's pension.

### Unemployment

116. The Government refers the Committee to the 5th Periodic Report on CEDAW, 3 September 2009.

117. This project primarily targets young people and women because research shows that a substantial number are not economically active for one reason or another. The aim is to register them and find out why they are not economically active and how the Department of Labour & Research can help them find work suited to their circumstances.

118. The Department of Labour & Research is also setting up a campaign aimed at these target groups and employers. This is mentioned in the 5th Periodic Report on CEDAW, 3 September 2009.

### Employment injury

119. The Accident Insurance Ordinance provides employees who have suffered an accident at work with financial compensation. All employees, regardless of income, must be insured by their employer against on-the-job accidents. If an employee dies as a result of an accident, the scheme entitles his or her surviving relatives to financial compensation.

Every employee, regardless of income, must be registered at the SVB for accident insurance in order to be entitled to wage-loss benefit due to an accident at work. In the

event of the death of the employee the surviving relatives, depending on their relationship to the deceased, receive a certain percentage of the employee's daily wage by way of compensation. If the surviving relatives also receive a surviving dependant's benefit (widow's, widower's or orphan's pension), that amount is deducted from the disability benefit in accordance with the Accident Insurance Ordinance. In addition, a lump sum of AWG 1,000 (USD 565) is provided to help cover the costs of the deceased's funeral.

#### **Family and child support and maternity**

120. The Government refers the Committee to the section on maternity on page 10 of the report (CEDAW/C/NLD/5/Add.1). Aruban law was amended to codify the right to pregnancy and maternity leave and related matters by the National Ordinance of 15 August 2007 amending:

- The Civil Code of Aruba
- The National Ordinance on Sickness Insurance and
- The National Ordinance on Accident Insurance

121. Aruba's Civil Code specifies in article 1614ca that female workers have a right to paid leave. In practice, it was customary to grant maternity leave for the period in which the female worker could claim sickness benefit under the National Ordinance on Sickness Insurance. In such cases, maternity leave would begin thirty days before the due date and continue for thirty days after the birth. The benefit was either 70 or 80 per cent of the employee's daily wage, depending on whether she was the family's breadwinner.

122. In 2007 it was decided that pregnancy leave would commence four to six weeks before the official due date and maternity leave would end six to eight weeks after the birth. If birth occurs before the due date, pregnancy leave ends and maternity leave begins on the date of birth, in which case the period of maternity leave is twelve weeks minus the number of weeks of pregnancy leave that have already elapsed. In accordance with article 5 of the National Ordinance on Sickness Insurance, female workers are entitled to 100 per cent of salary during pregnancy and maternity leave.

123. In conjunction with this right, female workers have the right to interrupt their work to nurse the child or express breast milk during the child's first nine months of life, without loss of wages. No derogation may be made from these two rights to the detriment of a female worker. In addition, the Civil Code was amended to include a provision in article 1614aa nullifying any clause distinguishing between men and women in the context of:

- Entering into a contract of employment
- Issuing instructions to workers
- Employment terms and conditions
- Renewal and termination of a contract of employment

#### **Disability**

124. According to the 2000 census, 5,036 persons (2,520 men and 2,516 women) have a physical or mental disability. This is 5.6 per cent of the total population.

125. Of the 5,036 disabled persons, 3,048 are part of the potential working population, i.e. persons aged 15 to 65. There are slightly more men (1,586) than women (1,462) in the group. More than one in four disabled men aged 15 and older are employed. Among women, the statistic is fewer than one in five.

126. Participation in employment among disabled persons is 35 per cent and is therefore considerably lower than the rate of participation among the Aruban population as a whole, which is 68 per cent. The rate of participation increases with the level of education.

127. Raising the level of education considerably improves employment opportunities and continuity of work for physically disabled persons. Education and training is therefore a very important condition for integrating disabled persons into the labour market.

128. The two most important sectors in Aruba's economy: "hotels and restaurants" and "wholesale and retail consumer goods" are also the two sectors that employ the most disabled persons, both in absolute terms and proportionally. Disabled persons are somewhat less likely to occupy positions that require a higher level of education, i.e. jobs in management, public service and the professions.

129. A large percentage of unemployed disabled persons (39 per cent) indicate that they are unemployed due to their health. Among the non-disabled, only four per cent are unemployed due to poor health.

### **Surviving dependants**

130. In the event of the death of a partner, both men and women below the age of 60 qualify for a widower's/widow's pension, under article 7 of the Widows', Widowers' and Orphans' Insurance Ordinance (AB 1996 GT 30). In the event of death of an insured person, his/her children under the age of 15 are eligible for an Orphan's Pension, under article 9 of the same Ordinance.

**131. Indicate whether there are legally established and periodically reviewed minimum amounts of benefits, including pensions, and whether they are sufficient to ensure an adequate standard of living for recipients and their families.**

132. As mentioned above there are different social insurance schemes in Aruba. There is a system in place to ensure regular adjustment of benefits by law. Indexation and yearly adjustment are stipulated in article 7, paragraph 6 of the Old Age Insurance Ordinance (AB 1990 GT 30) and in article 11, paragraph 7 of the Widows', Widowers' and Orphans' Insurance Ordinance (AB 1996 GT 30).

133. If in certain circumstances persons and their families are in need of income support, help can be provided based on the Social Care Ordinance (AB 1989 GT 27).

134. The following persons may be entitled to income support:

- Dutch nationals born in Aruba
- Dutch nationals who were not born in Aruba, but who have resided in Aruba for at least three years
- Foreign nationals married to persons referred to in a or b, provided they form part of the same household
- Unmarried minor foreign nationals who form part of the same household as persons referred to in a or b
- Foreign nationals who have filed an application for naturalisation

Where applicable, the income benefit is supplemented with a foster child benefit or special disability benefit. In addition to the income support provided to the parents, their children who attend school received an extra benefit every month.

**135. Indicate whether the social security system also guarantees non-contributory social assistance allowances for disadvantaged and marginalized individuals and families who are not covered by the contributory schemes.**

136. The Government refers the Committee to the previous answers in sections 131 and 132. The Social Care Ordinance (AB 1989 GT 27) is further implemented in the National Decree on Income Support (AB 1988 no. 88), which sets out the rules and conditions for receiving social assistance in the form of a financial benefit to meet basic needs.

**137. Indicate whether the public social security schemes described above are supplemented by any private schemes or informal arrangements. If so, describe these schemes and arrangements and their inter-relationship with the public schemes.**

138. The defined set of insured treatments is stipulated in:

- The National Ordinance on General Health Insurance, articles 10–20
- National Decree Restricting Access to Specialist Medical Assistance
- National Decree on Medical Aids
- National Decree on Therapeutic Hosiery
- National Decree on Dental Care and
- National Decree on Entitlement to Medication and Dressings (AZV Drugs List)

139. A supplemental health insurance policy may be purchased from a privately owned insurance company to cover categories of care which are not included in the General Health Insurance Scheme, for instance, hospital care, spectacles, dental care for adults and care abroad during holidays.

140. Some recipients of the old age pension also benefit from a company pension, for instance an APFA or LAGO pension or other pensions from abroad, such as the Dutch General Old Age Pension (AOW). In addition, there may be other private arrangements with private companies such as FATUM and ENNIA, but these fall beyond the scope of the SVB.

**141. Indicate if there is equal enjoyment by men and women of pension rights as regards the age of access, qualifying periods and amounts.**

142. In 1997, the general old age pension was modified and now benefits both men and women. The amount depends on the marital status of the person applying for old age pension. Moreover, deductions (in per cent) from the pension are applicable for the period the person (or spouse) was not insured. Single men and women receive the same amount of pension on reaching the age of 60. If a married woman reaches the age of 60 before her husband, she is now also eligible for the married person's pension.

143. In the event of the death of a partner, both men and women below the age of 60 qualify for a widower's/widow's pension. On turning 60, they both automatically receive the single person's pension.

**144. Provide information on social security programmes, including informal schemes, to protect workers in the informal economy, in particular in relation to health care, maternity and old age.**

145. Compulsory health insurance is for everyone who is registered in the population register and has his or her main residence in Aruba in accordance with the LTUV (the national ordinance on the admission, expulsion and removal of foreign nationals). Workers in the informal economy who are officially registered as residents of Aruba are also entitled to coverage under the health insurance scheme.

There are no unemployment benefit schemes covered by the SVB for workers in the informal economy. However, the general benefits are available to these workers if they comply with the requirements mentioned in the respective ordinances.

**146. Indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.**

147. Compulsory health insurance is for everyone who is registered in the population register and has his or her main residence in Aruba in accordance with the LTUV (the national ordinance pertaining to the admission, expulsion and removal of foreign nationals). Non-nationals who are officially registered as residents of Aruba are also entitled to coverage under the health insurance scheme. See National Ordinance on General Health Insurance, AB 1992 18, AB 1997. The Government refers the Committee to the answers in sections 132 and 133.

## **Article 10**

**148. Indicate how the State party guarantees the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family.**

149. Title 5 (Marriage – general provisions) of the chapter on the law of persons and family law in Book 1 of the Aruban Civil Code sets out the conditions subject to which marriages may be solemnised.

150. Article 32 of Book 1 states that “A marriage may not be solemnised if the mental faculties of one of the parties are so disturbed that he or she is not capable of making an informed decision or of understanding the marriage vows”.

**151. Provide information on the availability, coverage and funding of social services to support families, as well as on legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to:**

152. (a) **Child care:** The only childcare services provided to support poor families are those such as Te Oro and Casa Cuna, which are subsidised by the Government. All others are privately funded.

### **Traimerdia (after-school child care)**

153. In January 2009 new parental contribution rates were introduced. The different categories are based on the most recent budget survey carried out by the CBS (Central Bureau of Statistics). As a result, parents who were unable to work because they could not afford childcare are now able to take up employment. See the table “New rates for parental contributions (2009)” in the Annex.

### **Income**

154. The working group ensured that the changes will not lead to an increase in government funding for Traimerdia. Income per child has risen. See the table below for income per child resulting from the parental contribution.

155.

Table 1  
**Income from parental contributions**

	<i>Total</i>	<i>Average no. of children</i>	<i>Income per child</i>
Financial year 2007	263 145	874	301.08
Financial year 2008	296 278	1006	294.51

	<i>Total</i>	<i>Average no. of children</i>	<i>Income per child</i>
Financial year 2009	330 241	944	349.83

156.

Table 2

**Income from parental contributions**

	<i>Total</i>	<i>Average no. of children</i>	<i>Income per child</i>
Year 2006–2007	<b>271 175</b>	902	300.64
Year 2007–2008	<b>257 160</b>	862	298.33
Year 2008–2009	<b>338 549</b>	1 022	331.26
Year 2009–2010			162.05
(to Dec.)	<b>163 025</b>	1 006	*324.10

\* Estimate.

**Distribution of various rates**

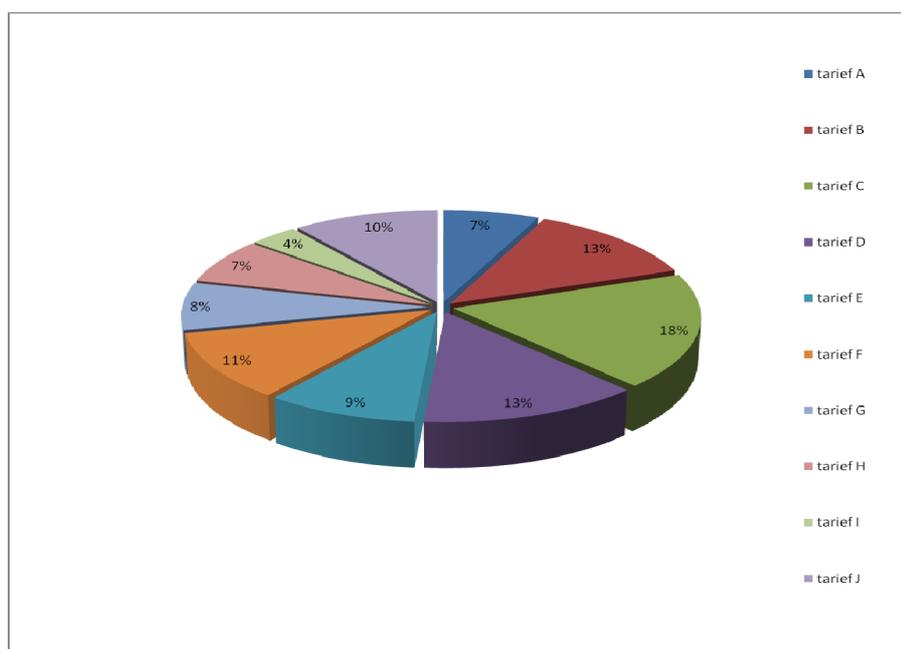
157. The table and pie chart below show the number of children per centre in the various categories of the new rates system. It is noteworthy that there are a reasonable number of children falling into the highest category (10 per cent compared to 18 per cent in C, the largest category). This is why income has risen.

