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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT**

**Addendum**

**ARUBA\* \*\***

[19 October 2007]

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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.

\*\* The Aruba report was entitled “Sixth supplementary report of Aruba” and after consultation with the State party, it was agreed to issue it as an addendum to the fourth periodic report.

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## **Introduction**

1. Aruba is an island in the southern Caribbean with a land area of 70.9 square miles (193 square kilometres) and a population of over 100,000. The Head of State is the Queen of the Netherlands, who is represented by a Governor. Executive powers are vested in an eight-member Council of Ministers. This latter is accountable to a 21-member Parliament, chosen in general elections according to a system of proportional representation every four years, on the basis of a multi-party system. The Governor and the Council of Ministers jointly form the Government of Aruba.

2. The present report is submitted in pursuance of article 40 of the International Covenant on Civil and Political Rights and in accordance with the guidelines on periodic reports and the General Comments adopted by the Human Rights Committee. This sixth periodic report covers the period from January 2001 to December 2005. The information concerning the recommendations of the Human Rights Committee adopted in August 2001(CCPR/CO/72/NET) has also been provided in this report. Subjects dealt with in the previous reports that have remained unchanged during the period under review are not commented on.

## **Article 1. Right of self-determination**

3. Reference is made to the report of the Netherlands (European part of the Kingdom), paragraphs 4 and 5 (CCPR/C/NET/99/3/Add.1).

## **Article 2. Non-discrimination**

### **National Ordinance on Administrative Law**

4. The National Ordinance on Administrative Law (LAR) was amended in May 2003. As a result of the amendment, appeal is now possible from a ruling of the Court of First Instance on an application for review under this ordinance to the Joint Court of Justice of the Netherlands Antilles and Aruba.

5. The Objections Advisory Committee publishes an annual report about its activities for the information of the administrative authorities, Government services and other people and bodies involved in implementing the LAR.

6. A symposium entitled 'Five years on the path to independent and impartial administrative justice' was held by the Committee in January 2003 to mark its fifth anniversary. The aim of the symposium was to analyse the operation of the National Ordinance on Administrative Law, identify any specific problems and make recommendations for possible solutions. Following the symposium, an advisory report containing some specific proposals for improving procedures under the Ordinance was presented to the Minister of Justice. A committee consisting of representatives of the Objections Advisory Committee secretariat, the Court of First Instance, the Legislation and Legal Affairs Department and the Bar has been established to implement these proposals. Its task is to elaborate on these proposals.

### **Medium of instruction in schools**

7. Instruction in primary schools should be multilingual according to the policy proposed by the Proyecto Innovacion di Enseñansa Preparatorio y Enseñansa Basico (PRIEPEB – Nursery and Primary Education Innovation Project). Papiamentu is to be the principal medium of instruction, but it will be possible for another language to be used as a secondary medium of instruction for children whose mother tongue is not Papiamentu. Familiarization with Dutch, English and Spanish will start at the age of four. Pupils will be taught to read and write these three languages from the age of eight.

8. This policy reflects three basic principles of the United Nations Educational, Scientific and Cultural Organization (UNESCO): first, mother tongue instruction is a means of improving educational quality; second, multilingual education promotes equality and unites the population; and, third, language is an essential component of intercultural education. The aim is to start introducing Papiamentu as the medium of instruction in primary schools in 2007. It is not yet entirely clear whether this will be done in stages or all at once.

### **National Ordinance on Official Languages**

9. This instrument entered into force in August 2003. The official languages of Aruba are at present Papiamentu and Dutch. The National Ordinance on Official Languages provides that members of the public should use one of these two languages in their dealings with the authorities. The national authorities are under the same obligation when corresponding with members of the public. Some Government departments have already used forms in Papiamentu for many years. The Ordinance also provides that if an interested party receives a document in one of the official languages from the authorities, he or she may request a translation into the other official language.

10. For the time being, legislation and court judgments are in Dutch.

### **Article 3. Equal rights of men and women**

11. The new Civil Code of Aruba entered into force on 1 January 2002. Book 1 of the new Civil Code replaced the old law of persons and family law. With the revision, many discriminatory provisions have been abolished. Reference is also made to the sections on articles 15 and 16 in the fourth periodic CEDAW report (CEDAW/C/NLD/4 and CEDAW/C/NLD/4/Add.1).

