



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Twenty-second to twenty-fourth periodic reports
submitted by the Netherlands under article 9
of the Convention, due in 2019***

Addendum

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* The present document is being issued without formal editing.



Information from Aruba

Introduction

1. In accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention), the present consolidated report is submitted in compliance with the Guidelines for the CERD-specific document to be submitted by States parties under article 9, paragraph 1 of the Convention (CERD/C/2007/1 of 13 June 2008). This report covers the period from 2015 until Augustus 2020 and follows on the consolidated nineteenth to twenty-first periodic reports report submitted to the Committee on the Elimination of Racial Discrimination (the Committee) in January 2013.

2. The report should be read in conjunction with previous reports submitted by Aruba. The subjects dealt with in previous reports that remain unchanged during the period covered by this report are not addressed. The present report sets out new developments in Aruba which give effect to the implementation of the Convention. This report was prepared by the interdepartmental Human Rights Committee Aruba in consultation with various other public bodies. Furthermore, it addresses the Committee's recommendations with respect to the Kingdom of the Netherlands' nineteenth to twenty-first periodic reports. The Government of Aruba acknowledges that compliance with and protection of human rights is a continuous process.

Information relating to article 1 to 7 of the Convention

Article 1

A. Legal framework: Constitution and treaties

3. Both the Constitution and the Criminal Code of Aruba protect citizens from discrimination.

4. Article 1.1 of the Constitution states that all persons in Aruba will be treated equally in equal circumstances. Discrimination on any ground whatsoever, is not permitted. The principle of equality is enshrined in the first article. This article provides a guide for the legislature in the law-making process and for the Aruban government.

5. Article 1:221 of the Criminal Code defines discrimination as follows: Discrimination or discriminating shall mean every form of distinction, every exclusion, restriction or preference aimed at or having the effect of nullifying or impairing the recognition, the enjoyment or the exercise, on an equal footing, of human rights or fundamental freedoms in political, economic, social, cultural or any other field of public life.

6. On 21 December 2017, the International Convention for the Protection of All Persons from Enforced Disappearance entered into force for Aruba.

B. Demographic composition of the population of Aruba

7. Aruba is a country that lies in the Caribbean Sea, where the region is typified by many migration flows throughout its history. Aruba is a peaceful and harmonious society where migrants are part of our social fabric. According to the 2010 Population and Housing count, 19.5 percent of all households was composed of at least one recent migrant. Our rich culture is one that reflects the multi-cultural character of our community as the population consists of no less than 96 different nationalities from 133 countries. Members of the largest migrant communities come from Colombia, Venezuela, the Netherlands and the Dominican Republic.

Article 2

8. Under the Constitution of Aruba, the courts have the power of review. A citizen who claims that a given law is contrary to the principle of equality enshrined in the first article of

the Constitution, may request the court to review the constitutionality of the law. If a law is deemed to be contrary to the Constitution a judge will declare it non-applicable in the individual case before the court.

9. Any person, migrant or local, can avail himself or herself of the legal remedies provided by law. If a person indicates that they cannot afford any legal representation, they may be eligible to receive legal aid.

A. Sustainable Development Goals

10. In 2015, the United Nations General Assembly adopted the Agenda 2030 and the Sustainable Development Goals (SDGs). Aruba has committed itself to the achievement of these global goals by 2030, since its adoption a dedicated working group has been engaged with the SDGs. The Government of Aruba installed a high-level inter-departmental National SDG commission in 2017, that is mandated by ministerial decree to coordinate and provide strategic direction to the implementation thereof. With the SDGs being grounded in international human rights law, it allows to further advance the realization of human rights for all people, without discrimination, everywhere.

11. For the observation of International Human Rights Day in 2015, the then SDG working group together with the Human Rights Committee of Aruba, jointly organized an event on the topic of SDGs and Human Rights. This event saw the participation of officials of various departments and served as an introduction to how the SDGs and human rights are intrinsically linked and the importance of continued efforts in upholding and the implementation of these rights to all in Aruba.