Table

**Distribution of various rates**

<i>Centre</i>	<i>Rate</i>										<i>Total</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>	
Morgenster	10	24	14	15	21	22	13	21	9	35	<b>184</b>
Oranjestad	15	28	37	28	10	6	7	4	4	6	<b>145</b>
Noord	12	16	37	23	16	26	25	10	4	19	<b>188</b>
Kudawecha	7	2	17	10	9	13	2	7	1	9	<b>77</b>
Paradera	10	10	9	27	11	25	12	12	15	16	<b>147</b>
Santa Cruz	4	19	28	14	11	5	4	12	1	10	<b>108</b>
San Nicolas	10	28	43	17	14	12	13	6	1	9	<b>153</b>
<b>Total</b>	<b>68</b>	<b>127</b>	<b>185</b>	<b>134</b>	<b>92</b>	<b>109</b>	<b>76</b>	<b>72</b>	<b>35</b>	<b>104</b>	<b>1 002</b>

Pie chart distribution of various rates



Key to pie chart: tarief = rate.

158. (b) **Social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible and to receive adequate health and social care when they are dependent.**

159. Under article 392 of the Aruban Civil Code, younger members of the family are responsible for their older relatives. The White Yellow Cross Foundation provides health care at home to older people. When they can no longer live independently they can be admitted to a geriatric home. These are run by the government-subsidised SABA foundation for the care of the elderly. There are three facilities: Huize Maristella (255 beds), Oranjestad Geriatric Home (98 beds) and San Nicolas Geriatric Home (48 beds). The number of private geriatric homes has risen over the last few years. However the absence of legal regulation means that they operate below standard. Consequently the Government has appointed a committee to draft legal norms and standards for the running of geriatric homes.

160. See the annexe for an overview of the coverage, amounts involved, and initiation year for the main programmes for older people.

161. **Provide information on the system of maternity protection in the State party, including working conditions and prohibition of dismissal during pregnancy. In particular, indicate: (a) Whether it also applies to women involved in atypical work and women who are not covered by work-related maternity benefits.**

162. All women employees who are registered for sickness insurance at the Social Security Bank (SVB) are eligible for sickness and/or maternity benefit under the Sickness Insurance Ordinance.

163. (b) **The duration of paid maternity leave before and after confinement and the cash, medical and other support measures provided during pregnancy, confinement and after childbirth; and**

164. Under the National Ordinance on Sickness Insurance, women employees may take leave of up to 12 weeks (maternity leave) and receive 100 per cent of their daily gross income. Maternity leave can start 4 to 6 weeks before the due date and the remaining weeks (up to 8 weeks) are taken after the birth. To qualify, employees must submit a maternity leave request in writing to the SVB two months prior to the beginning of the planned maternity leave period.

165. **(c) Whether paternity leave is granted to men, and parental leave to men and women.**

166. Neither parental nor paternity leave is granted.

167. **Indicate the measures of protection and assistance taken on behalf of children and young persons, including: (a) Age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and the application of criminal law provisions in place punishing the employment of under-aged children and the use of forced labour of children.**

168. Child labour is prohibited under article 15 of the Labour Ordinance. Article 15 reads as follows:

1. Causing children to engage in labour whether or not for wages or other form of remuneration is prohibited.
2. For the purposes of paragraph 1, labour is understood to include all work outside an enterprise with the exception of work:
  - (a) In or for the benefit of the family in which the child is reared;
  - (b) In schools, work camps, or young offenders' institutions, provided this work is of an educational nature and not primarily aimed at making a profit.

169. Article 4, paragraph 1 (d) of the Labour Ordinance defines "children" as persons of either sex who have not yet reached the age of fourteen.

170. For the purposes of article 15, labour is not understood to be work as described by National Decree containing general measures, performed by children who have reached the age of twelve and have completed the sixth grade of primary school, provided this work:

- (a) Is necessary for learning a trade or profession, or, by its nature, is usually performed by children;
- (b) Is not excessively taxing, either physically or mentally, or of a hazardous nature.

#### **Young persons**

171. Article 17 of the Labour Ordinance prohibits the performance by juveniles of night work or work of a hazardous nature, to be described by National Decree containing general measures, whether or not for wages or other form of remuneration. For the purposes of paragraph 1, "night time" is defined as the period following 19:00 and preceding 07:00.

172. **(b) Whether any national survey has been undertaken in the State party on the nature and extent of child labour and whether there is a national action plan to combat child labour.**

173. The Government would inform the Committee that no national survey has been undertaken on the nature and extent of child labour. However, no evidence of child labour has been discovered during the inspections carried out by the Inspectors of the Department of Labour & Research.

174. **(c) The impact of measures taken to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.**

175. Not relevant because child labour is prohibited under article 15 of the Labour Ordinance.

176. **Provide information on the legislation and mechanisms in place to protect the economic, social and cultural rights of older persons in the State party, in particular on the implementation of laws and programmes against abuse, abandon, negligence and ill-treatment of older persons.**

177. In Aruba there are various legislative instruments that protect the economic, social and cultural rights of older people. The most important is obviously article 1 of the Aruban Constitution, which prohibits discrimination on the grounds of age. Furthermore, there is legislation regulating specific rights for older people, for instance the right to a State pension from a certain age. This is in addition to any other pension that a person may receive from employment. Labour laws do not present any obstacles for older people seeking work.

178. The social and cultural rights of older people are generally respected in Aruba and are protected by the Aruban justice system. The Government also provides funding to institutions that are specifically dedicated to the wellbeing of older people. There are institutions where older people can live, while others arrange for older people to be treated at home. Abuse of older people is a criminal offence and is normally prosecuted.

179. Under the Aruban Civil Code, younger members of the family are responsible for their older relatives. There is general legislation applying to the whole community which prohibits ill-treatment, not specifically of older persons.

180. Article 392, Part 1 (General provisions) of Title 17 (Upkeep) of the Aruban Civil Code states: "The following persons are obliged, on the basis of consanguinity and affinity, to provide support:

- (a) Parents;
- (b) Children;
- (c) Sons and daughters-in-law, parents-in-law and step-parents.

181. **Provide information on the economic and social rights of asylum seekers and their families and on legislation and mechanisms in place for family reunification of migrants.**

182. Asylum seekers in Aruba are covered by the provisions of the Convention relating to the Status of Refugees (28 July 1951; Dutch Treaty Series 1954, 88). The economic and social rights of persons who have been determined to be asylum seekers are regulated in accordance with the above-mentioned Convention. If granted asylum status, they will be treated as citizens of Aruba and thus granted the same economic and social rights as other citizens.

183. However, it must be noted that persons seeking asylum in Aruba are not necessarily granted any economic or social rights during the period in which their application is being considered. As an intermediary measure, the authority in charge of the expulsion of illegal persons and workers (IASA), in collaboration with the department responsible for issuing work permits and residence permits (DIMAS), does not detain or expel applicants for asylum.

184. Asylum seekers are unofficially allowed to work to cover their living expenses while their application is being processed and until their economic and social rights have thus been established.

185. With regard to legislation and mechanisms on family reunification of migrants in Aruba, please note the following. The current guidelines pertaining to migrants in Aruba are based on the LTUV (the national ordinance pertaining to the admission, expulsion and removal of foreign nationals). As for family reunification, the current guidelines offer this possibility to:

1. Family members of Dutch-born nationals of Aruba and of the other parts of the Kingdom of the Netherlands.
2. Family members of foreign nationals who have been granted permanent residence in Aruba.
3. Family members of foreign nationals who have acquired Dutch nationality on the grounds of an extended period of residence in Aruba.

At present family reunification is not allowed for foreign nationals falling under the provisions of article 7 (3) of the LTUV (which grants a maximum stay of three years to foreign nationals).

186. From September 2010 Aruba will have a new Government. The current LTUV is being extensively amended and the guidelines pertaining to family reunification are likely to change in the coming months. The relevant provisions are as follows:

1. The present article 7 (3) of the LTUV will be deleted. Foreign nationals will no longer be limited to a maximum stay of three years. At the same time, special provision will be made for family reunification for this group of migrants. Proposals for new guidelines on family reunification include the admission of school-age children subject to an age limit. Spouses may be admitted after a certain number of years.
2. There will be a new category of migrants that will be deemed equal to Aruban citizens. For this group of migrants the admission of family members will be dependent on their own admission for an indefinite period without the necessity to renew their permit every year.

The new guidelines will be in place in approximately one year.

187. Indicate: (a) Whether there is legislation in the State party that specifically criminalizes acts of domestic violence, in particular violence against women and children, including marital rape and sexual abuse of women and children and the number of registered cases, as well as the sanctions imposed on perpetrators.

**Violence against women (CEDAW/C/NLD/5/Add.1)**

188. There are general statutory provisions in the Aruban Criminal Code covering violence against both men and women (simple assault, assault with a weapon and aggravated assault). In conjunction with article 317 (which states that the penalties laid down in articles 313–316 may be increased by one-third if the offence is committed against the perpetrator's mother, legal father, spouse or child) these articles specifically criminalise domestic violence.

189. This remains the same in the draft of the New Criminal Code. However, in the New Criminal Code (article 2.20.7) pre-trial detention may be imposed for all forms of domestic violence; this is not the case under the current Code, which does not permit pre-trial detention for simple assault.

### Temporary domestic exclusion orders

190. A Member of Parliament proposed a Bill containing rules on imposing temporary domestic exclusion orders on persons posing a serious threat of domestic violence (National Ordinance on Temporary Domestic Exclusion Orders). This was submitted to the parliament of Aruba on 8 March 2007.

191. The Bill was amended at the request of the Advisory Council and resubmitted to parliament in November 2007. The Bill would prohibit the person in question from entering his/her home and having contact with the other persons living in the home, such as spouse, partner or children, for a period of ten days (in principle), thus increasing the safety of those persons. The exclusion order gives them time to take other measures to stop the violence or eliminate the threat of violence against them. The order is also a clear signal to the excluded person that society considers violence unacceptable.

### Domestic Violence Offenders Programme

192. The Domestic Violence Offenders Programme is an alternative sanction comprising an eight-week course imposed on perpetrators of domestic violence, particularly those who commit violence against their partners, parents and children.

193. **(b) Whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims, and**

### New system of operational processes for Aruban police (see CEDAW/C/NLD/5/Add.1)

194. In February 2009 the Aruba Police Department (KPA) launched a new management information system (ACTPOL) designed to improve the Force's ability to register important data. Data on domestic violence is important to the KPA. The KPA has drafted guidelines to enable the police to identify and specify cases of domestic violence and register incidents in the new system.

195. The investigating officer must ascertain the following when responding to a request for assistance:

1. Is there a relationship between the suspect and the victim (accuser), and if so, what is it: e.g. (former) spouse, (former) live-in partner, son, daughter, mother, father?
2. Do the persons involved (suspect and victim) reside at the address where the offence was committed or has one of them resided at that address recently, i.e. within the last twelve months?
3. What offence has been committed? When registering the offence in ACTPOL, an officer may choose from the following:
  - (a) Domestic violence – assault;
  - (b) Domestic violence – destruction/damage of property.

196. The new management information system is expected to provide clear, accurate information about the number of incidents of domestic violence. Because of poor registration in the past, the data on the incidence of domestic violence misrepresent the actual situation. KPA will continue to work with its definition of domestic violence as set out in a previous report. As stated in that report, there are no police officers with special training in dealing with domestic violence cases. However, the police and the victim support organisation have embarked on an important partnership. The Ministry of Social Affairs' Victim Support Office employs social workers who teach prevention and provide professional support and aftercare to victims and potential victims.

197. The new information management system of the KPA and partnership with the Victim Support Office facilitates the development of a better strategy on the basis of new statistical data.