**Table showing women's participation in politics, 2001-2005**

Year	Number of women standing	Total number of candidates	Women as a percentage of all candidates (%)	Number of votes for women	Total number of votes	Percentage number of votes for women (%)
2001	35	169	20.71	11 855	47 969	24.71
2005	42	173	24.28	11 826	49 592	21.83

*Source:* Civil Registry and Population Register Section.

12. Aruba currently has one woman Government minister (of a total of 9) and 4 women members of parliament (of a total of 21). The figures were much the same during the previous Government's term of office (2001-2005), when there were two women ministers and four women members of parliament. For the first time, a woman has become President of the Parliament. The posts of Attorney General, Deputy Governor and Clerk of the Court of First Instance are currently held by women. There are also four female public prosecutors (of a total of five) and 1 female judge (of a total of five).

13. For further information on women in political and economic life, reference should be made to the sections on articles 7, 10, 11 and 13 in the fourth CEDAW report (see paragraph 11 above).

#### **Article 4. Restrictions on derogations from the obligations under the Convention**

14. No state of emergency was proclaimed during the period 2001-2005.

15. The National Disaster Emergency Plan was adopted by the Council of Ministers in 2005. Since the introduction of the Disaster Ordinance in 1989, the authorities have organized many workshops and conferences and held drills to practise plane crash response and hurricane preparedness.

16. The Ordinance was revised largely for practical reasons in 1996. It underwent a further revision in 1999 to prepare for the possible consequences of Y2K. It is now being revised again in the wake of 9/11 and other global events.

17. The Aruba Crisis Management Office uses its Plane Crash Plan (massive response at short notice) as its main full-scale exercise and executes this biennial drill in accordance with the standards of the International Civil Aviation Organization. Other plans in place are the Hurricane Preparedness Plan, the Oil Spill Contingency Plan and the Offshore Incident Plan. A tsunami warning system and bird flu contingency plan are being prepared.

#### **Article 5. Prohibition on narrow interpretation of the Covenant**

18. Reference is made to the previous reports.

#### **Article 6. Right to life**

19. As noted in the previous reports, Aruba does not have the death penalty. It should be pointed out that under the Criminal Code, terms of imprisonment are either determinate or for life. A life sentence actually means life, in other words for the remainder of the prisoner's life, unless a petition for clemency has been honoured.

20. It should also be noted that the Criminal Code of Aruba is to be revised in its entirety. This also applies to sentences. For example, the term of the maximum prison sentences will be increased for certain offences (mainly related to terrorism), but capital punishment will not be introduced. On the other hand, it is proposed that a life sentence should be reviewed after 20 years of imprisonment.

### **Use of firearms by police officers**

21. General comment 6 on article 6 (the right to life) provides in point 3 that States that are party to the Covenant must ensure that their citizens are not arbitrarily killed by their own security forces. It should also be noted that each State must draw up rules to control and limit the cases in which a person may be deprived of his life by police officers.

22. Reference is made in this connection to the provisions of article 3 (1) of the National Ordinance on the Police (promulgated in 1988), namely:

A police officer or, in so far as he is engaged on the police duties with which he has been charged, a special police officer is empowered to use force in the lawful performance of his duties against persons and property if, taking into account the dangers attached to the use of force, this is justified by the intended object and the object cannot be achieved in any other way.

23. In view of the above, a police officer must first of all be engaged in the lawful performance of his duties in order to be authorized to use force against persons. In other words, a police officer should act in accordance with existing laws before resorting to force. Second, the above article emphasizes that the use of force must be justified by the object, which cannot be achieved in any other way. Before using force against persons, the police officer concerned must therefore expressly consider the various alternatives. As mentioned in the explanatory memorandum to this national ordinance, force should be used by the police against individuals only as a last resort.

24. Further to this national ordinance a National Decree on the Use of Force and Security Searches was introduced in 1988 (and last amended in 1990) defining the specific cases in which the use of firearms and automatic firearms is permitted. Articles 7, 8 and 11 of this National Decree deal with these and other subjects. The use of an automatic firearm is disregarded here as this type of weapon is not part of the police's standard equipment and may be used only by specially trained police officers.

