



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Fifth periodic report of States parties

Netherlands (Aruba)*

* The present report is being issued without formal editing.



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Discrimination against Women

Fifth periodic report
Aruba

Introduction

The present report is submitted in pursuance of article 18 of the Convention on the Elimination of all Forms of Discrimination against Women and in accordance with the guidelines of the Committee on the Elimination of Discrimination against Women. It was prepared by the intergovernmental Aruban Human Rights Committee.

This fifth periodic report on Aruba covers the period from September 2004 to August 2008 and should be read in conjunction with previous reports submitted by Aruba. Subjects which were dealt with in the previous reports and which have remained unchanged during the period covered by this report are not commented upon. The present report takes into consideration the recommendations made by the Committee on the Elimination of Discrimination Against Women during the consideration of Aruba's fourth periodic report in January 2007.

Articles 1-3: Legislative and policy matters

Gender policy

In its assistance to individuals and in its community development projects, the Social Affairs Department devotes special attention to fostering self-motivation by cultivating self-confidence and effective communication between the sexes on an equal footing. This is part of the Department's policy aimed at promoting sustainable social development.

In September 2008 the Social Affairs Department began developing a gender policy, for which AWG 750,000 has been set aside in the Aruba 'Fondo di Desaroyo' (Development Fund). The Department expects the policy to be ready for implementation in 2009.

The Bureau of Women's Affairs was part of the Social Affairs Department. In 2006 a human rights coordination centre was established within the Social Affairs Department, and the former staff member of the Bureau of Women's Affairs went to work for the new centre, which currently has a staff of two. The Director of the Social Affairs Department has decision-making authority.

The human rights coordination centre has two tasks: (1) to draw attention to and raise awareness of equal rights of citizens, with special attention for socially vulnerable groups, such as women and children, and (2) to promote the implementation of human rights conventions, including the United Nations Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women. The government endorsed the recommendations made by

the Committee on the Elimination of Discrimination in 2007 and asked the coordination centre of the Social Affairs Department to coordinate a comprehensive approach to implementing them.

The coordination centre is actively engaged in cultivating a process aimed at increasing awareness of human rights, including the rights of women, in Aruban society. In 2007 a training programme was launched for staff of the Social Affairs Department. There are plans to expand the programme to provide training at other government ministries and NGOs. Four courses were given in 2007 and 2008, and the fifth will be held in March/April 2009. The courses are interactive and take place over four half-days. The objectives are:

1. to educate the participants about the various human rights conventions and the United Nations, and
2. to inspire and motivate the participants to secure and promote human rights in their daily lives and in their work.

The thought behind these courses is that gender equality cannot be achieved through a sectoral approach. Gender must be integrated into a policy for all sectors and ministries. This process of raising awareness among the civil servants of Aruba is a springboard for implementing the gender policy.

In 2006 and 2007 the Social Affairs Department organised information sessions on menopause and andropause in six districts of Aruba. In June 2009 the Department will host information sessions on human rights, and specifically the United Nations conventions on women's and children's rights, in six Aruban neighbourhoods. It chose 'Women and Health' as its theme for International Women's Day 2009.

On 8 March 2007 the Social Affairs Department organised an educational event with song, music and poetry and video presentations of women discussing the evening's theme: 'Is it possible to be a good mother and a good employee?'

The coordination centre marked International Human Rights Day (10 December) in 2007 and 2008 with Amnesty International Aruba and the Dutch Caribbean Human Rights Committee. Street theatre was used to draw attention to the status and situation of working women in Aruba and to the issue of violence against women.

Article 5: Stereotyping

A) Preventing stereotyping in education

We are striving to prevent stereotyping and to encourage emancipatory education in all curricula, from nursery level to secondary vocational education. Boys and girls both attend classes on these subjects. In primary schools they are grouped under 'movement and health', in general secondary education under 'social studies' and in secondary vocational education under 'personal and social education'. Aruba has developed its own teaching material for each of these courses so that the content is

appropriate for the Aruban context and ties in as closely as possible with the pupils' perception of their environment.

B) Violence against women

The committee is concerned about the absence of specific measures to address violence against women in the penal code of Aruba. The Committee recommends that Aruba pass specific legislation on violence against women.