198. **(c) Public awareness-raising measures and training for law enforcement officials and other involved professionals on the criminal nature of acts of domestic violence.**

**Foundation for women in distress (see CEDAW/C/NLD/5/Add.1)**

199. By way of updating the previous report, the number of new cases of abuse reported in the years 2004 to 2007 are as follows: 154 in 2004; 157 in 2005; 101 in 2006 and 110 in 2007. The percentage of cases involving local women, as opposed to foreign-born women, was 52 per cent in 2007 compared with 45 per cent in 2005. Over 90 per cent of the women involved were aged 25–54. In cases reported in 2005 and 2006, alcohol and drug addiction was the number one problem, followed by physical or other forms of abuse.

200. The foundation's work is not limited to ambulatory and residential care. The importance of educating the public and raising awareness should not be underestimated. During the periodic review, a great deal of time and energy was devoted to informing the community about this problem and its consequences. The staff of the foundation perform important tasks, such as producing documentation, giving lectures and participating in special activities such as the "health days" and "info markets" arranged by hotels and other organisations. Interest in the foundation's work continues to grow. Church groups, neighbourhood associations and other small groups regularly request information for their members.

201. A significant development is the increasing frequency with which young people come to the foundation for information about violence against women and domestic violence for school and graduation projects. In addition, the foundation gives frequent radio and television interviews and publishes articles in local print media. Every year the foundation organises a conference or seminar with guest speakers to mark International Day for the Elimination of Violence against Women. In 2008 a support group whose members include former clients of the foundation was set up.

**Shelter (see CEDAW/C/NLD/5/Add.1)**

202. The shelter of the Foundation for Women in Distress, which opened its doors in 2001, has the following objectives:

1. To offer accommodation, safety, rest and protection to women and their children who are involved in situations of domestic violence and under serious threat.
2. To provide professional assistance to women in order to help them regain their mental and psychological equilibrium.
3. To guide and coach women in the steps they need to take to return to the community as quickly as possible.
4. To provide short-term temporary care for up to three months.

203. When a client presents, a treatment plan is formulated and clear, concrete agreements are made with her. Independence is encouraged, and counselling provides the woman with the tools and know-how to pick up the pieces and start a new life. Many women also have a need for emotional and mental support. Children of all ages are taken in to the shelter with their mothers; assistance and treatment for the children is included in the

treatment plan. The foundation also obtains professional assistance from the Guardianship Council and/or a special education expert.

204. Frequently one of the children's shelters is asked to provide temporary accommodation for infants and children or after-school care. In the future, special programmes for children of various ages will be incorporated into the treatment plan.

Number of women and children at the shelter by year:

Women	Children
2007: 7	2007: 8
2006: 12	2006: 16
2005: 28	2005: 30
2004: 21	2004: 44

In 2007, no clients were accommodated for a period of eight months while the house was being renovated.

**205. Indicate: (a) Whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and**

206. The Aruban Criminal Code specifically prohibits both trafficking in persons (including sexual exploitation, labour exploitation and organ removal) and the smuggling of persons. This ensures compliance with the following UN Conventions and Protocols:

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography
- The Convention against Transnational Organized Crime
- The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
- And the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime

207. Under Article 203a (new) of the Aruban Criminal Code, the smuggling of migrants is an offence carrying a maximum sentence of four years imprisonment or a fine of AWG 100,000 (USD 56,000), which may be increased to six years if the offence is committed while in office or in the exercise of any profession, to eight years if the person concerned makes a habit or occupation of committing the offence, or if the offence is committed by two or more persons acting in concert, to twelve years if the offence results in serious physical injury or a threat to the life of another person, or fifteen years if the victim dies.

208. Under Article 286a (new) of the Aruban Criminal Code, human trafficking is an offence carrying a maximum sentence of six years' imprisonment or a fine of AWG 100,000 (USD 56,000), which may be increased to eight years' imprisonment if the offence is committed by two or more persons acting in concert or if the victim is under sixteen (article 286a, paragraph 3 (a)), to 10 years' imprisonment if the offence is committed by two or more persons acting in concert and the victim is under sixteen (article 286a, paragraph 4), to 12 years' imprisonment if the offence results in serious physical injury or a threat to the life of another person (article 286a, paragraph 5), or 15 years if the victim dies (article 286a, paragraph 5). In all cases the fine remains the same. This article covers both domestic and transnational forms of trafficking.

209. Article 286a, paragraph 1 of the Aruban Criminal Code also penalises commercial sexual exploitation. If the victim is transported from one country to the other for commercial sexual exploitation, or if he/she is under the age of 18 years, it is not necessary under Aruban law to prove that there was threat or use of force, coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability to secure a conviction (see article 286a, paragraph 1 (c) and (e) of the Criminal Code). If a victim is under the age of sixteen, the sentence imposed for commercial sexual exploitation is eight years' imprisonment or a fine of AWG 100,000 (USD 56,000) (see article 286a, paragraph 3 (b) Criminal Code).

210. In Aruba the applicable provision regarding labour trafficking offences is article 286a of the Criminal Code, more specifically paragraph 1 (f) and paragraph 2.

211. Up to now there have been two preliminary investigations in this area, one of which resulted in an official complaint currently under criminal investigation. Labour trafficking carries a maximum sentence of six years' imprisonment or a fine of AWG 100,000. There are additional penalties if there are aggravating circumstances (see paragraphs 3–6 of article 286a of the Criminal Code). ILO Conventions 29 and 105 (ban on forced labour) are also applicable in Aruba.

212. Up to now there have been two preliminary investigations into possible cases of sex trafficking, but at the moment there is insufficient information available for further investigation and prosecution. As yet the Public Prosecutor's Office in Aruba has not brought any human trafficking cases to trial, but as stated above there is currently one complaint — in the area of labour exploitation — under criminal investigation. In this case the alleged trafficker is being investigated on suspicion of a contravention of article 286a of the Criminal Code.

**213. (b) Whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.**

214. Information on trafficking in persons can be obtained from the Country Coordinator Anti-Human Trafficking and People Smuggling (LCMM), who is also chair of the interdepartmental and interdisciplinary committee against the trafficking and smuggling of persons (referred to hereafter as the TIP Committee), which was installed in 2007 to draw up a plan to counter trafficking and smuggling activities.

215. The following bodies are represented in the TIP Committee: the Aruban Police Force (chair), the Aruban National Security Service, the Public Prosecutor's Office, the Department of Foreign Affairs, the Department of Social Affairs, the Victim Support Bureau, the Department for Labour & Research, the Department for Aliens Policy, Admission & Integration, the joint Netherlands Antilles and Aruba Coast Guard, the Aruban Border Control & Immigration Service and the Communicable Diseases Division.

216. The TIP Committee has drawn up a plan of activities to counter trafficking and smuggling, which includes training. The joint multidisciplinary plan for anti-human trafficking and smuggling activities was approved on 21 January 2009. Elements of the plan include a publicity campaign, prevention, fundraising, investigation, prosecution, a hotline, and emergency assistance.

217. The Country Coordinator for Aruba participated in two meetings of the Country Coordinators within the Kingdom in July 2009 (Netherlands) and December 2009 (Curaçao). During their visit to the Netherlands the Country Coordinators of Aruba and the Netherlands Antilles were able to visit several organisations and institutions working in the field of victim support and anti-trafficking intelligence. Both Country Coordinators were invited to the 2009 IOM Conference on Trafficking in Persons, held in Antigua & Barbuda

in December 2009, and gave a presentation on their countries' efforts to combat anti-human trafficking.

218. On 27 and 28 January 2009, a training course was held on the subject of support for victims of human trafficking, given by the Dutch Human Trafficking Coordinating Centre (CoMensha). The main focus of the course was on raising awareness of the different forms of trafficking in persons, recognising signs of trafficking in persons, and assistance to victims. Members of the TIP Committee, the Serious Crimes Unit of the Aruba Police Department, the Prostitution Inspection Team of the Department of Aliens Policy, Admission & Integration, and the Communicable Diseases Division participated in the training course.

219. In 2010, a course for government officials was given by the Royal Military and Border Police (KMAR), which is responsible for border protection at Schiphol Airport, on the indicators that enable the identification of possible victims of human trafficking. This was followed up by a course on victim support and other subjects given by CoMensha. In 2009, the Country Coordinator also started to provide internal training for different members of the Aruba Police Force on the subject of human trafficking. These training sessions will continue in 2010 and will be opened up to other departments and organisations.

220. Besides the TIP Committee, another body known as the Human Trafficking Review Committee (hereafter the Review Committee) has been formed. This committee will analyse information received regarding possible cases of human trafficking in the preliminary investigation stage, and advise on further investigation and/or prosecution.

221. Furthermore, a special operational TIP task force for the investigation of possible trafficking cases has been formed by representatives of the Serious Crimes Unit and the Sexual Offences and Minors Unit of the Aruban Police Force. The team's lead investigator and the special Public Prosecutor for TIP are members of the Review Committee. Investigations are conducted under the authority of this special Public Prosecutor. The other departments mentioned advise and assist the taskforce.

222. The Government of Aruba considers illegal immigration and trafficking in persons to be serious issues and one of the reasons for establishing the TIP Committee was for it to advise on the steps to be taken in this field. On 28 January 2009 the three countries of the Kingdom of the Netherlands signed a Memorandum of Understanding on Human Trafficking, People Smuggling and Illegal Immigration, formalising further cooperation between the countries in these areas. Twice a year the Attorney General and the Country Coordinator of Aruba report on progress on the issues agreed upon between the countries. In 2009 a ministerial decree formally installing the TIP Committee and appointing the Country Coordinator was signed by the Minister of Justice of Aruba.

223. In Aruba the Victim Support Bureau of the Ministry of Social Affairs can provide assistance to victims of trafficking, such as arranging for shelter, medical care and assistance in other matters. The Bureau actually provides support to all victims of crime and works on a 24/7 basis. The Bureau is in charge of the hotline (+297-5923231) for victims of human trafficking. The island is too small to be able to provide specific facilities for victims, but several joint agreements within existing structures are being drafted to create shelter and assistance for men, women, children and families.

224. The person who filed the official complaint in the labour-related case has been provided with temporary shelter and assistance by the Aruban Red Cross. The law allows witnesses to provide anonymous testimony in certain limited cases or to give testimony from abroad, i.e. from their home countries or another safe location. Discretionary safe-haven facilities can be provided to victims on a case-by-case basis.

225. The TIP Committee will advise the Government on the necessary steps to be taken to provide legal, medical and psychological assistance to victims of trafficking. In 2009, an intergovernmental procedure for referral of and assistance to victims was put in place as part of the 2008-2010 Action Plan. Some NGOs receive government grants. Within the framework of cooperation between the three countries of the Kingdom of the Netherlands, funds will be made available for anti-TIP efforts, including victim support.

226. The LTUV includes a provision that allows for a temporary residence permit to be granted in specific and urgent cases. The person who filed the complaint in the labour-related case currently under investigation is still in possession of a valid residence permit and has been allowed to find a new employer. Victims of human trafficking are not detained or arrested. They are not considered as illegal aliens. They will be assisted by the Victim Support Bureau of the Department of Social Affairs until they are able to return to their country. If local assistance is not available or is insufficient, the victim can then possibly be transferred to one of the other countries of the Kingdom of the Netherlands to receive the necessary care. Initiatives are being taken to address this matter.

227. Although Aruba is still in the early stages of its anti-TIP efforts, the Government is taking a more active role in increasing awareness of the issue. It is committed to creating and maintaining the conditions necessary to combating TIP.

## Article 11

### A. The right to the continuous improvement of living conditions

228. **Indicate whether the State party has defined a national poverty line and on what basis it is calculated. In the absence of a poverty line, what mechanisms are used for measuring and monitoring the incidence and depth of poverty?**

229. The Government of Aruba has not defined a national poverty line. Income and number of children is a mechanism for determining the need for assistance. The following forms of assistance are available:

- Publicly funded direct financial support for individuals and families
- Free publicly funded psychosocial care
- Government grants for foundations that work with people of no or limited means and
- Price controls on basic essential goods

230. Another mechanism is the solidarity principle, which is manifest in social insurance schemes such as the general old age insurance scheme (*Algemene Ouderdom Verzekering*), the general widows' and orphans' pension scheme (*Algemene Weduwen en Wezen Pensioen*) and the general health insurance plan (*Algemene Ziektekosten Verzekering*). The solidarity principle also applies to education and housing. The statutory minimum wage of AWG 1542.90 guarantees a minimum income for each person.