### **Article 7 of the National Decree on the Use of Force and Security Searches**

25. Paragraph 1: Except in a situation in which article 43 of the Criminal Code of Aruba may be invoked, the use of a non-automatic firearm against persons and against vehicles containing persons is permitted only:

(a) In order to arrest a person who, it may reasonably be assumed, is carrying a firearm or other weapon ready for immediate use and intended by its very nature to be used at a distance, and is threatening to use this against persons;

(b) In order to arrest a person who is suspected or has been convicted of committing a serious offence that must also be regarded as an unacceptable breach of the legal order and who is attempting to evade or has evaded arrest, hearing by the public prosecutor or other lawful deprivation of liberty.

Paragraph 2 (...)

Paragraph 3: A firearm may not be used if the identity of the person to be arrested is known and it may reasonably be assumed that a delay in making the arrest will not entail an unacceptable risk to the legal order.

26. It follows that a police officer may use his service firearm for making an arrest only in two types of case. The third type of case, to which reference is made in the National Decree, is defined in article 43 of the Criminal Code, which reads as follows:

1. A person who commits an offence where this is necessary in defence of his person or the person of another or in defence of his or another person's integrity or property against immediate, unlawful attack is not criminally liable.
2. A person who exceeds the bounds of necessary defence is not criminally liable if the excess force was the direct result of a strong emotion caused by the attack.

27. A police officer may therefore also use his firearm against people if he acts in self-defence or defence of someone else where there is an emergency or life-threatening situation.

**Article 8 of the National Decree on the Use of Force and Security Searches**

28. Paragraph 1: The use of a non-automatic firearm to quell disturbances is permitted only in the course of a police operation and after an order to this effect has been given by or on behalf of the Minister of General Affairs.

Paragraph 2: A disturbance as referred to in paragraph 1 is deemed to exist only if action is taken against one or more groups of persons who pose a serious and immediate threat to the person or property of others or to public order.

29. It should be noted that the mere fact that the Minister of General Affairs must give an order before the police can use firearms in a disturbance is in itself a guarantee that they cannot be used arbitrarily against citizens.

30. Article 11, paragraph 2, of the National Decree sets out how police officers who have used force must account for their actions, besides immediately reporting this to their superior or commanding officer in accordance with paragraph 1.

**Article 11 of the National Decree on the Use of Force and Security Searches**

31. Paragraph 2: In all cases in which use is made of any means of force and the force used has resulted in the injury or death of a person, the report referred to in paragraph 1 should always be made in writing within 24 hours.

**International order and security**

32. To promote international order and security, Aruba is also a party to a large number of anti-terrorism conventions such as the International Convention for the Suppression of Terrorist Bombings adopted in New York on 15 December 1997, the International Convention for the



Suppression of the Financing of Terrorism adopted in New York on 9 December 1999, the Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation adopted in Rome on 10 March 1988 and the Convention on the Physical Protection of Nuclear Material adopted in Vienna on 3 March 1980.

### **Establishment of the Victim Support Centre**

33. As mentioned in previous reports, the new Code of Criminal Procedure, which came into force on 1 October 1997, has strengthened the position of victims. An injured party may join criminal proceedings at first instance provided certain conditions are met (e.g. the claim must not exceed AFL 50,000 and must not yet have been lodged with the civil courts). A victim may register as an injured party even during the preliminary stage of an action. When an injured party indicates that he/she will claim compensation or wishes to be informed about the progress of the proceedings, mention of this should be made in the official report. If the injured party requires help and support, the necessary assistance must be provided. The police and the public prosecutor have the duty to help victims obtain any assistance or support they may require.

34. This is also why the Victim Support Centre was set up in August 2005. The Centre concentrates on victims of crimes and traffic accidents who have reported the offence to the police and registered as an injured party. Assistance is also offered to indirect victims such as family members, witnesses and surviving dependants, and consists of practical, legal and emotional support. The Centre takes a proactive approach to data received by the police. It has employed a female social worker specifically to provide assistance to women victims.

35. For information about birth and death rates, life expectancy and population growth see Annex I.

### **Article 7. Prohibition of torture or cruel, inhuman or degrading treatment or punishment**

#### **Instruction and training for staff responsible for looking after people subjected to arrest**

36. The following information can be provided in the light of the further explanation in general comment 20 about article 7 of the CCPR on the subject of torture. Point 10 of this comment provides, among other things, that a State which is a party to the Covenant must inform the Committee of the instructions and training which a police officer is given for handling persons detained in police cells.