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. 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

A private member's 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) was submitted to the parliament of Aruba on 8 March 2007. 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.

New system of operational processes for Aruban police

In February 2009 the Aruban police (KPA) will launch a new management information system (ACTPOL) which will 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.

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.

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 set out in the 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. The KPA anticipates that the new information management system and partnership with the Victim Support Office will facilitate the development of a better strategy in 2009 on the basis of new statistical data.

Foundation for Women in Distress

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) abuse.

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 period under 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. 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

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.

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. 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.

Domestic Violence Offenders Programme

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.

Article 6: Trafficking in women and prostitution

The Committee is concerned that there is not sufficient information in the report of Aruba, in particular on prostitution and trafficking. The committee recommends that Aruba compile data on prostitution and trafficking and include such information in its next report.

Trafficking in persons

The Aruban Criminal Code was amended in May 2006 (AB 2006, no. 11) in order to comply with international treaties, more specifically 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 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. The above- mentioned Conventions and Protocols entered into force for Aruba in 2006 and 2007.

The amendments to the Aruban Criminal Code made human smuggling a criminal offence, and further amplified the scope of the article about human trafficking to include forced labour, debt-bondage trafficking and organ removal. The Criminal Code thus specifically prohibits trafficking in persons (including sexual exploitation, labour exploitation and organ removal) and smuggling of persons.

Under article 286a of the Criminal Code, human trafficking, including trafficking in women and children, is an offence carrying a maximum sentence of six years' imprisonment or a fine of AWG 100,000 (paragraph 1), which may be increased to eight years' imprisonment if the offence is committed by two or more persons acting in concert or the victim is under sixteen years of age (paragraph 3), to ten years' imprisonment if the offence is committed by two or more persons acting in concert and the victim is under sixteen (paragraph 4), to 12 years imprisonment if the offence results in serious physical injury or threatens the life of another person (paragraph 5), or to 15 years imprisonment if the offence results in death (paragraph 6).

An interdepartmental and interdisciplinary working group on trafficking and smuggling of persons was established in Aruba in early 2007. In the near future this working group will present several initiatives for the education and training of government officials, for guidance and support of possible victims and to set up a telephone help line and – if necessary – an emergency shelter, and to fund the aforementioned initiatives.

In January 2007 the Ministers of Justice of the three countries that make up the Kingdom of the Netherlands agreed to improve monitoring and screening practices to reduce human trafficking and smuggling and illegal migration. The three countries subsequently agreed to broaden their approach to these problems by focusing more attention on border control, investigation, prosecution, prevention and victim support. A two-day conference on human trafficking and human smuggling was held on Aruba in June 2008. The conference findings will serve as a basis for further agreements between Aruba, the Netherlands Antilles and the Netherlands on these issues. A national coordinator was designated for each country at the conference.

The 2007 Analysis of Crime and Criminal Activity in Aruba (*Criminaliteitsbeeld analyse Aruba 2007*) concluded that there are no concrete indications of human trafficking in Aruba. The Public Prosecutor's Office in Aruba has not brought any human trafficking cases to trial, nor have there been any complaints lodged in this regard. However, the interdepartmental TIP working group is aware that

there are possible risks of human trafficking in the prostitution sector (escort services) and the service sector (domestic workers, hotels, shops, restaurants). Further study should indicate whether trafficking in persons indeed occurs in any of the aforementioned risk sectors and, if so, to what extent.

In Aruba the Ministry of Social Affairs has a victim support office (*Bureau Slachtofferhulp*) that could provide assistance, for example in the form of shelter and care, to victims of trafficking. Until now, no requests for assistance have been made.

Prostitution

As mentioned in previous reports, prostitution in itself is not a criminal offence in Aruba. However, the General Police Ordinance (*Algemene Politieverordening*) contains the following provision (article 49) for the protection of public order and morals: 'Women who are standing or sitting on the public highway or moving back and forth along it and attract the attention of passers-by by any pose, act, or display, and women who are found sitting on pavements or steps between 9 p.m. and dawn shall, if ordered by the police to refrain from doing so or to move on, immediately comply with such an order.' This article enables the police to act against women who offer sexual services on the streets.