231. The CBS calculates the subsistence level by household composition. The household variants it uses are an adult single parent with one to five children; two adults with one to five children; three adults with one to five children. A minimum amount is calculated for each category. The subsistence level for two adults with two children is AWG 3,670, which is more than twice the minimum wage (AWG 3085.80).

232. There is no monitoring mechanism. A method of evaluating projects run by foundations has been developed but has not as yet been implemented. The same applies to the policy performance indicators for monitoring national public welfare. With regard to

subsistence level, the size of the group that falls below the levels determined by the CBS is unknown.

**233. Indicate: (a) Whether the State party has adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights and whether specific mechanisms and procedures are in place to monitor the implementation of the plan or strategy and evaluate the progress achieved in effectively combating poverty.**

234. At present there is no national action plan or strategy to combat poverty. However, the Government of Aruba recognises the need for one and believes it is necessary to strengthen local capacity, at both macro and micro level, to carry out systematic measurements of national public welfare. This would support its efforts to improve the living conditions and quality of life of the Aruban population in general and the identification of at-risk groups that are vulnerable to prevailing economic and social conditions, in particular.

235. In this light, the Ministry of Social Affairs, with the technical support of the United Nations DESA, initiated the design and implementation of viable poverty measures in 2007. This entailed the formulation and interpretation of relevant poverty and welfare indicators and the creation of a viable institutional framework addressing both the prevailing and required schemes and the respective linkages to policy-making processes.

236. Within this context, a national welfare survey was conducted last November. This survey is deemed an important building block, along with the periodic Household Income and Expenditure Surveys, in the present endeavour to foster reliable and up-to-date poverty and welfare measures. Within the construct of a national system of social indicators and reporting, the latter is intended to complement ongoing efforts to strengthen the present administrative data capacity in order to provide current, comprehensive and reliable information on individuals and households in society that are considered indigent, marginalised and/or at risk of social exclusion. We adhere to the multidimensional concept of poverty that entails a lack of inadequate income to support a socially acceptable minimum standard of living as well as limited access to (basic) services and infrastructure, a lack of influence over one's life and the subjective perception of living conditions and well-being in terms of personal satisfaction and happiness.

**237. (b) Targeted policies and programmes to combat poverty, including among women and children, and the economic and social exclusion of individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.**

238. This question is not entirely relevant to the Aruban situation. The Government refers the Committee to the previous answer.

## **B. The right to adequate food**

**239. Provide information on the measures taken to ensure the availability of affordable food in quantity and quality sufficient to satisfy the dietary needs of everyone, free from adverse substances, and culturally acceptable.**

240. Aruba has approved the National Plan Aruba 2009–2018 to fight overweight, obesity and related health issues. The plan coincides with the World Health Organization (WHO) Second Action Plan for Food and Nutrition Policy 2007–2012 and calls for a safe, healthy and sustainable food supply with sufficient good and safe food for everyone.

241. Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.

242. Nutritional information, including healthy diets, is disseminated in different settings within the community:

(a) *School*

- Balanced nutrition is incorporated in the school curriculum of the teacher training college, kindergartens and primary schools
- There are guidelines for the sale of food in kindergartens and primary schools
- Various nutrition-related promotional materials on subjects such as the healthy lunchbox, nutrition guidelines for children, increasing fruit and vegetable intake, eating breakfast, maintaining a healthy lifestyle and blood pressure
- Draft nutritional guidelines for children aged 0–1 and 1–4 (day-care and preschool)

(b) *Community*

- National nutrition guidelines for the general public since 1997.
- A Breastfeeding National Action Plan has been established to encourage mothers to breastfeed. Strategies for professionals and organisations working in mother-and-child care, the community, families and work environment have been formulated and implemented.
- Health promotion programmes for the general public, such as the Balanced Nutrition and Physical Activity Programme.
- Intervention programmes for overweight children (“Fit kids” and “Be fit”) covering basic nutrition, physical activity and parenting.
- An intervention programme for caregivers of children aged 0–12 years combining balanced nutrition, physical activity and parenting.
- Nutrition-related promotional material on the following subjects: nutrition guidelines for the general (young) adult population, breakfast, fruit and vegetables, dietary fibre, water.
- Nutritional guidelines for the sale of healthy and safe foods in public venues.
- Advisory work in the composition of a basic food parcel with minimum nutritional requirements for those on the margins of society.
- Healthy lifestyle television programmes related to obesity and diabetes with nutrition as one of the themes.
- The National Plan Aruba 2009–2018 calls for comprehensive information and education so that consumers know what to eat and how to avoid risks.

(c) *Workplace*

- Promoting health in the workplace by implementing programmes promoting healthy food and physical activity

243. **Indicate the measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production.**

244. Aruba has not developed agricultural land. Farming is not part of the Aruban Culture due to the climate. Therefore no measures to promote equality of access by disadvantaged and marginalised individuals and groups to land, natural resources and technology for food

production have been taken. In addition, credit with National Credit Bank acceptance is not available to people without an income even if they have surety. Food is provided to disadvantaged and marginalised individuals only by Meals on Wheels. Article 1, paragraph 1 (b) on providing consumer credit, National Ordinance on the National Credit Bank (AB 1993 no. GT 15).

**245. Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the “Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security”. If not, explain the reasons why.**

246. No, Aruba has not adopted the voluntary guidelines and has no plans to do so at present. Aruba takes an approach that is based on the Dutch system. Besides, Aruba has an adequate supply of good-quality food. Healthy food is accessible to everyone. The right to adequate and healthy food is reflected in the subsistence level (recalculated in 2010). The import of fruit and vegetables has been tax exempt since 2007.

### C. The right to water

**247. Indicate: (a) The measures taken to ensure adequate and affordable access to water that is sufficient and safe for personal and domestic uses for everyone.**

248. The water quality standards as defined by WEB Aruba N.V. (water and energy company) are more stringent than current WHO standards. Aside from having a very low Total Dissolved Solids content, a maximum total bacterial plate count of 50 cfu/ml (colony forming units per millilitre) is used as a guideline. Drinking water in Aruba does not require chlorination and is disinfected only by UV. WEB Aruba N.V. maintains a minimum internal supply of 55,000 m<sup>3</sup>/day of water; this plus the contents of the external storage tanks equals four days of reserve. The tap water supply is therefore reliable and safe for consumption.

**249. (b) The percentage of households without access to sufficient and safe water in the dwelling or within its immediate vicinity, disaggregated by region and urban/rural population and the measures taken to improve the situation.**

250. Every household on the island is connected to the WEB infrastructure and therefore has access to sufficient and safe water. WEB provides a meter directly to the property of every household as long as they meet certain regulations.

**251. (c) The measures taken to ensure that water services, whether privately or publicly provided, are affordable for everyone.**

252. Aruba has a progressive price-based approach. There is a domestic tariff which is below cost price for the first 12 m<sup>3</sup>. A different tariff is applicable for Businesses and Hotels. Also, a new Seawater Reserve Osmosis Phase 2 (SWRO 2) plant is to be built as part of the Major Energy Efficiency Improvement Programme (MEEIP) in line with the “Energia 2025” master plan. This plant will produce 24,000 m<sup>3</sup>/day of drinking water to meet demand at lower cost than conventional thermal desalination technology. SWRO 2 is expected to be operational by January 2012.

**253. (d) The system in place to monitor the quality of water.**

254. The water is tested twice a month by the government Public Health Laboratory of Aruba at different strategic locations to ensure that it is free of all known waterborne pathogens.

**255. Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.**

256. There are regular media campaigns to educate people on the importance of minimising water wastage. At present we are installing water-saving devices, free of charge, in 50 households with financial difficulties. We will monitor the reduction in water consumption and make this data public in order to show the effectiveness of the devices.

257. Aruba has no need for education on hygienic use of water because of the excellent quality of tap water.

#### **D. The right to adequate housing**

**258. Indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructures and services such as water, heating, waste disposal, sanitation, and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.**

259. The Fourth Population and Housing Census was held in 2000. This count, which will be repeated in October 2010, indicated that only a small number of individuals (5) were homeless. Out of a total of 29,246 households (89,900 individuals), 421 households (1,035 individuals) were living in structurally unsound housing units. In addition, 497 housing units had no private bathroom and 415 housing units had no private toilet, but collective bath and toilet facilities were in place. All households have access to water and electricity.

**260. Indicate: (a) The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources.**

261. In Aruba, the non-governmental organisation FCCA (Fundacion Cas pa Comunidad Arubano) is the entity in charge of social housing, both its own and public housing. The FCCA has a system, approved by the Aruban Government, by which persons (households) with an annual income ranging from 0 to 37,000 AWG can apply for a rental house in the social sector. Part of the FCCA's mission is provide adequate and affordable housing for the Aruban community.

**262. (b) The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, whether there are waiting lists for obtaining such housing and the average length of waiting time.**

263. The FCCA receives government assistance in the form of long-lease land so that it can develop social housing projects for the community. Public funds are also used to provide rental subsidies to lower income households living in social housing projects.

264. Currently (as of Q1 of 2010) 1,671 individuals are in need of housing and on the FCCA's waiting list.

265. The waiting time varies according to type of house, from one year for a one bedroom home to 3–5 years for a two or three bedroom home. The waiting time may also vary according to district.

**266. (c) Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons and persons with disabilities.**

267. The FCCA provides housing for the different needs of the community. Besides standard one, two and three-bedroom houses (1,471 in total), the FCCA also provides homes that have been adapted to meet the needs of mentally and/or physically disabled

persons, of which some are under supervision of a mental health department or institutions such as the SVGA, SPD and Ambiente Feliz (several in each district), a home for youths under supervision of Fundacion Guiami (one), houses adapted for the elderly and studio apartments (21).

268. In addition, the FCCA makes it possible for low-income families to build their own home, by means of mortgage loans. The FCCA also provides temporary homes for people who are urgently in need of a home for a short period of time, e.g. while renovating their existing home or while waiting for a permanent home following eviction. Among its social housing projects, the FCCA also has a home for the elderly in need of permanent 24-hour care or day care. The FCCA has more such projects in the pipeline.

269. Another group that the FCCA recently included in its housing projects is former drug addicts who have made the effort to kick their drug habit. The FCCA has restored a home for this group, which will be under the supervision of a foundation (Adopt@Addict).

270. Everyone has the right to adequate housing. The Government's point of departure is that every Aruban is entitled to and should have their own home or live in an adequate housing situation.

**271. Indicate the legislative and other measures in place to ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants.**

272. Article 22 of the Building and Housing Ordinance (Bouw- en woningverordening, AB 1999 no. GT 9) states the conditions under which a building permit is granted or denied. Article 22 (d) states that a building permit will be denied if use of the building might be considered detrimental to the public health or the health of the users.

**273. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.**

274. No marginalised groups or disadvantaged groups have been reported thus far in this context. To ensure that no groups are disproportionately affected by forced evictions or discrimination, the procedure for eviction dictates that possible eviction candidates who contest the eviction enjoy legal protection under administrative legislation (LAR). The Court of First Instance hears the arguments on both sides and issues a temporary ruling determining whether there is a sufficient legal basis for the eviction.

**275. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.**

276. The Housing Committee (Huurcommissie) is the government entity to which tenants can apply when facing eviction. The Committee protects the right of the tenant to security of tenure and protection from eviction as laid down in the laws of Aruba. Following the decision of the Housing Committee, the tenant has the right to appeal to the Court of First Instance of Aruba, which will give the final ruling.

277. The Court of First Instance system registered 538 cases of eviction between 1 January 2005 and 20 June 2010.

## Article 12

**278. Indicate whether the State party has adopted a national health policy and whether a national health system with universal access to primary health care is in place.**

279. Monitoring of the quality of public health provision and medical care in Aruba is regulated by the Health Ordinance that aims to promote the general health of the population. It states that the Department of Public Health is responsible for monitoring, supervising and inspecting different aspects of health, including communicable diseases and medical care provided by physicians, dentists, physiotherapists and midwives. Where applicable, guidelines and standards formulated by the Netherlands are observed. Public health is also regulated by international covenants and guidelines drawn up by the World Health Organization, including the International Health Regulations.

280. At this moment the Department of Public Health is in the process of revising and updating all healthcare policies, including the legislation regarding health inspection, in order to guarantee quality of care.