37. The Aruban Police Force has adopted an internal guideline in Police Force Order 10 defining in detail how persons in custody are to be treated by police officers. The aspects covered are:

- Registration of persons in police custody
- Searches of persons in custody
- Cellular confinement
- Monitoring of persons in custody

- Transport of persons in custody
- Registration card of particulars of persons in custody
- Medical care
- Suicide
- Handing over of personal property
- Nutrition
- Bathing
- Escape
- Release

38. This Police Force Order also specifies how the police must deal with the rights of persons in custody, in particular visits by counsel, probation officers, consular officials and others. All officers of the Aruban Police Force are obliged to comply with the internal guidelines in the Force Orders. As noted above, the regulation of matters in a police force order is of a permanent nature. It follows that all police officers have clear instructions about the treatment and care of persons held in custody under their responsibility.

#### **Article 8. Prohibition of slavery**

39. For information on prostitution and trafficking in women, reference is made to the section on article 6 in the fourth periodic CEDAW report of Aruba (see paragraph 11 above).

#### **Article 9. Right to liberty and security of person**

40. Reference is made to the previous reports.

#### **Article 10. Treatment of persons deprived of their liberty**

##### **Treatment of inmates of the Aruban Correctional Institution**

41. Further to the previous report, it should be noted that any suspect or convicted person who is in police custody or in the Aruban Correctional Institution (KIA) is supplied with any medicines he or she may need. The KIA has a social worker who represents the interests of the prisoners and answers any questions they may have, as well as its own doctor. Lawyers may have access to their client at any time and may submit any complaints to a public prosecutor, examining magistrate or trial judge. There is a Board of Supervision of the KIA, which functions independently of the KIA and whose main task is to ensure that inmates receive fair and just treatment. The Board handles and investigates complaints made by inmates and makes recommendations. The KIA also works closely with the Probation and Child Protection Foundation (*Stichting Reclassering en Kinderbescherming*) in the preliminary judicial examination, for example in the case of sexual offences or if the suspect is a minor. The

probation service prepares a report before the criminal case is heard. It also plays a major part in any rehabilitation process and the re-entry of suspects and offenders into society. The safeguards contained in the European Convention on Human Rights (ECHR) also play an important role.

42. When making an order for remand in custody, the examining magistrate directs that the suspect be held in the KIA. After the time spent in police custody (i.e. in a police cell), the suspect is therefore transferred to the KIA at the start of pretrial detention. The KIA houses both people already convicted and suspects still on remand in custody.

43. The KIA's detention wing is intended for persons serving shorter sentences and periods of detention imposed for non-payment of a fine. The remand wing is for suspects who are in pretrial detention and for persons serving short terms of imprisonment (i.e. less than 9 months). Finally, the prison wing is for offenders who have been sentenced to terms of imprisonment ranging from 9 months to life. Suspects and offenders are treated in the same way.

44. There is also one youth wing, which is intended for both juvenile remand prisoners and juvenile offenders. As stated in the Fifth Report, a proposal was made in 1998 to build a separate wing at the KIA for juvenile offenders. The basic construction of this wing was completed in 2005. Only the finishing work is now being carried out. The youth wing can currently house 36 inmates and has two isolation cells.

45. The inmates can take various courses designed to promote their rehabilitation, for example airbrushing, handicrafts, carpentry, car mechanics and the Teen Challenge programme. These courses are intended only for convicted prisoners.

### **Review of juvenile criminal law**

46. It should be noted that new criminal provisions for juvenile offenders and suspects have not yet been introduced. However, a draft national ordinance has been prepared by the Criminal Code Review Committee.

47. The number of juveniles sentenced to a term of imprisonment on account of the seriousness of their offence is at present very small. Most of them are aged between 16 and 18 and have been sentenced under adult criminal law. Juveniles under the age of 16 who commit minor offences cannot, in principle, be given a prison sentence. Instead they are usually ordered to perform community service or another alternative sanction imposed by the public prosecutor or to pay a fine of AFL 90.

### **National Ordinance on Custodial Institutions**

48. The National Ordinance on Custodial Institutions was passed by the Aruban Parliament in 2005, but has not yet entered into force. This ordinance contains many new regulations for the treatment of people in custody. Examples are the rights of complaint and internal differentiation.