Although prostitution itself is not criminalised, intentionally causing or encouraging prostitution is an offence under article 259 of the Criminal Code (AB 2003, no. 47). This article provides that an offender is liable to a prison sentence not exceeding one year or a fine not exceeding AWG 1000. No one was convicted of this offence in the period under review.

The women concerned may only work in a number of approved premises (bars) in the town of San Nicolas. The employer must possess a permit allowing him to employ a limited number of women. The women working at these bars receive a temporary work permit valid for 3 months and are subject to regular medical examinations and counselling by the Department of Health. The work permits refer to the women as 'bartenders' or 'hostesses'.

Article 10: Education

Initiation and progress of Incorporation Programme to get non-attending school-aged children into the education system, 2004 – present

As stated in the previous report, the Incorporation Programme was launched in 2000. The aim of the programme is to enable children who are not in school to follow the PRISMA method, so they can join the regular class appropriate to their age and ability the following year.

In total, 50 pupils (15 at primary level and 35 at secondary level) participated in the Incorporation Programme during the 2007-2008 school year. This is 94 fewer pupils than the previous school year. The 10 girls and five boys in the Primary Education Incorporation Programme are aged 9 to 12. The 22 girls and 13 boys in the Secondary Education Incorporation Programme are aged 12 to 18 (see annexe 1).

The intention was to begin phasing out the primary section in the seventh year of the Programme. In the 2008-2009 school year, it was reduced to one class and each school has hired a teacher for its special needs team to teach primary pupils who do not speak the language of instruction. These PRISMA teachers attended courses during the 2007-2008 school year to prepare for their task. In addition, all schools have the materials they need for this target group.

The Secondary Education Incorporation Programme will continue until the special needs support structure is set up such that the pupils can participate in regular education.

Compulsory education

The draft National Ordinance on Compulsory Education (*Leerplichtverordening*) is close to approval. The compulsory education implementing committee, which has laid the groundwork for introducing compulsory school attendance, issued a report of its findings in January 2008. The ordinance has not yet entered into effect.

Educational reform

Further to the previous report, we can now report that all schools are focusing on the subject of personal development. Youngsters are taught life skills that will help them make their way in society. In this sense, the subject is designed to impart prevailing social values to students. The subject matter is currently being consolidated at all school levels and the programmes will be evaluated in the near future.

Educational information regarding the health and well-being of families

The family is a central theme in education. Different family structures and the significance of the family (extended family) form an important part of the curriculum. Knowledge, skills and attitudes to family life are dealt with from nursery education to secondary education. One of the competences in the curriculum area 'Mankind and Society' is family life and all related aspects, in particular the factors that are relevant to and cultivate a sense of belonging within the family. The curriculum areas 'Personal Development' and 'Exercise and Health' devote attention to the protection that a well-functioning family offers its members. In secondary education and basic vocational education (EPB) these aspects are also addressed in the subject 'Personal Development'. Aruba has set the content and attainment targets of these subjects and developed teaching materials that tie in with the real-life experiences of Aruban students and present the subject matter from an Aruban perspective.

Adult Education

A policy plan on adult education (*Volwasseneneducatie op Aruba: Ontwikkelingslijnen voor de toekomst*), was officially approved in 2003. The goal is to better equip the population for entry into the labour market by offering quality adult education programmes and certification. In 2005, Adult Education received a boost and was included in the 2006-2009 FDA (Aruba Development Fund) programme for additional funding and has been approved. This project is part of a larger adult education implementation plan.

In this regard we are following UNESCO's Education for All (EFA) agendas, in particular with regard to goals 3 (meeting the learning needs of all young people and adults through appropriate learning and life skills programmes), 4 (achieving a 50 per cent improvement in levels of adult literacy), 5 (achieving gender equality in education) and 6 (improving the quality of education).

For gender-specific data on education, see Annexe 2.

Article 11 Employment

Reintegration project

In 2004 a reintegration project was launched by the Social Affairs Department, with the support of the Employment and Research Department. The project, which runs for several months at a time, organises workshops and mediates with employers with the intention of helping benefit claimants find work. Most of the participants (about 90 per cent) are female. The project ran in 2005, 2006, 2007 and 2008.