281. Since 2001 health care in Aruba has undergone a transformation due to the introduction of a national health insurance system regulated by law, under which all registered persons in Aruba are insured. Healthcare providers including all primary care physicians, specialists, most dentists, physiotherapists and midwives are contracted by the General Health Insurance Agency (AZV). There is a filter system in place whereby all insured persons have access to specialised healthcare only after referral by primary care physicians. For the number of physicians working in Aruba see the table "Physicians currently active" in the annexe.

**282. Provide information on the measures taken to ensure: (a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities.**

283. With regard to healthcare facilities Aruba has one 290-bed hospital, the Dr Horacio Oduber Hospital, offering emergency, secondary and tertiary care. The bed occupancy rate in 2008 was 85 per cent. In addition, there is one outpatient healthcare facility, the Centro Medico dr. R. Engelbrecht, which offers emergency medical care, primary care and secondary care. This facility is also responsible for the centralised delivery of ambulance services to the community.

284. See paragraph 159 for information regarding geriatric homes.

285. The White Yellow Cross Foundation consists of 6 health-care facilities located throughout the island. They are all largely within safe reach and accessible to the population. Services include home health care, especially for the older population, and preventive child health care including a national child-immunisation programme, nutrition programmes, child growth and development, health screening and preventive dental consultations. The White Yellow Cross Foundation works closely with the Department of Public Health's Youth Health Division to provide preventive services for children from 0 to 4 years old, given by youth health physicians.

286. The Youth Health Division's target group is children between the ages of 0 and 19 years. In addition to consultations given at the White Yellow Cross, it provides health services at primary schools including health screening and vaccinations. It also offers guidance and advice on nutrition and remedial education. Even though there is a great need to extend these services to the age group beyond 12, this has not been possible due to government budget constraints.

287. (b) **That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable.**

288. Health care providers such as all primary care physicians, specialists, most dentists, physiotherapists and midwives are contracted by the General Health Insurance Agency (AZV). Medical costs are covered by a General Fund which is resourced through income-related social insurance contributions.

289. Each person entitled to receive benefits under the General Health Insurance scheme is required to pay a contribution of 9.5 per cent of his or her annual income on which contributions are payable (as calculated under the AZV legislation), of which the employer contributes 7.9 per cent and the employee 1.6 per cent. Self-employed persons (and pensioners) pay 9.5 per cent. The Tax Office collects the AZV contributions. There is a maximum taxable income applicable when calculating the amount of taxes due. If the contributable income exceeds this maximum, no contributions are levied in relation to the excess amount. Persons with no income are not required to contribute in order to receive benefits.

290. The following table shows developments over the past few years.

<i>Taxable income</i>	2005		2006		2007		2008		2009		2010	
Max. taxable income	75 600		75 600		75 600		75 600		85 000		85 000	
Max. contribution	5 670	7.5%	7 182	9.5%	7 182	9.5%	7 182	9.5%	8 075	9.5%	8 075	9.5%
Employer's contribution	4 914	6.5%	5 972	7.9%	5 972	7.9%	5 972	7.9%	6 715	7.9%	6 715	7.9%
Employee's contribution	756	1.0%	1 210	1.6%	1 210	1.6%	1 210	1.6%	1 360	1.6%	1 360	1.6%

<i>Self-employed persons</i>	2005		2006		2007		2008		2009		2010	
Max. taxable income	75 600		75 600		75 600		75 600		85 000		85 000	
Max. contribution	5 670	7.5%	7 182	9.5%	7 182	9.5%	7 182	9.5%	8 075	9.5%	8 075	9.5%

291. (c) **That drugs and medical equipment are scientifically approved and have not expired or become ineffective.**

292. The import and administration of drugs (medication) are monitored and controlled by the Bureau of Pharmaceutical Affairs and are regulated by the Pharmaceutical Health Inspection Ordinance. As for medical equipment, each medical facility including the hospital is responsible for the maintenance and quality control of its own equipment. They are inspected by the Health Inspection Division at the Department of Public Health, in cooperation with the Dutch Healthcare Inspectorate.

293. **(d) Adequate training of health personnel, including on health and human rights.**

294. In association with the Netherlands Antilles Foundation for Clinical Higher Education (NASKHO), the General Health Insurance Agency offers continuing medical education in order to provide better services to patients, while in some disciplines it is necessary to follow continuing education courses to remain licensed. NASHKO organises postgraduate courses, with the objective of imparting knowledge to local paramedical professionals, doctors and specialists. In addition, NASKHO organises symposia and workshops offering an overview of the most recent international developments in different medical fields. Whether specific courses in human rights are given during these workshops and seminars is not known.

295. **Provide information on the measures taken: (a) To improve child and maternal health, as well as sexual and reproductive health services and programmes, including through education, awareness-raising, and access to family planning, pre- and post-natal care and emergency obstetric services, in particular in rural areas and for women belonging to disadvantaged and marginalized groups.**

296. As mentioned above, child and maternal health services are provided by the White Yellow Cross Foundation in close cooperation with the Youth Health Division of the Department of Public Health. Furthermore pre- and postnatal medical care, and reproductive services are provided largely by midwives, primary care physicians and in high risk groups by gynaecologists. The Family Planning Foundation offers information and guidance to families on issues including reproductive health. The Department of Public Health's Communicable Diseases Division not only monitors sexually transmitted diseases that have to be reported by law, but offers sexual health information primarily aimed at school-age children.

297. **(b) To prevent, treat and control diseases linked to water and ensure access to adequate sanitation.**

298. The Department of Public Health is required by the Health Ordinance to regulate and monitor different aspects of sanitation including water. This is done by the Hygiene Division, the Communicable Diseases Division and the Public Health Laboratory, all part of the Department of Public Health. The Hygiene Division monitors sewage systems, water supplies and hygiene in buildings, especially those in which foodstuffs are handled. The Communicable Diseases Division monitors and certifies persons working in the food-handling sector in order to prevent foodborne diseases.

299. **(c) To implement and enhance immunization programmes and other strategies of infectious disease control.**

300. The Department of Public Health funds a National Child Immunisation Programme which is carried out by the Youth Health Division in cooperation with the White Yellow Cross and the Department of Education. In addition, the Communicable Diseases Division offers vaccinations for the general population against various diseases such as yellow fever, poliomyelitis, tetanus, hepatitis B, meningitis A and C, bacterial pneumonia, regular influenza, etc. These vaccinations are provided free to public sector workers. Those working in the private sector, however, have to pay a fee, depending on the vaccine.

301. **(d) To prevent the abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, ensure adequate treatment and rehabilitation of drug users.**

302. The Drug Control Coordination Office falls under the Ministry of Health. The Office aims to bring a halt to the process of mental, social and physical dependency due to drug

use and abuse, in order to enable addicts to return as full members of the community through rehabilitation programmes. The Office consists of the following departments:

1. *Policy Department*, consisting of:
  - The Centre for Information on Substance Abuse: the Centre's main focus is prevention through dissemination of information to the public regarding drug use and addiction
  - A Research and Documentation Section focusing on research into drug use
  - A Financial Section
2. *Professional Support Department*
  - Offers advice and consultation from psychiatrists and psychologists
3. *General Care Department*, consisting of:
  - Centro Colorado, a rehabilitation facility
  - Halfway House, which offers guidance for clients who do not have a place to live or who are not ready to live independently
  - Consultation Office for Addiction, which offers outpatient consultation for those seeking help for drug or alcohol addiction
4. *Special Care Department*, consisting of:
  - Centro Dakota, which offers rehabilitation for drug addicts who have been sentenced and compelled to undergo rehabilitation in a secure setting

The NGO which is most active in the primary prevention of illicit drugs and harmful substances is the Fundacion Anti Droga Aruba (FADA). The Foundation regularly organises awareness campaigns, lectures and programmes aimed at young people and their parents. It also arranges for programmes etc. in the workplace.

303. In 2008 a group of businesses in the main street of Oranjestad founded the "Adopt An Addict; e Prome Paso" programme, which sends addicts to the Hogares CREA rehabilitation facility in the Dominican Republic.

304. (e) **To prevent HIV/AIDS and other sexually transmitted diseases, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination.**

#### **HIV/AIDS country coordinating structure in Aruba**

305. There are three organisations active in the field of HIV/AIDS in Aruba. The AIDS Task Force Aruba (ATFA), the Women's Club of Aruba and the UNAIDS Theme Group. ATFA is a working group, consisting of officials from the Department of Public Health specifically charged with providing technical advice to the Minister of Health on policy regarding HIV/AIDS issues. The Women's Club of Aruba is an NGO that has worked in the area of HIV/AIDS prevention from the beginning of the epidemic and was instrumental in the creation of the first National AIDS Committee Aruba (NACA). This NGO is active in AIDS awareness and education, and community mobilisation. The UNAIDS Theme Group is a multi-sectoral group that consists of representatives of government departments, NGOs and the private sector. The chairman of the group is the UNDP Residents' Representative in Trinidad and Tobago.

306. Seropositivity screening is performed by the Public Laboratory of Aruba using the ELISA test, followed by the LiaTek assay for confirmatory testing. Most of the screening

done by private laboratories using ELISA is confirmed by the Public Laboratory. Pre-test and post-test counselling is available through the Communicable Diseases Division of the Department of Public Health, as part of the Voluntary Testing and Counselling Programme (VTC). Contact tracing is also done on reported cases. Specialised laboratory tests such as CD4, CD8 and viral load are performed by the Public Health Laboratory of Aruba. Most HIV/AIDS patients are under the care of an internist.

307. Once the infected person knows of their HIV positive status, clinical care and counselling is made available to them. Patients receiving medical treatment (antiretroviral therapy or ART) obtain their supply of the “triple cocktail” through the Communicable Diseases Division once they have a prescription from their doctor. This is done in order to guarantee continuity in treatment and counselling. The therapy is available to all HIV positive residents of Aruba and is covered by the General Health Insurance scheme. Zidovudine (AZT) is given HIV-infected pregnant women and to babies born to seropositive mothers. AZT also falls under the General Health Insurance Scheme. The Dr Horacio Oduber Hospital admits HIV/AIDS patients who require inpatient treatment and care.

308. (f) **To ensure affordable access to essential drugs, as defined by the WHO, including anti-retroviral medicines and medicines for chronic diseases; and**

309. On 1 May 2004, the Minister of Public Health adopted the list of drugs and dressings drawn up pursuant to Article 14, paragraph 2 of the General Health Insurance Ordinance by a committee set up by the Minister of Public Health (the AZV Drugs List Advisory Committee, or AGA).

310. The AGA consists of the AZV medical consultant and pharmaceutical consultant, the epidemiologist, the Drugs Inspector, a policy official from the Ministry of Health and Sport, the secretary and a representative of each of the following organisations: the Aruban Pharmacists’ Association (VAA), the Department of Public Health, the Aruban General Practitioners’ Association (HAVA), the Aruban Medical Specialists’ Association (VMSA), and the hospital pharmacy. The AGA’s duties include giving the Minister of Health solicited and unsolicited advice on the preparation and updating of the list, as well as advice on the treatment of disease, with a focus on drug therapies.

311. The AGA observes the criteria adopted by the Dutch Health Care Insurance Board (CVZ), in so far as applicable to the Aruban situation. Another important task of the Committee is to give information and advice on effective pharmacotherapy.

312. Users of the AGA list may expect the choices made to be transparent, clear and consistent. For this purpose, it is necessary to make a uniform, systematic assessment. The aim is to achieve pharmacotherapy which is optimal from a medical point of view but also the most inexpensive for health insurers and/or patient. This means that the Committee makes a critical evaluation of each preparation based on its known properties insofar as relevant. The basic premise is that unnecessary drugs, even if they are cheap, should not be prescribed; if necessary, the most expensive drug must be supplied. The recommendations are therefore based on both pharmacotherapeutic and economic considerations. First, a substantive assessment takes place. Drugs that, for pharmacotherapeutic reasons, should no longer be prescribed will be excluded from the list. Economic considerations are relevant where the properties of the various drugs hardly differ or do not differ at all from each other. The scope for non-drug-based treatment is also explored.