### **Article 11. Prohibition of detention on the ground of inability to fulfil a contractual obligation**

49. Reference is made to previous reports.

## **Article 12. Right to leave one's country**

50. Since 24 June 2002, the rule for foreign nationals wishing to settle on the island is that entry is granted for a maximum of three years, after which they must leave Aruba. After the foreign national has been resident abroad for three years, he/she may be admitted again for a further period not exceeding three years. This admission scheme is laid down in the immigration policy published by the Minister of Justice on 24 June 2002.

### **Criteria for admission of foreign nationals**

51. The requirements for applying for a work or residence permit have not changed, although the procedure for applying for a work permit has been modified. Until 1 July 2002, applications for a work permit were submitted to the Labour Department. After the Labour Department had made its recommendation the application was forwarded for a decision in keeping with the recommendation.

52. Since 1 July 2002, all applications have been submitted to the competent Government authority, namely the Immigration and Naturalization Department (DINA). DINA sends copies of the applications to the Labour Department, which then forwards a recommendation enabling DINA to take a decision. An application for a first work or residence permit should be submitted while the foreign national concerned is still abroad. The future employer or other sponsor of a foreign national wishing to work or stay on Aruba is obliged to vouch for him.

53. A foreign national wishing to take up salaried employment on Aruba must lodge the following documents:

- Copy of passport
- Birth certificate that has been apostillized or legalized
- Certificate of good conduct, once again apostillized or legalized
- Proof that the foreign worker has expertise in the field in which he/she will be employed; copies of educational certificates and testimonials
- Copy of the employment contract in a language that the foreign worker understands and/or speaks
- Copy of the certificate of registration at the Aruba Chamber of Commerce and Industry of the business for which the foreign national will work; also a copy of the business establishment licence and, if the director of the business was not born on Aruba, a copy of the director's licence
- Copy of the employer's proof of identity
- Confirmation by the Job Centre of the Labour Department that the vacancy has been reported to it so that local workers who have registered with the Job Centre and are considered suitable can be given precedence

- Proof that the job vacancy to be filled by the foreign national has been advertised in a daily newspaper so that local workers can apply for the job first; the job vacancy must be advertised in the newspaper twice (at an interval of seven days) in the fortnight after the vacancy is reported to the Job Centre
- Manpower plan of the business that will employ the foreign national, showing how many employees it needs

54. A foreign national wishing to reside on Aruba without taking up salaried employment must lodge the following documents:

- Copy of passport
- Birth certificate that has been apostillized or legalized
- Certificate of good conduct, once again apostillized or legalized
- Copy of the proof of identity of the person with whom the foreign national will stay

### **Liberty of movement**

55. A foreign national may apply for a certificate showing until what date and on what terms he is entitled to return to Aruba. This certificate of right of return is for passenger transport. If the foreign national's permit has expired and an application for renewal or alteration of the permit has been submitted to the competent authority, a certificate of right of return will be granted once it has been decided that the permit should be issued. If the foreign national's permit has expired and no application for renewal or alteration of the permit has been made, no certificate of right of return will be granted, but the foreign national is not prevented from going abroad.

### **Freedom to settle elsewhere**

56. Under article 21, paragraphs 1 and 2 (d) of the National Ordinance on Admission and Expulsion (LTU) the departure of persons who have been granted a permanent or temporary residence permit under the LTU may be prevented only on the grounds they have not discharged their financial obligations to the authorities. A foreign national may recover his/her deposit if he/she wishes to leave the country in order to settle elsewhere.

## **Article 13. Prohibition of expulsion without legal guarantees**

### **Expulsion of aliens**

57. Aliens whose entry is required and whose residence is not considered desirable for reasons of morals, public policy, public order or security may be expelled. Aliens whose right of entry has ceased by law or whose residence permit has been cancelled may be expelled if they have not left Aruba within a specified period.

58. An alien is expelled by means of an order, giving reasons, issued by the Procurator General and directing the alien to leave Aruba within a specified period and prohibiting his/her return. If necessary, the alien is given sufficient time to wind up his/her affairs before being expelled.

59. If an alien who is to be expelled poses a threat to public policy, public order, security or morals or there is good reason to fear that the alien will try to evade expulsion, the Procurator General may order his/her arrest and detention.

### **Deportation**

60. Aliens who enter Aruba in breach of the provisions of the National Ordinance on Admission and Expulsion (LTU) may be deported on the order of the Minister of Justice. Moreover, aliens who have been allowed to enter Aruba temporarily may be removed after their temporary residence permit has expired or ceased to be valid for any other reason.