B. Consultation with civil society organizations

12. As part of the SDG implementation process, in 2017 various multi-stakeholder sessions were convened with government departments, NGOs and the private sector to develop a roadmap for Aruba. These sessions were conducted by the Government of Aruba in support with both the United Nations Development Program (UNDP) and the Economic Commission for Latin America and the Caribbean (ECLAC). The outcome of these consultations has resulted in a roadmap that has broad ownership and one where various stakeholders in society have been able to contribute to the process.

13. Throughout the implementation process of the SDGs, many more participatory multi-stakeholder sessions will be conducted in the future. As the Agenda 2030 strives to leave no one behind, ensuring participatory and inclusive sessions are essential to together build the future we want to see for generations to come in Aruba.

C. Special measures to secure the adequate advancement of groups or individuals protected under the Convention

14. In 2017, the Department of Integration, Management and Admission of Foreign Nationals, conducted its one off project titled 'Dreamers'. This project's aim is to provide legal residence status to children due to their long-term stay on Aruba. In accordance with the regulations and for the duration of this project, a person who settled in Aruba as a minor with at least 10 years of principal residence in Aruba is eligible for a residence permit.

Article 4

15. With regard to the prohibition and penalization of discriminatory acts by law stipulated in the articles 2:60 to 2:64 of Aruba's Criminal Code, reference is made to the previous report. The broadening of the prohibition of racial discrimination in the penal code of 2012 has contributed to a more extensive protection against discrimination.

Article 5

I. Information grouped under particular rights

The right to housing

16. There are no restrictions on any groups or individuals with respect to renting or access to housing.

17. The government social housing agency (FCCA) rents or build houses for people of low-income group, both local and foreign-born persons. In order to qualify for such housing in one of the districts in Aruba, a person must be registered as house seeking.

The right to marriage and choice of spouse

18. Intercultural marriages (defined as marriages between a local and foreign-born person) have been common in Aruba.

19. In 2016, parliament of Aruba, adopted an amendment to the Civil Code of Aruba, making registered partnership possible. This amendment allows for couples, also of the same sex, to legally formalize their relationship.

The right to work

20. The Central Bureau of Statistics of Aruba (CBS-Aruba) conducted a Migration and Integration study in 2016. The report indicates that the main reasons for migrants to settle in Aruba are for both quality of life and economic opportunities. Foreign workers constitute a significant proportion of the labor force.

21. The Probation, Rehabilitation and Youth Protection Service in Aruba has an educational and vocational training program for the at-risk youth and young offenders in order to integrate them into the labor market. This program is for all residents, nationality is not a criteria for enrollment.

The right to public health, medical care, social security and social services

22. All legal residents of Aruba are entitled to public health insurance coverage, which gives access to the medical care available on the island. Despite their lack of residency, undocumented migrants receive medical assistance in cases of emergency.

The right to education and training

23. Every child on Aruba has a right to education. The Compulsory Education Act, stipulates that children, irrespective of their legal status, must attend school and receive an education.

24. As mentioned in the previous report, students are offered a multi-lingual curriculum that is a reflection of the multi-lingual reality of Aruba. In the new curriculum (SAM) Papiamentu, and the other common spoken languages Dutch, English and Spanish are being offered as subjects from the first year of kindergarten and in primary schools. This with great emphasis on English as a foreign language. Papiamentu is being taught in kindergarten and primary schools as instruction language if the mother tongue of the majority of the pupils is Papiamentu. Dutch will be the instruction language if the mother tongue of the majority of the school population is Dutch. The introduction of this new curriculum in kindergarten as of August 2020 had to be postponed due to COVID 19. The introduction in primary schools is scheduled for 2022.

25. From August 2020 a pilot project will start with bilingual education Dutch/English, simultaneously with preparations for a Papiamentu/English pilot, both in general secondary education.

26. Further to finishing primary and secondary educational programs, foreign born students are enrolling to continue their education at the tertiary educational institutions on the island both the University of Aruba (UA) and the Teachers Training College (IPA).

The right to equal participation in cultural activities

27. Various migrant groups host annual public commemoration events in celebration of their national day. High-ranking officials of the Government of Aruba are always present during these occasions.