Legislative amendment on pregnancy and maternity leave

Aruban law has been changed to codify the right to pregnancy and maternity leave and related matters in the National Ordinance of 15 August 2007 amending:

- the Civil Code of Aruba;
- the National Ordinance on Health Insurance (*Landsverordening ziekteverzekering*) (AB 1993 no. GT 24); and
- the National Ordinance on Accident Insurance (*Landsverordening ongevalverzekering*) (AB 1996 no. GT 26) (AB 2007 no. 73).

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 Health 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 80 per cent or 70 per cent of the employee's daily wage, depending on whether she was the family's breadwinner. 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 Health Insurance, female workers are entitled to 100 per cent of salary during pregnancy and maternity leave. 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.

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 Convention.

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.

Part-time employment

One of the policy objectives of the Employment and Research Department (DAO) for 2006–2011 is to help as many women and men as possible to find work. On Aruba jobs are usually full time and part-time work is quite rare. As yet, there is no real policy on part-time employment.

Given the increasing demand for labour, especially in the catering, building and retail sectors, and the shortage of ‘local’ workers, the DAO has decided to investigate whether part-time workers could take up the slack.

Research shows that a substantial number of people (including young people and women) are not economically active for one reason or another, which is why these groups are the primary targets of this project. The aim is to register them, and find out why they are not economically active and how DAO could help them find work suited to their circumstances. The DAO is also setting up a campaign directed towards these target groups and employers.

Analysis by women and men

The total number of workers in the private sector as of December 2006 was 36,022, of which 17,333 (48.1 per cent) were women and 18,689 (51.9 per cent) were men. The tables below show the number of employees by sex and civil status, age, wage and business activity as of December 2006.

Table 1: Civil status of employed persons in the private sector:

Civil status	Number of women	In %	Number of men	In %
Married	8,354	48%	10,744	57%
Unmarried	8,979	52%	7,985	43%
Total	17,333	100%	18,689	100%

Source: Social Insurance Bank (Processed by: Labour Market Research Bureau, DAO)

Table 2 shows a breakdown of private sector employees by age group as at December 2006.

Table 2: Private sector workers by age group:

Age group	Number of women	In %	Number of men	In %
<16	5	0%	3	0%
16-20	358	2%	325	2%
21-25	1,452	8%	1,423	8%
26-30	1,797	10%	1,878	10%
31-35	2,087	12%	2,233	12%
36-40	2,534	15%	2,823	15%
41-45	2,775	16%	2,869	15%
46-50	2,549	15%	2,737	15%
51-55	1,913	11%	1,900	10%
56-60	1,164	7%	1,364	7%
>60	699	4%	1,134	6%
Total		100%		100%

Source: Social Insurance Bank (Processed by: Labour Market Research Bureau, DAO)

Table 3 provides a breakdown of private sector workers by salary as at December 2006.

Table 3: Salaries

Salary category	Number of women	In %	Number of men	In %
< 1,360	1856	11%	896	5%
1,360 – 2,000	7088	41%	5712	31%
2,001 – 2,500	2420	14%	3360	18%
2,501 – 3,000	1629	9%	2264	12%
3,001 – 4,000	1971	11%	2337	13%
4,001 – 5,000	1066	6%	1426	8%
> 5001	1303	8%	2694	14%
Total		100%		100%

Source: Social Insurance Bank (Processed by: Labour Market Research Bureau, DAO)

Table 4 shows the private sector activities in which women were most commonly employed as at December 2006.

Table 4: Top five employment activities for women:

Type of activity	Number of women	In %
Hotels	2,914	17%
Restaurants	1,314	8%
Cleaning	809	5%
Hospitals	682	4%
Banking institutions	649	4%

Source: Social Insurance Bank (Processed by: Labour Market Research Bureau, DAO)

Table 5 shows the private sector activities in which men were most commonly employed as at December 2006.