61. If an alien is considered by the Minister of Justice and Public Works to pose a threat to public policy, public order, security or morals or there is good reason to fear that the alien will try to evade deportation, he/she may be detained in custody on the Minister's orders pending deportation.

62. Deportation and detention in custody are carried out pursuant to a reasoned order issued to the alien in person. The Minister of Justice and Public Works can authorize the chief of police or his deputy to deport and/or detain an alien.

63. A new draft LTU is being prepared and is expected to enter into force in 2006.

### **Article 14. Entitlement to free and public hearing**

64. Reference is made to the previous reports.

### **Article 15. Principle of *nulla poena sine praevia lege poenali***

65. Reference is made to the previous reports.

### **Article 16. Right to recognition before the law**

66. Reference is made to the previous reports.

### **Article 17. Right to privacy**

67. Further to the previous report, it should be noted that stalking (intruding on a person's privacy) has been an offence under the Criminal Code since August 2003.

### **Article 18. Freedom of religion and belief**

68. Reference is made to the previous reports.

### **Article 19. Freedom of expression**

69. Reference is made to the previous reports.

### **Article 20. Prohibition of war propaganda**

70. Reference is made to the previous reports.

### **Article 21. Right of assembly**

71. Reference is made to the previous reports.

### **Article 22. Freedom of association**

72. Reference is made to the previous reports.

### **Article 23. Protection of the family**

73. Reference is made here to chapter II of Aruba's initial report (CRC/C/51/Add.1) on the Convention on the Rights of the Child. Reference is also made to the section on articles 15 and 16 in the fourth CEDAW report (see paragraph 11 above).

### **Civil Code of Aruba**

74. It should also be noted that article 78 of Aruba's old Civil Code has been replaced by article 31, Book 1, of the new Civil Code of Aruba.

75. Under article 31, paragraph 1, Book 1 of the Civil Code, both men and women must be 18 in order to contract a marriage. However, there are two exceptions to this rule. The first exception is where the couple wishing to marry have both reached the age of 16 and the woman submits a medical certificate that she is pregnant or has already given birth to a child (article 31, paragraph 2, Book 1, Civil Code). The second exception is where the Minister of Justice grants an exemption from the age limit for pressing reasons (article 31, paragraph 3, Book 1, Civil Code).

### **Article 24. Protection of the child**

#### **Draft Ordinance on Compulsory Schooling**

76. Under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, both of which have been ratified by Aruba, States are under an obligation to introduce compulsory primary schooling. The draft Ordinance on Compulsory Schooling imposes an obligation on parents to ensure that their children are enrolled with and actually attend a school up to and including the age of 16. This applies to all children on Aruba. Exemption from this obligation may be possible in certain cases, for example if a child is unable to attend school or complete a course for physical or mental reasons. The Ordinance on Compulsory Schooling has not yet entered into force.

### **Bridging programme for children not attending school**

77. A bridging programme for children of school-going age who do not attend school was established in the 2001-2002 school year following a survey in 2000. The number of children and young people not attending school in 2000 totalled 556 (515 in the 4-16 age group and 41 in the 17-18 age group).

78. Ideas for tackling the problem of children who do not attend school were examined in three reports for children in the 4-12, 14-16 and 17-18 age groups. The reports have been approved by the Government. Priority is being given to the 4-12 age group.

79. Children whose first language is not Dutch and who are aged between 8 and 13 can follow a bridging programme (the PRISMA method) for one school year. The lessons are given in special departments affiliated to ordinary primary schools, the intention being that the children should join an ordinary class suited to their age and ability in the following school year. In order to participate in this scheme, one or both of the child's parents or carers must have a valid residence permit and the child must have been resident on Aruba on or before 1 December 2000.

80. A bridging programme for children aged from 14 to 18 started in the 2002-2003 school year. It includes courses in Dutch, Papiamentu, arithmetic/mathematics, social orientation and, more recently, personal education and mentoring. Fifteen pupils were placed in the first school year and 105 in the 2003-2004 school year. At the end of the school year, 25 pupils were placed in junior secondary vocational education, 15 in junior general secondary education (MAVO) and 38 in evening classes (technical or MAVO).