II. Information by relevant groups of victims or potential victims of racial discrimination

28. In 2016 the Central Bureau of Statistics conducted a survey among migrants who came to live on Aruba during the last 10 years. The results show that the majority migrated to Aruba directly from their country of birth, being mainly Latin American countries, such as Colombia, the Dominican Republic and Venezuela. The majority of the interviewed (77.0%) intended to settle in Aruba, the main reasons being that they had a good quality of life on Aruba (they like it here, their family lives here), and because of economic reasons (they have a good job on Aruba). In general, nearly 3 out of 4 of these recent migrants indicated feeling happier living on Aruba than before they moved to Aruba. In total, 90.4 percent indicated they were satisfied with all areas of their life, and the greater majority (81.6%) indicated they did not feel discriminated against as a foreigner in Aruba.

Cultural traditions and racial discrimination

29. The minister of Culture announced in June 2020 that the character of Black Pete will no longer be portrayed in the traditional manner, which reflect negative stereotypes, as the government does not want to propagate nor encourage feelings of exclusion and discrimination in our society. The Ministry of Culture held talks with the Sinterklaas festivities Committee to find a reasonable balance between tradition and respect of human dignity and human rights of all inhabitants. Whilst the additional attributes such as the curly wigs, bright red lipstick, and large golden earrings have already not been used in the past years, the new Pete will no longer be portrayed with a black face. As an alternative the government suggested a multi colored paint or a natural skin tone. The new image will be introduced into the schools and annual Sinterklaas arrival on the island by boat.

Article 6**Human rights institutions**

30. Any person who experiences discrimination can avail himself or herself of the legal remedies provided by law. Aruba has been in the process to install an Ombudsman and Children's Ombudsman. The draft legislation for the establishment of these institutions is awaiting public debate.

National human rights action plan

31. Aruba is taking steps to draft a national human rights action plan. It will do so on the basis of the most recent periodic reports submitted under the human rights instruments and the international recommendations arising from them. This integrated action plan, embracing a broad spectrum of human rights, with set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba.

32. An initial survey based on the periodic reports and the recommendations arising from them was carried out by the interdepartmental Aruba Human rights committee to establish the priorities, which includes the consultation with NGO's. The plan is expected to be completed in 2021.

Article 7**Human rights training**

33. The National Police Force of Aruba (KPA) receive human rights training sessions. The topic of human rights is incorporated in the police academy educational curriculum, which trains police cadets before they enter the national police force. The aim of the training

is for police officers to maintain and uphold human rights throughout the practice of their duties and be properly prepared to work in a multicultural society.

34. The staff of the Department of Legislation and Legal Affairs receive training in the formation, ratification and application of treaties, including human rights treaties.

Promoting understanding, tolerance and friendship among nations and all groups

35. The Second World War resistance hero Boy Ecury project seeks to further promote the understanding and tolerance between people. The National Archive of Aruba has recently completed the inventory of the collection of Boy Ecury, which is available at the institution and is part of the permanent collection. Annually on the 4th of May when the Kingdom observes the Remembrance of the Dead, Boy Ecury is commemorated for his actions during the Second World War.

36. In collaboration with the National Institute of Dutch Slave History and Heritage, a dedicated website (<https://www.slavernijenjij.nl>) regarding slavery in the Kingdom of the Netherlands was created. The website has received contributions from scholars from Aruba about the history of slavery on the island. The aim of the project is that the history of slavery is an essential part of national history.

37. The Government emphasizes cultural heritage, embracing the indigenous heritage and other cultural heritage and supporting traditional festivities such as the Caribbean influenced Carnival tradition.

38. An important factor contributing to the integration in society is the language of Papiamentu. This language is the most common spoken language at home for the total population of Aruba. The year 2018 was announced as the official year of the language. Many events have been organized exalting the use of the language Papiamentu as a true unifier of people living in Aruba. The language of Papiamentu is also being taught at the tertiary education institute (University of Aruba), in certain programs, fortifying its position as an official language and acknowledging Aruba's cultural heritage and specific identity.

39. Annually during the observance of international days, as established by the United Nations, events and meetings are organized to commemorate these designated days.