Table 5: Top five employment activities for men:

Type of activity	Number of men	In %
Hotel	2794	15%
Building contractor	1929	10%
Restaurant	846	5%
Steel construction	816	4%
Security	671	4%

Source: Social Insurance Bank (Processed by: Labour Market Research Bureau, DAO)

The figures above, registered by the DAO, tell us that women find certain occupations in the service sector more attractive than men do. In Aruba, women clearly gravitate towards the hotel and catering sector, cleaning, hospitals and financial services.

Table 6: Practical statistical information on female and male students in the Education for Employment (*Enseñanza pa Empleo*, EPE) adult education programme for the years 2005, 2006 and the first half of 2007.

Table 6: Number of EPE students:

2005	2006	First half of 2007
Women: 1,662 (61%) Men: 1,052 (39%) Total: 2,714 (100%)	Women: 1,397 (64.1 %) Men: 782 (35.9 %) Total: 2,179 (100%)	Women: 648 (60.2 %) Men: 428 (39.8 %) Total: 1,076 (100%)

Source: EPE (Processed by: Labour Market Research Bureau, DAO)

Article 12: Health

Teenage pregnancy

In 2005, a number of NGOs set up CEMBRAH, a network of organisations that provides assistance to teenage parents. In 2006, a number of institutions mounted a joint campaign to prevent teenage pregnancy. For further information reference is made to the Second Periodic Report of Aruba under the Convention of the Rights of the Child, paragraphs 27, 52- 55. For statistical information on teenage pregnancy reference is made to Annexe 3.

The Committee recommends that sex education be widely promoted and targeted at both boys and girls, with special attention to the prevention of early pregnancy and the control of HIV/AIDS and other sexually transmitted diseases.

The subject of Personal Development is a significant part of the curriculum of all school types in Aruba. Taking care of your own body, making decisions, saying no and where to get help and ask questions are just some of the important topics addressed. Sex education is also a component of this subject and focuses a great deal of attention on HIV/AIDS and other diseases.

In collaboration with the Department of Health, an HIV/AIDS task force was set up to provide information to the community, organise special activities for young people and give workshops for teachers. The task force and the Women's Club of Aruba also hold information sessions in schools when asked to.

The Committee calls upon Aruba to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report.

The government will try to provide this information at the next opportunity.

Articles 15 and 16: Equality before the courts and before the law

Civil Code of Aruba

As stated in the previous report, it is reasonable to conclude that, following the amendment of Aruba's Civil Code in January 2002, one or two statutory provisions remain which are discriminatory in the sense of article 16 of the Convention. One example is the law on names. Pursuant to Book 1, article 5 of the Civil Code of Aruba children acquire their father's surname. If a child has no legal father, the child acquires the mother's surname. There is no consistency of opinion in Aruba regarding either a system in which a child can be given either the father's or the mother's surname or the Spanish or Portuguese system. Nor is there any evidence to suggest that this is a controversial issue. In practice, the courts tend to follow the wishes of the mother alone or of the mother and the man acknowledging the child and permit acknowledgement without a name change, so the child keeps the mother's surname .

It is the custom in Aruba for married women to adopt their husband's surname or prefix it to their own. Book 1, article 9 of the Civil Code stipulates that a woman is permitted to use her own surname or prefix her husband's surname to her own. This way she keeps her own surname and is free to use it in public. A woman who was married and has not remarried is permitted to continue using her former husband's surname either exclusively or as a prefix to her own.

The new National Ordinance on Admission and Deportation (LTU)

The legislation pertaining to the admission and deportation of foreign nationals was amended in 2006. The following changes are of particular interest.

Since the translation into law of the 2002 admissions policy, non-nationals (male or female) are permitted to work in Aruba for only three years, after which they must leave the island. Persons admitted under this legislation are not eligible for family reunification, according to the admissions policy.

One particular area of change has been the status granted to family members of locals with Dutch nationality. Whereas in the past the legislation pertaining to foreign nationals gave them preferential status based on their marriage as long as both parties remained married and lived together, the law now demands that the partner of foreign nationality (male or female) apply for a yearly permit, which can be issued with a work permit at the holder's request.

Live-in maids are a special category of workers, mainly women, for which demand has grown drastically in recent years. It must be noted that while demand for this category of worker is high, locals have no interest in this sort of work.
