



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from the Netherlands on follow-up to
the concluding observations on its fifth periodic report***

Addendum

Follow-up undertaken by Aruba

[Date received: 8 July 2022]

* The present document is being issued without formal editing.



Information on the implementation of the recommendations made by the committee in paragraphs 16 (Racial discrimination, hate speech and hate crimes) and 19 (Refugees and asylum seekers)

Racial discrimination, hate speech and hate crimes

Paragraph 16 (d) Provide adequate training to law enforcement officials, judges and prosecutors on the promotion of racial diversity

1. Training on this subject is provided to students during the initial training programmes at the Aruba Police Academy.

Paragraph 16 (f) Continue its efforts to bring about the end or transform the nature of parades involving the character of 'Black Pete'

2. Reference is made to Aruba's 2020 CERD periodic report. As previously mentioned, the use of additional attributes such as curly wigs, red lipstick and large golden earrings has been discontinued in recent years. Going forward, the new Pete will no longer be portrayed with a black face. The government has suggested multi-coloured face paint or a natural skin tone. This new image of Pete will be introduced in schools and during the annual arrival of Sinterklaas by boat. In December 2020 the festivities were cancelled due to COVID-19.

Refugees and asylum seekers

Paragraph 19. The State party should:

(a) *Continue its efforts relating to the family reunification policy and the provision of free legal aid*

3. The recommendation on family reunification policy has already been implemented by Aruba. Migration law is governed by the rules of administrative law. Since the costs involved are minimal, the system is accessible and affordable to all and there is no need for additional legal aid.

(b) *Introduce legislation governing asylum in line with international human rights and refugee laws, establish or strengthen asylum procedures in the Caribbean constituent countries and consider the ratification of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees by all constituent countries that have not done so already*

4. This recommendation has already been implemented by Aruba. Aruba has ratified the 1967 Protocol. In line with the Convention and its Protocol, Aruba has adopted a national mechanism, based on statute and implementing ordinances, all of which are compliant with the applicable treaty standards. Aruba complies with all procedural standards too. Additionally, it should be noted that Aruba adheres strictly to the principle of non-refoulement. There are no forced returns of asylum seekers. Furthermore, Aruba's administrative detention facility complies with all applicable legal norms and standards.

(c) *Ensure that the principle of non-refoulement is secured in law and strictly adhered to in practice in all circumstances by all constituent countries*

5. The principle of non-refoulement has direct effect in Aruba and is adhered to strictly in practice.

(d) *Ensure that investigations are carried out into the cases of breach of the principle of non-refoulement*

6. In the event of a suspected or presumed breach of the principle of non-refoulement, a thorough investigation will be conducted by a multidisciplinary team. So far no breaches of the principle have been established. It should be noted that administrative law provides for the possibility of a last-minute emergency hearing in the event of a suspected breach. To date there have been no rulings made against the government in this regard.

(e) *Intensify its efforts to reduce the backlogs in the asylum application process and the family reunification process, including by strengthening the capacity of the immigration and naturalization services in all constituent countries*

7. At the request of the Government of Aruba, the Netherlands has provided financial aid, capacity building and support for asylum procedures and the associated migration processes.

(f) *Collect comprehensive data on asylum seekers throughout the State party*

8. Aruba has already collected data on asylum seekers and is now in the process of collecting more comprehensive data.