#### **Additional guidelines**

- Drugs registered in Aruba qualify first for placement on the list

- Drugs not registered in Aruba can be placed on the list if they provide for a therapeutic need not met by drugs registered in Aruba
- In general, self-administered drugs will not be placed on the list. However, if a self-administered drug provides for a need not met in another way, or if a self-administered drug is preferred over other drugs, an exception will be made to this rule
- Drugs that do not have a demonstrable advantage over other drugs appearing on the list may be excluded from reimbursement

313. Local importers sometimes fail to submit important drugs for registration. The AGA has laid down criteria to be observed in connection with important drugs frequently prescribed in Aruba which are not registered in Aruba and are imported by a local importer.

314. Drugs imported via registered pharmacists should be approved by the Drugs Inspector and should have proven effectiveness regarding the disease in question. It should not be possible to treat the disease in question with any drug registered in Aruba or capable of preparation in Aruba. Local importers are informed of these drugs so they can submit them for registration, if so desired.

315. The current AGA list encompasses 450 unique active ingredients in 1,500 products. It is divided into 14 main pharmaceutical categories:

1. Alimentary tract and metabolism: oral preparations, drugs for acid-related disorders and functional gastrointestinal disorders, anti-emetics, laxatives
2. Blood and blood-forming organs
3. Cardiovascular system
4. Dermatological preparations
5. Urogenital system and sex hormones
6. Systemic hormone preparations
7. Antimicrobial drugs for systemic use
8. Oncolytics
9. Musculoskeletal system
10. Nervous system
11. Antiparasitics
12. Respiratory system
13. Sensory organs
14. Miscellaneous

316. **(g) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.**

317. The hospital on Aruba has a 40-bed psychiatric facility (P.A.A.Z.) which provides mental health care for the island's population. It has a 9-bed secure ward and two segregation/isolation rooms. Periodic review in consultation with the Public Prosecution Service should take place every three months. However the last review was four years ago. The Department of Public Health's Health Inspection Division last inspected the facility six years ago. The Aruban Mental Health Ordinance states that the Minister of Health can

authorise the committal of a person when deemed necessary for a period of five weeks. The Public Prosecution Service is then officially notified of this authorisation.

318. As mentioned before, the Department is in the process of reviewing all health legislation, including that regarding health inspection.

### Article 13

319. **Indicate to what extent the form and substance of education in the State party are directed towards the aims and objectives identified in article 13, paragraph 1, and whether school curricula include education on economic, social and cultural rights.**

320. At primary schools, economics has been included under Social Sciences. It is also taught in the curricula of general secondary education (AVO) and vocational education. Civics has been incorporated into the new-style primary curriculum, and the curricula of general secondary and vocational education. At primary level, the subject is still at the design stage; the teaching methodology has yet to be developed. See also pages 30 and 45 of the education section in the Core Document.

321. **Indicate how the obligation to provide primary education that is compulsory and available free for all is implemented in the State party, in particular: (a) The level or grade until which education is compulsory and free for all.**

322. The National Ordinance on Compulsory Education has not yet come into force. Under this law, education is to be made compulsory for 4- to 17- year-olds. The present regulations follow the United Nations Educational, Scientific and Cultural Organization (UNESCO) guidelines (ages 6 to 11 inclusive). As the ASER tables show, over 97 per cent of children aged 6 to 11 already attend primary school.

323. **(b) Any direct costs such as school fees, as well as the measures taken to eliminate them.**

324. A minimal parental contribution is charged for pupils attending preschool, primary and secondary education. Parents who cannot afford fees may apply for exemption.

Table

**Age-specific enrolment ratio (ASER) for preschool education by year, 2000/2008**

Age	ASER								
	00	01	02	03	04	05	06	07	08
4	80.1	82.4	82.0	80.8	97.8	104.9	102.8	94.4	97.7
5	98.4	100.0	103.7	101.1	98.0	101.5	107.8	98.4	98.9

Table

**Age-specific enrolment ratio for primary education by year, 2000/2008**

Age	ASER								
	00	01	02	03	04	05	06	07	08
6	99.7	104.8	101.9	102.3	100.8	99.7	99.1	96.6	97.1
7	99.7	101.2	102.0	101.4	99.0	99.3	99.5	97.8	98.2
8	99.6	105.7	99.0	102.0	100.5	104.5	99.8	98.1	98.3
9	100.1	106.9	103.0	98.9	102.2	97.6	100.9	97.4	97.5
10	100.2	103.4	102.6	101.8	99.0	100.6	100.7	99.1	98.0

	ASER								
11	96.2	103.1	100.0	103.1	103.4	95.3	102.4	98.9	97.7

325. (c) **Any indirect costs (e.g. expenses for school books, uniforms, transport, special fees such as exam fees, contributions to district education boards, etc.) and the measures taken to alleviate the impact of such costs on children from poorer households.**

326. Education grants are linked to parental income and also depend on the number of children in a family. Fees, and the cost of textbooks and of travel to and from school are eligible for grants.

327. **Indicate the measures taken to make secondary education in its different forms, including technical and vocational education, generally available and accessible to all, including:**

328. The following definitions of terms may be helpful: **AVO** = general secondary education. This covers junior general secondary education (MAVO), senior general secondary education (HAVO) and pre-university education (VWO).

**Ciclo Basico** = basic cycle: the first and second years of general secondary education. The basic cycle was introduced in August 2004 into all AVO schools.

**Ciclo Avansa** = advanced cycle: the third and fourth years of general secondary education (MAVO, HAVO and VWO). The advanced cycle was introduced in August 2006.

**Profiel** = subject combination: a package of related subjects that prepares students for further study. The profiles are similar in structure but each has its own distinctive characteristics.

### Arubanisation

329. There is a growing national self-consciousness in Aruba. It can be seen in the increasing prominence of Papiamentu as a national language, in fields of study with an Aruban perspective, in the need for distinctive teaching methods, and in shifts in the teaching profession. To ensure smooth transitions both in secondary education and to higher education, students must be proficient in the language(s) of instruction of the next stage. The majority of HAVO and VWO students go on to further studies or training in the Netherlands, partly because it is an affordable option. This justifies keeping Dutch as the medium of instruction in general secondary education in Aruba, without prejudice to the forthcoming national language policy. The language of instruction will receive more attention in general secondary education.

### Secondary education

330. Secondary education follows on from primary education and is provided at schools for:

- Junior vocational education (EPB)
- Junior general secondary education (MAVO)
- Senior general secondary education (HAVO)
- Pre-university education (VWO)

331. Secondary schools provide foreign language coaching for pupils entering the system from abroad, to enable them to transfer smoothly to secondary education in Aruba.

**Junior vocational education (EPB)**

332. EPB is provided at two Aruban schools: one in Oranjestad and the other in San Nicolas. EPB consists of a two-year cycle with three basic levels (1, 2 and 3) and a vocational cycle offering economics, care and technology. A three-year trainee programme is also available.

**Junior general secondary education (MAVO)**

333. Aruba has nine MAVO schools and three school boards: the Publicly Funded Schools Department, the Foundation for Catholic Education in Aruba (SKOA) and the Foundation for Protestant Education in Aruba (SPCOA). The C.G. Abraham de Veer and Juliana School fall under the Publicly Funded Schools Department. Colegio San Antonio, Colegio San Augustin, Filomena College, La Salle College and Maria College fall under the SKOA. The John Wesley College and Mon Plaisir College fall under the SPCOA. The basic cycle was introduced in 2004/2005 and consists of a two-year programme. The advanced cycle was introduced in 2006/2007 and comprises a further two years. Pupils progress to the advanced cycle (third and fourth years) on the strength of their basic cycle results.

**Senior general secondary education (HAVO) and pre-university education (VWO)**

334. There is only one school for senior general secondary education in Aruba. It is governed by the Foundation for Secondary Education in Aruba (SMOA). As with MAVO, the basic cycle was introduced in 2004/2005 and the advanced cycle in 2006/2007. Pupils progress to the advanced cycle (third and fourth years) of HAVO or VWO on the strength of their basic cycle results.

**Post-secondary education**

335. After secondary school in Aruba, students can go abroad for further study or stay in Aruba and receive post-secondary education or training. Post-secondary education includes intermediate vocational education (EPI), higher professional education (at the Teacher Training Institute of Aruba (Instituto Pedagógico Arubano, IPA) and University of Aruba) and university education (at the University of Aruba).

**Intermediate vocational education (EPI)**

336. Students who have completed their EPB or MAVO studies can go on to intermediate vocational education (EPI), which consists of four units:

- Science and Technology (CT)
- Economics (E)
- Hospitality and Tourism (HT)
- Health and Services (SS)

337. Only one school in Aruba provides EPI. It is situated in Oranjestad and run by the Publicly Funded Schools Department.

338. Age-specific enrolment ratios (ASER) indicate the percentage of pupils enrolled, by age group, at any level.

Table

**Age-specific enrolment ratio for secondary education by year, 2000/08**

<i>Age</i>	<i>ASER</i>
------------	-------------

	00	01	02	03	04	05	06	07	08
12	99.5	103.5	99.5	100.0	99.2	100.8	96.7	99.1	98.3
13	96.8	99.3	100.1	97.8	97.4	97.1	101.9	96.9	98.5
14	104.0	94.6	95.4	99.7	95.6	98.6	95.8	97.7	97.8
15	99.6	99.8	92.9	93.4	95.1	97.4	91.1	93.4	93.0
16	89.3	94.2	91.7	88.0	83.9	94.5	88.0	84.4	86.3
17	70.2	81.0	79.8	78.9	74.0	72.4	75.9	73.2	69.9

339. **(a) Concrete steps taken by the State party towards progressively achieving free secondary education.**

340. Currently, no concrete steps have been taken towards progressively achieving free secondary education.

341. **(b) The availability of technical and vocational education, and whether it enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability.**

342. Aruba currently provides junior vocational education (EPB) and intermediate vocational education (EPI). The knowledge and skills which students should have acquired by the end of vocational education have been incorporated into the curriculum as attainment targets. The practical work and application is done at school. The curriculum is designed and structured for integrated learning, and hence includes certain core components.

Table

**Enrolment in junior and intermediate vocational education, by academic year**

	<i>Junior vocational education (EPB)</i>	<i>Intermediate vocational education (EPI)</i>
00/01	2 105	1 148
01/02	2 203	1 169
02/03	2 147	1 291
03/04	2 011	1 310
04/05	1 981	1 480
05/06	2 124	1 442
06/07	2 166	1 522
07/08	2 192	1 632
08/09	2 013	1 635

344. Indicate the measures taken to make higher education equally accessible to all and without discrimination, on the basis of capacity, and the concrete steps taken towards progressively achieving free higher education.

345. Providing more programmes and activities at Aruba's two higher education institutions (the IPA and UA) has increased the opportunities for Aruban students to continue their studies on the island. No steps have been taken towards progressively achieving free higher education.

Table

**Enrolment in higher education, by academic year, 2000/01–2008/09**

	<i>Teacher Training Institute of Aruba (IPA)</i>	<i>University of Aruba (UA)</i>
00/01	215	203
01/02	203	221
02/03	178	203
03/04	164	230
04/05	159	273
05/06	156	278
06/07	155	386
07/08	146	339
08/09	111	460

Figure 1  
**Enrolment in higher education by academic year, 2000/01–2005/06**

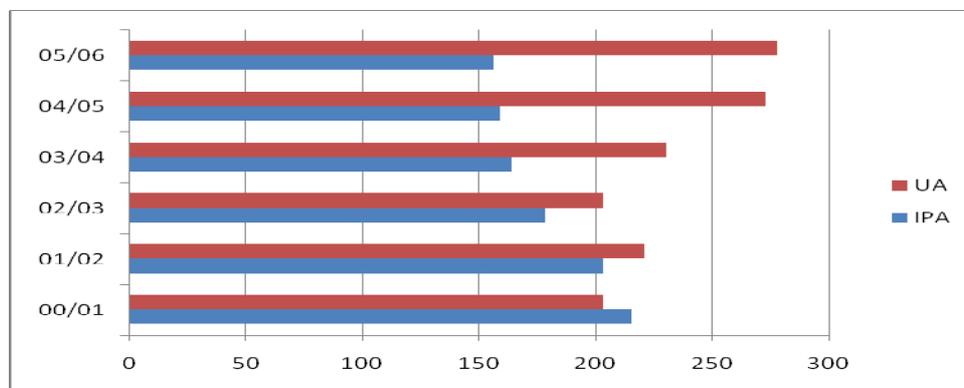
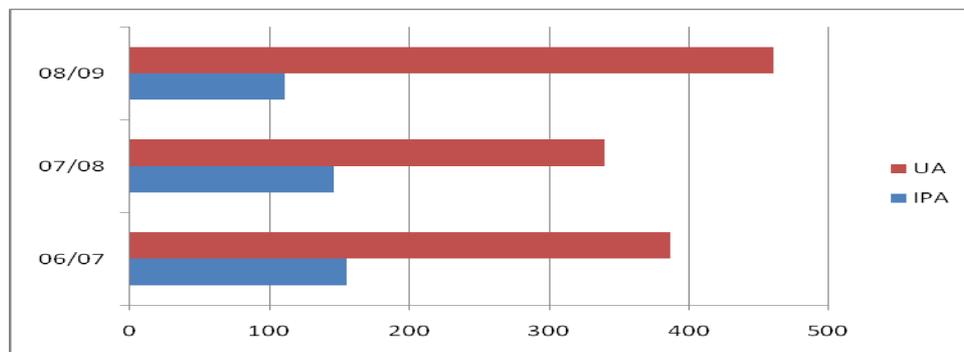


Figure 2  
**Enrolment in higher education by academic year, 2006/07–2008/09**



347. Indicate the measures taken to promote literacy, as well as adult and continuing education, in a life-long perspective.