### **Article 25. Right to take part in public affairs**

81. Reference is made to the previous reports.

### **Article 26. Prohibition of discrimination**

82. Reference is made here to articles 15 and 16 of the fourth periodic CEDAW report (see paragraph 11 above).

83. To supplement the CEDAW report, it should be noted that the amount of sickness benefit changed on 1 July 2005. All employees now receive benefit amounting to 80% of their daily pay, even during admission to hospital. The distinction on the basis of whether or not a claimant is the breadwinner or whether he/she is married or single has been ended.

84. The length of maternity leave in the private sector has also been modified since 1 July 2005. This is now equal to the period for public sector staff, namely 12 weeks. The woman receives 100% of her daily pay during this period.

85. These changes have been made by the Social Insurance Bank in anticipation of proposed legislative changes.



## **Article 27. Right of minorities**

86. Reference is made to the previous reports.

### **Information and recommendations by the Human Rights Committee**

#### **Recommendation No. 23**

87. The Committee is concerned that domestic workers, who are often particularly vulnerable to exploitation as non-Aruban nationals, should be ensured strengthened protection under Aruba's labour laws in order for the State party to be in compliance with the provisions of article 26 of the Covenant. A formal right to sue for breach of contract may well be insufficient in the specific circumstances of the employer-employee relationship.

88. The State party should consider the most appropriate way to ensure adequate protection for domestic workers, for example by extending the provisions of the Labour Ordinance to cover this class of workers.

89. The tripartite Labour Legislation Modernization Committee was put on a formal footing by ministerial order in July 2004. The function of this body is to study and evaluate Aruban legislation. The Committee is also including the legal position on domestic staff on its agenda and it hopes to make recommendations on this subject shortly.

#### **Recommendation No. 24**

90. The Committee is disturbed that the State Party has still not put in place an appropriate police complaints authority in Aruba, after the State party admitted that the system established under the Police Complaints Decree did "not function properly in practice".

91. The State party should ensure that the necessary measures are taken to amend and bring into force the revised Decree.

92. Agreement has been reached at official level on the content of a new draft police complaints scheme. This draft scheme will be sent to the Minister of Justice in the near future for approval and forwarding to the Advisory Council.

#### **Recommendation No. 25**

93. The Committee is concerned that despite the equal protection clause of the Aruban Constitution, the National Ordinance on Admission and Deportation still legally distinguishes between the legitimate family of a man of Dutch nationality born on Aruba and the legitimate family of a woman of Dutch nationality born on Aruba.

94. Although the provision is said not to be applied in practice, the State party should remove this differentiation, which is in breach of article 26 of the Covenant.

95. In view of existing practice, the relevant case law and obligations resulting from international conventions to which Aruba is a party, the present article 1, paragraph 1 (d) of the new draft of the National Ordinance on Admission and Deportation (LTU) has been dropped. This article made a distinction between the legitimate family of a man of Dutch nationality born on Aruba and the legitimate family of a woman of Dutch nationality born on Aruba.

96. Once the new National Ordinance on Admission and Deportation enters into force, the legitimate family of a Dutch national born on Aruba, whether male or female, will be required to have a permit. The new ordinance is expected to enter into force in 2006.

### **Recommendation No. 26**

97. The State party should widely publicize the text of its third periodic report, the written answers it has provided in responding to the list of issues drawn up by the Committee and, in particular, these concluding observations.

98. The concluding observations have been discussed at length in the intergovernmental Aruban Human Rights Committee. These recommendations have also been presented to the Public Library and the University of Aruba. The Foreign Relations Department will publicize the human rights conventions more widely on a website that has yet to be launched.

# **Annex I**

## **KEY DEMOGRAPHIC INDICATORS**

	Unit	2000	2001	2002	2003	2004	2005
Life expectancy (census 2000)							
Male		70.01	-	-	-	-	-
Female		76.02	-	-	-	-	-
Total		73.03	-	-	-	-	-
Total population (end of year)		91.064	92.676	93.945	96.207	99.109	102.149
Crude birth rate (CBR)	p/1 000	14.3	13.8	13.2	13.1	12.2	12.3
The total number of live births in a given year per 1,000 mid-year population							
Crude death rate (CDR)	p/1 000	5.9	4.7	5.3	5.3	5.1	4.7
The total number of deaths in a given year per 1,000 mid-year population							
Growth rate population	p/1 000	10.3	17.6	13.6	23.8	29.7	30.2
The rate at which the population is increasing or decreasing due to natural increase and net migration, expressed as a percentage of the base population							

*Source:* Central Bureau of Statistics.

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