348. The adult education programme is currently fragmented and of variable quality. The programme needs updating. The Department of Education is working to achieve the following goals:

- Stakeholders understand the mutual benefit of adult and continuing education, and make every effort to achieve the goals set by the Government

- Second-chance education effectively equips Aruba's citizens with the skills they need
- Learning and working programmes provide benefit for employers and employees alike
- Unemployed young people and dropouts successfully enter the labour market
- The programming of adult and continuing education is coordinated and the quality is guaranteed

349. To achieve these goals in 2010/2011 we will create a Knowledge Centre for Lifelong Learning – a “one-stop-shop” for all adult and continuing education. By 2011 there will be an online overview of all available publicly-funded and private education and training in the field of adult and continuing education. To make education more accessible we are promoting:

- Innovation
- Internal quality assurance in recognition of previously acquired competences
- Tailor-made programmes for target groups
- Programmes that combine working and learning
- Basic education programmes
- Use of modern technology

**350. Indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language and the steps taken to prevent lower educational standards for these children, their segregation in special classes, and their exclusion from mainstream education.**

351. Almost 70 per cent of children in Aruba speak Papiamentu at home. 13 per cent speak Spanish, 7 per cent speak English and 6 per cent Dutch. Although Dutch is seriously underrepresented in the community as a whole, it is still the medium of instruction in most Aruban schools (from first grade upwards) and also the language of the legal system and, to a certain extent, of government. The fact that many Aruban pupils and students regard Dutch as a “distant” language functions as a disincentive to learning. In general, motivation for learning Dutch is poor and consequently, so is proficiency. Furthermore, Dutch teaching methods and materials designed for mother-tongue learners or second-language learners living in the Netherlands are unsuitable for Aruban learners of Dutch. Poor language-learning outcomes are a major concern.

**352. Indicate the measures taken to ensure the same admission criteria for boys and girls at all levels of education, and to raise awareness among parents, teachers and decision-makers on the value of educating girls.**

353. A National Education Campaign project file is currently pending approval by the Aruba Fondo di Desaroyo (Development Fund).

**354. Indicate the measures taken to reduce the drop-out rates, at the primary and secondary levels, for children and young persons, in particular girls, children from ethnic minorities, indigenous communities and poorer households, as well as migrant, refugee and internally displaced children.**

### **Preventive measures**

355. In order to meet Aruba's obligations regarding the Convention on the Rights of the Child and to tackle the problem of dropout, a range of preventive measures have been taken within and outside the school system:

1. In the interests of quality assurance, efforts are under way to cater for a wider range of educational needs through internal special needs support structures in primary and secondary education. There is also a move to set up similar structures within preschool education. The increased focus on individual needs is mainly preventive and seeks to identify and tackle problems at an early stage. Education policy aims to further expand and improve such provision in mainstream schools.
2. The introduction of the PRISMA method<sup>1</sup> into primary education means that extra attention is given to pupils whose language skills are weak and whose mother tongue is not Papiamentu or Dutch (the medium of instruction).
3. As part of the Priepeb reforms in preschool and primary education the Scol Multilingual pilot project<sup>2</sup> initially introduces Papiamentu as a language of instruction and also familiarises pupils with other languages. The plan is for Dutch to gradually become the language of instruction and for the other languages to be taught as curriculum subjects.
4. The National Ordinance on Compulsory Education, which has not yet come into force.
5. The annual National Education Test (NOT) provides a standardised measurement of scholastic attainment in reading and mathematics at the end of primary education. The results give primary schools a basis for improving and optimising the quality of teaching.
6. It is hoped that the imminent development and adoption of special needs programmes will help target-group children to fully develop their personalities.
7. A nationwide pupil monitoring system will be adopted in order to track every child's development and help to pinpoint dropout at an early stage so that appropriate preventive or remedial action can be taken. The pupil monitoring system will also be a useful tool for schools to analyse education quality.
8. The future Multidisciplinary Centre (MdC) will function as an external special needs resource and will seek to make integrated special needs provision more accessible to a broad target group of children from birth to 18 years. By providing additional support and care, the Multidisciplinary Centre can help children who would otherwise drop out of the education process (or have done so already) to have successful school careers.

### **Curative measures**

356. As part of the strategy for tackling school dropout, feasibility studies are being conducted with various partners on developing tailor-made programmes that combine working and learning.

In preparation for this, and in order to develop effective policy for preventing and tackling early school leaving, work is in progress on setting up practicable terms of reference.

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<sup>1</sup> Core document, para. 39 (ref. E/C.12/2008/2, art. 63).

<sup>2</sup> Ibid., para. 40.

Research is also being done into the ways in which and extent to which schools, school boards and other relevant bodies record instances of school dropout.

## Article 14

357. **If compulsory and free primary education is not currently enjoyed in the State party, provide information on the required plan of action for the progressive implementation, within a reasonable number of years fixed in this plan, of this right. Also indicate any particular difficulties encountered, in the adoption and implementation of this plan of action, as well as the measures taken to overcome these difficulties.**

358. Preparations for the National Ordinance on Compulsory Education are now at an advanced stage. However, the date of its introduction has been postponed indefinitely so that the Government can guarantee effective implementation. In this connection, the Government has appointed a committee to take the necessary measures for the effective introduction of compulsory education. The committee's responsibilities include drawing up a timetable for phasing in the new legislation.

359. When the new Government came to power on 1 November 2009, the coalition agreement stated that priority would be given to implementing the National Ordinance on Compulsory Education.

## Article 15

360. **Provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, indicate the measures taken to promote broad participation in, and access to, cultural goods, institutions and activities, including measures taken.**

361. Aruba has an array of institutional infrastructure that promotes and encourages active participation in popular culture. Everyone on the island has access to State-funded cultural activities as well as non-governmental cultural events. This is a result of the country's cultural policy: the Government of Aruba seeks to reach a broad spectrum of the population and provides funding for institutions that play a vital role in maintaining cultural life. In addition there are a number of local funds whose main focus is to stimulate social and cultural development. Furthermore, Aruba has a national UNESCO committee, which promotes educational, scientific and cultural projects and development. Together with other stakeholders, all these organisations create opportunities for the whole community to engage actively with culture in the widest sense.

362. **(a) To ensure that access to concerts, theatre, cinema, sport event and other cultural activities is affordable for all segments of the population.**

363. To ensure that local culture is incorporated in major commercial events, the customary government licences are issued on condition that local artists are on the bill. High-profile events such as money-spinning concerts by top impresarios are usually unaffordable for the general public. At other institutions, such as local branches of the national theatre's Cas di Cultura (House of Culture), the activities are more reasonably priced, mainly because they are subsidised. Occasionally, the Department of Culture presents cultural events free of charge to make them accessible to everyone. Aruba has a comparatively high proportion of cinema facilities. Although privately owned, they have special prices or offers for particular film showings. Sports events tend to be commercial in

character and therefore more expensive. The Government has built sports halls in various parts of the country and the governmental department responsible for sport provides educational institutions with a range of sports courses for pupils.

364. **(b) To enhance access to cultural heritage of mankind, including through new information technologies such as the internet.**

365. Aruba has a number of national museums devoted to cultural traditions and heritage, such as the Aruba Historical Museum and the Archaeological Museum of Aruba. These give visitors an impression of Aruba's history. They provide on-line information and have also commissioned educational films for their target groups, from schoolchildren to the elderly.

366. **(c) To encourage participation in cultural life by children, including children from poor families, migrants or refugee children.**

367. As mentioned above, the Department of Culture offers certain cultural programmes free of charge, so that the general public can participate. Together with the Department of Social Affairs it also promotes other activities that children from poorer families or immigrants ("new Arubans") can join in. Several non-governmental organisations are directly involved in developing neighbourhood activities as well, in order to encourage disadvantaged children to get involved in cultural life, usually free of charge.

368. **(d) To eliminate physical — , social — and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.**

369. All national cultural programmes are designed for a broad audience, without discrimination. There are also several organisations which promote the interests of the elderly, in particular. The National Library offers tailor-made courses on internet and other new communication technologies, especially for elderly beginners. Theatres and museums are equipped with induction loop systems for the deaf and access ramps for wheelchair users.

370. **Indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of ethnic religious or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and distribute their identity, history, culture, language, traditions and customs.**

371. Aruba's cultural policy aims to create conditions for the preservation and management of culture. The Department of Culture also strives to maximise cultural participation, so that every member of the community, whatever their belief, religion, nationality or mother tongue, can participate in cultural events.

372. Nowadays, Aruban society is considered to be truly multicultural, since it consists of different nationalities, each having its own values and standards. Respect for other people's culture and heritage is the norm. At the same time, however, new immigrants are expected to integrate into the society they have chosen to be part of. The Aruban Integration Policy is based on this principle. It is designed to strengthen local identity and increase social involvement. Various ethnic groups have their own advocacy or meeting-places.

373. With regard to religious diversity and respect for others' beliefs, the Aruban Government subsidises the salaries of ministers of the country's five main faith groups (Catholic, Protestant, Methodist, Jewish and Anglican).

374. Aruba is a multilingual society. Not only is its population composed of different nationalities: most people are also proficient in two or more languages. This is partly due to the importance of tourism in the Aruban economy and to effective language teaching in schools.

375. In recent years, there has been a greater focus on the national language, Papiamentu, especially in primary and secondary education. Papiamentu is an essential part of Aruba's cultural heritage and should be preserved. However, there are currently no specific policies in this area. There are many promising projects in the pipeline, nevertheless, all of which need to be concretised. Every effort is being made to do this.

376. There is currently no provision in legislation for cultural diversity. Cultural protection laws need to be formulated, not only for the benefit of the language sector, but also for the conservation and management of Aruba's entire cultural and historical heritage.

**377. Provide information on school and professional education in the field of culture and the arts.**

378. Since the end of 2009 the Department of Culture has pursued efforts to create a research and documentation centre. To date, the focus has been on designing the infrastructure and physically setting up the centre.

379. The Research and Documentation Division (RDD) of the Department of Culture plays an executive, coordinating, facilitating and supporting role in researching and documenting cultural issues in Aruba. Besides researching and documenting cultural heritage, the RDD is responsible for educational activities in general. This entails developing cultural and educational programmes, providing and disseminating information to the public and equipping cultural and educational institutions with educational resources.

380. In the past, the focus on culture and the arts has been wide-reaching, but since the beginning of 2010, there has been a special emphasis on endangered cultural heritage.

381. The Department of Culture is responsible for distributing and supporting general information about culture and the arts outside the school system. Coordinating and supervising the theoretical and practical knowledge of culture and the arts in schools is the responsibility of the Department of Education.

382. Public education and awareness of culture and the arts are achieved through the public media, the national culture and arts database, publications (leaflets, brochures, papers and books) and audiovisual resources. There are plans to set up partnerships with various governmental and non-governmental organisations in order to exchange knowledge, information and educational resources.

383. The Teacher Training Institute of Aruba's curriculum contains a number of modules on cultural development in Aruba. In this connection, the Department of Culture has been invited to deliver lectures to the institute's students as the country's future primary and secondary school teachers.

384. In 2009 the University of Aruba launched bachelor's degree programmes in culture, education and language at its Faculty of Arts and Sciences. The DCA is planning to collaborate with the University of Aruba on setting up research-level workshops and courses. There is also scope for collaborative research in the field of culture and the arts.

385. Over the past seven years, several secondary schools have held a "cultural week". In preparation for the event, pupils conduct research on a particular cultural theme. The results of the research are presented during the week, and a mini-expo is organised, which is open to other pupils and the general public. In addition, a number of schools focus on Aruba's multicultural identity by organising an international cultural exhibition where students present the culture and traditions of a particular country, not only through general information but also by displaying artefacts that have cultural and traditional significance.

386. To encourage young people to be more culturally active and to promote sustainable development, the Government recently introduced the National Padu Prize. The award is named after Juan Chabaya "Padu" Lampe, one of Aruba's most well known artists and the

composer of the country's national anthem. Mr Lampe has a broad and well-known repertoire and is active in various artistic disciplines.

387. The Department of Education is responsible for producing curricula for all school types, in terms of prescribing the subjects to be taught and developing the resources to be used. However, the final choice of resources is down to the competent authority (i.e. the school board) in every case. Schools must work with the attainment targets and ensure that they have the required resources to do so. Where necessary, the Department of Education provides resources directly, such as the methodology for the basic cycle of the general secondary education course on culture and the arts (CKV), which was developed in Aruba and has an Aruban perspective.

Indicate:

388. **(a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups; and**

389. The University of Aruba is strengthening its services to society through core activities such as education and research. The major activities are:

(a) Incorporating new forms of in-service training in the curriculum and improving existing ones;

(b) Establishing university centres which will focus on service to society in a number of specific areas;

(c) The University of Aruba has created knowledge through research and has the responsibility to share this knowledge with the community. The expansion of non-regular education and study options will respond to the growing requirement to upgrade courses and provide re-training or supplementary training at a higher level. The focus will be on creating possibilities for summer course, short courses for special groups, symposia, lectures and workshops for the general public. The Centre for Lifelong Learning is in charge of this;

(d) The creation of structures to meet the requirements of local professionals who wish to do postgraduate studies in Aruba;

(e) The establishment of a "Tienda di Ley" which will provide legal aid for the general public, especially for those who cannot afford a lawyer.

390. **(b) The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights.**

391. No information is available at present.

392. **Indicate the measures taken to ensure the effective protection of the moral and material interests of creation, in particular: (a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions.**

393. Works that originate in Aruba, as one of the contracting parties to the Berne Convention, and works that originate in another contracting party are given the same protection in Aruba. This protection is not conditional upon compliance with any formality. A created work is copyrighted under the principle of automatic protection. In Aruba, however, the Government has also made it possible to register copyrighted work as a means of proving that it is the author's intellectual property. After registration, the author receives a certificate of copyright as proof that he is the creator of the work in question. Aruba introduced its own Copyright Ordinance following its acquisition of separate status within

the Kingdom of the Netherlands on 1 January 1986. Under this legislation, authors of scientific, literary and artistic works or productions are given the protection they need. Before 1986, as part of the Netherlands Antilles, Aruba came under the terms of the Copyright Ordinance of the Netherlands Antilles.

394. Under Aruba's Copyright Ordinance, no copyrighted work may be used without the prior permission of its author. Any change made or to be made in a copyrighted work must be authorised by the author. An author has the sole right to disclose or to reproduce his work. Copyright may be partially or wholly transferred by deed or private instrument. The Ordinance also regulates copyright for works created in other ways, for instance by a group, under supervision, or in the service of a third party.

395. The partial use of a copyrighted work is permitted for reasons of education and can be also used to illustrate a point of view or statement, but the source (i.e. the author's name) has to be mentioned. Partial use means that one cannot use more than is necessary to make one's point. Use that exceeds the minimum may be seen as an infringement and/or violation of copyright. Copyright infringements can be settled in court.

**396. (b) To protect the basic material of interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living.**

397. The purpose of copyrighting a work is to enable the author to make a living from it. In the event of copyright violation, an author is entitled by law to initiate legal proceedings against the third party, and this may eventually result in compensation. The certificate of copyright may be produced in court as proof that the author is the creator and/or owner of his work.

398. Under Aruba's Copyright Ordinance, a fine may be imposed for any violation of copyright, whether intentional or unintentional. In addition, the Ordinance makes provision for compensation for damage. Authors thus enjoy full protection under the law.

**399. (c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge.**

400. An author is competent to safeguard his own material interest, because he holds the exclusive rights to his copyrighted work. To protect themselves against third parties, authors must be vigilant about possible infringements of their copyrighted work on sale. The material interest expires 50 years after the author's death, whereas the moral interest lasts for ever. Copyright registration establishes the ownership of a work and gives the author legal protection. This also applies to works on cultural heritage and traditional knowledge.

401. All artefacts created on the island are automatically protected under the Copyright Ordinance. In addition to this statutory provision, there are a number of organisations that protect the interests of Aruban artists.

402. With regard to cultural heritage and traditional knowledge, the Department of Culture of Aruba is responsible for collecting all relevant information and thus has a duty to monitor the moral and material protection of copyright holders.

**403. (d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.**

404. The purpose of Aruba's Copyright Ordinance is to protect all authors of literary, scientific or artistic work. This protection is without prejudice to any other rights recognised in the Covenant. The Ordinance is based on the Dutch Copyright Act of 1912, which has been amended in recent years. The Dutch and Aruban laws are based on the principles and regulations referred to in the Covenant. Aruba is currently updating its own

Copyright Ordinance, continuing to respect the rights of all authors of literary, scientific and artistic works.

405. Currently, there are plans to establish a professional organisation for composers, authors and producers, which will put them in a better position to assert their rights. The Government of Aruba strongly supports this initiative.

**406. Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom.**

407. In Aruba, scientific research is carried out by local teams, foreign experts, and sometimes a combination of both. There are no restrictions of any kind, so the autonomy crucial for promoting research is unaffected. Legal provisions relate primarily to copyright laws and therefore tend to be associated with creative activities. For further information, please see the previous question. The rights and freedoms regarding education are described in the Constitution of Aruba (article 1.5).

**408. Indicate the measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and cooperation in scientific and cultural fields.**

409. In 2007 the Government of Aruba proclaimed 2008 as the Year of Culture. It was also the 50th anniversary of the Cas di Cultura, the 30th anniversary of the former Culture Institute of Aruba and five years since Papiamentu had become an official language alongside Dutch. The Year of Culture was the Aruban Government's main focus for increasing cultural awareness and enhancing the sense of national cultural identity and history. A number of activities were designed for this purpose. Several cultural exchanges were arranged with the Netherlands Antilles. The Department of Culture has maintained this focus beyond 2008.

410. An exhibition on the history of slavery was organised jointly with the Aruban National Archives and National Library in 2008, and a special catalogue was produced entitled "The Legacy of Slavery".

411. One of the main objectives of Aruba's integrated cultural policy is to encourage and support cultural and artistic exchanges. Every year, such exchanges take place with the Netherlands, and with Curaçao and the other islands of the Netherlands Antilles, as partners within the Kingdom of the Netherlands.

412. In December 2009 a cooperation protocol was signed between Aruba, Bonaire and Curaçao. These "ABC islands", as they are known, have cultural similarities, a common colonial, political and social history, and a common language – Papiamentu. They also have a common musical heritage in which the tumba and caha di orgel are the principal instruments. At the same time, each island has its own distinctive cultural identity, and the majority of the inhabitants are unaware of what their own island has in common with the other two.

413. In December 2009, the Department of Culture and CBS Aruba participated in a UNESCO conference in Kingston, Jamaica. The purpose of the conference was to evaluate the Framework for Cultural Statistics as stipulated by the UNESCO Institute for Statistics in Canada. There are plans for the Aruban Government to work together with CBS Aruba in order to deliver statistical information about Aruban culture and its contribution to sustainable development.

414. The University of Aruba's Office of International Affairs of is responsible for signing agreements on cooperation with universities and higher education and research institutions.

## Annex

Table  
**New rates for parental contributions (2009)**  
 (Paragraph 153)

<i>Annual taxable income of families obtained via annual salary statements issued by the tax authorities (SIAD)</i>	<i>Percentage</i>	<i>Annual contribution for one child</i>	<i>Annual contribution for second child</i>	<i>Annual contribution per child for more than two children</i>
A. Family with annual income of up to AWG 11,880	0.40	48	36	24
B. Family with annual taxable income of AWG 11,881 or over but no more than AWG 18,660	0.47	90	68	45
C. Family with annual taxable income of AWG 18,661 or over but no more than AWG 25,820	0.53	140	105	70
D. Family with annual taxable income of AWG 25,821 or over but no more than AWG 33,840	0.60	200	150	100
E. Family with annual taxable income of AWG 33,841 or over but no more than AWG 42,000	0.67	280	210	140
F. Family with annual taxable income of AWG 42,001 or over but no more than AWG 49,000	0.73	360	270	180
G. Family with annual taxable income of AWG 49,001 or over but no more than AWG 60,000	0.80	480	360	240
H. Family with annual taxable income of AWG 60,001 or over but no more than AWG 74,980	0.87	650	488	325
I. Family with annual taxable income of AWG 74,981 or over but no more than AWG 93,620	0.93	875	657	438
J. Family with annual taxable income of over AWG 93,621	1.00	940	705	470

### Overview of the coverage, amounts, and initiation year for the main programmes for older people

(Paragraph 160)

Name of the programme	Initiation year	Characteristics of the population covered (sex, age, area of residence and/or degree of poverty)	Coverage (in absolute numbers of the older population served)		Amounts in USD		
			Initiation year	Actual year of implementation	Annual	Total (since the beginning of the programme)	
Old-age pension scheme	1960	Total number of persons aged 60 and over registered in the Civil Register		The coverage is approx. 95%. At the end of 2005 there were 13,692 pensioners		Entitlements totalled USD 83,726 million in 2005	Not available
Long-term care in institutions	1972	Older adults (60+) who have requested placement in a nursing home		Approx. 3.3% of the population aged 65 and over at the end of 2005		The budget for the fiscal year 2007 is USD 8,023,055	N.A.
Universal Healthcare Programme	2001	All individuals registered in Aruba		An average of 98,600 persons were covered in 2005 by the healthcare insurance scheme concerned. According to data supplied by CBS, the estimated total population was 102,178 at the end of 2005. The scheme covers prescription drugs, medical and hospital care, certain paramedical care and medically prescribed aids such as wheelchairs, walkers, artificial limbs, hospital beds, etc.		Expenditure in 2005 totalled USD 138,390 million (9.1% of GDP)	
Personal care and homemaker service	2006	Individuals and informal networks needing and requesting relevant services		The pilot project has thus far served around 30 persons/ households out of approx. 65 initial requests		USD 27,800	USD 283,300
Community nursing		Total population	Home care	About US\$ 600,000 of the organisation's budget could be related to care delivered to older people in 2005.			

Name of the programme	Initiation year	Characteristics of the population covered (sex, age, area of residence and/or degree of poverty)	Coverage (in absolute numbers of the older population served)		Amounts in USD	
			Initiation year	Actual year of implementation	Annual	Total (since the beginning of the programme)
Free public transportation for the elderly		Total registered population aged 60 and over		Projected costs for the 2007 fiscal year are approx. USD 585,000		
Day-care services for persons with dementia	2006	Population of (older) adults suffering from Alzheimer's and other forms of dementia		30 clients per week attending one or more days	Government provides in kind support by making the day-care centre available and covering the costs of utilities.	US\$ 95,560: other operational costs.

### Physicians currently active by specialty

(Paragraph 281)

Medical specialty	Active physicians
Dr Horacio E. Oduber Hospital, emergency physicians	14
Dr Horacio E. Oduber Hospital, ward physicians	6
General practitioners	38
Instituto Medico San Nicolas (IMSAN), emergency physicians	12
Anaesthesiology	6
Cardiology	6
General surgery	6
Dermatology	2
Gynaecology	4
Internal medicine	10
Otolaryngology (ENT)	2
Neurosurgery	2
Neurology	2
Ophthalmology	3
Orthopaedics	4
Plastic surgery	1
Psychiatry	4
Urology	2
Paediatrics	6
Pulmonology	2
Nephrology	2
Oncology	1

<i>Medical specialty</i>	<i>Active physicians</i>
Radiology	4
Rehabilitation	1
Orthodontics	2
Dentistry	21
Obstetrics	10

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