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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

NETHERLANDS: ARUBA*

[20 June 1996]

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* The information submitted by the Netherlands: Aruba in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.68).

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CONTENTS

		Paragraphs	Page
Introduction		1 - 2	3
Article 6.	Right to employment	3 - 18	3
Article 7.	Right to fair and favourable working conditions	19 - 47	9
Article 8.	Freedom to join trade unions	48 - 55	16
Article 9.	Right to social security	56 - 74	18
Article 10.	Protection of family, marriage, mothers and children	75 - 101	23
Article 11.	Right to a reasonable standard of living	102 - 124	28
Article 12.	Right to the highest possible standard of physical and mental health	125 - 149	34
Article 13.	Right to education	150 - 170	39
Article 14.	Compulsory education	171	43
Article 15.	Right to cultural life and the enjoyment of the results of scientific research	172 - 189	44

Annexes

1. Education Statistics 49

2. Third Population and Housing Census, October 1991*

3. Statistical Yearbook 1994*

* Available for consultation in the files of the Centre for Human Rights.

Introduction

1. This report is submitted in pursuance of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The Covenant became effective for the Kingdom of the Netherlands (including Aruba) on 11 March 1979. Attaining its status of autonomous entity within the Kingdom of the Netherlands in 1986 entailed for Aruba the obligation to report periodically under the various human rights instruments.

2. This initial report for Aruba follows as closely as possible the Manual on Human Rights Reporting and the Revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. For the general part of the report (arts. 1-5) reference is made to the core document of Aruba (HRI/CORE/1/Add.68) based on the consolidated guidelines for the initial part of reports of States parties, as laid down in document HRI/CORE/1. Reference is furthermore made to the Statistical Yearbook Aruba for 1994 and the Third Population and Housing Census 1991, which have been annexed to the present report.

Article 6. Right to employment

3. As part of the Kingdom of the Netherlands, Aruba is a party to the International Labour Organization Employment Policy Convention (No. 122), the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. Reference can be made to earlier reports on the implementation of these conventions.

4. Article V.22 of the Constitution of Aruba states the obligation of the Government to provide for adequate employment opportunities. The Government complies with this obligation by pursuing, for example, a budgetary and monetary policy, by applying a system of economic levies, and by creating tax credits and other incentives and promotional measures in general. Furthermore, the organization of training facilities in the form of refresher courses, retraining and occupational resettlement, as offered by inter alia, “Enseñanza pa Empleo” [Education for Employment] (see below) is a tool to support the realization of the right to employment.

5. The primary task of the Department of Labour, which comes under the Minister of Public Welfare, is to foster adequate employment opportunities. In order to carry out this task, it conducts labour market research. This research consists of the collection, recording, processing and updating of data concerning: labour affairs in general; supply and demand on the labour market; persons looking for jobs and persons who want to improve their positions; existing and future vacancies; foreign workers; the status of women in the labour process.

State of the labour market (1989-1995)

6. As regards the recent economic developments, reference is made to chapter I.B. of the core document of Aruba. As indicated in this document, the present actual state of affairs on the Aruban labour market is such, that there is hardly any unemployment. The reasons why a number of people do not

participate in the labour process are, for example, disability (illness, handicap), old age (retirement), study, or compulsory military service. The explosive growth of notably the tourist and construction sectors has been such that the demand for labour has shown a corresponding increase in recent years. The following tables provide a survey of the present situation of the labour market, compared to the situation of some 10 years ago. For further statistical data, reference can also be made to the Statistical Yearbook 1994, and to the Third Population and Housing Census, 1991.

TABLE 1. LABOUR MARKET

Per year end	1989	1990	1991	1992	1993	1994
Population	61 775	64 674	68 897	72 707	79 397	80 257
Labour force	25 604	29 258	31 650	33 930	36 670	39 150
Employment	25 226	28 870	31 450	33 735	33 471	38 954
Unemployment	378	388	200	195	199	196
Unemployment (%)	1.5	1.3	0.6	0.6	0.5	0.5
Participation rate (%)	42.4	45.2	45.9	46.7	46.2	48.81

Source: Department of Labour.

TABLE 2. UNEMPLOYED POPULATION BY AGE AND SEX, OCTOBER 1994

Age	Absolute			Percentage		
	Total	Male	Female	Total	Male	Female
14						
15-19	17	7	10	9.1	3.7	5.3
20-24	20	9	11	10.7	4.8	5.9
25-29	27	9	18	14.4	4.8	9.6
30-34	26	13	13	13.9	7.0	7.0
35-39	32	12	20	17.1	6.4	10.7
40-44	39	18	21	20.9	9.6	11.2
45-49	10	7	3	5.3	3.7	1.6
50-54	11	6	5	5.9	3.2	2.7
55-59	5	4	1	2.7	2.1	0.5
60-64	0	-	-	0.0	0.0	0.0
65+	0	-	-	0.0	0.0	0.0
Not reported	0	-	-	0.0	0.0	0.0
Total	85	102	187	45.5	54.5	100.0

Source: Third Population and Housing Census, October 1991.

TABLE 3. UNEMPLOYED POPULATION* BY EDUCATIONAL LEVEL AND SEX, OCTOBER 1994

Level of education**	Number			Percentage		
	Total	Male	Female	Total	Male	Female
Less than primary/ no education						
Primary education	101	48	53	54.0	25.7	28.3
ISCED category 2	63	25	38	33.7	13.4	20.3
ISCED category 3	5	0	5	2.7	0.0	2.7
ISCED category 5	9	6	3	4.8	3.2	1.6
ISCED category 6	5	3	2	2.7	1.6	1.1
ISCED category 7	3	2	1	1.6	1.1	0.5
ISCED category 9	1	1	-	0.5	0.5	0.0
Total	187	85	102	100.0	45.5	54.5

Source: Labour Force Survey 1994.

* Not attending school.

** International Standard Classification of Education 1976.

TABLE 4A. WORKING POPULATION BY BROAD OCCUPATIONAL CATEGORY AND SEX, 1981

I.S.C.O.*	Total	Male	Female
Professional, technical and related workers	2 544	1 440	1 104
Administrative and managerial workers	886	711	175
Clerical and related workers	4 453	2 039	2 414
Sales workers	2 235	697	1 538
Service workers	5 343	2 594	2 749
Agricultural workers and fishermen	2 123	187	25
Production and related workers	7 093	7 443	461
Total	23 577	15 111	8 466

Source: Population Census 1981.

* International Standard Classification of Occupation 1976.

TABLE 4B. WORKING POPULATION BY BROAD OCCUPATIONAL CATEGORY AND SEX, 1991

I.S.C.O.	Total	Male	Female
Legislators, senior officials and managers	2 311	1 637	674
Professionals	1 327	847	480
Technicians and associate professionals	2 728	1 557	1 171
Clerks	5 878	2 066	3 812
Service workers and shop and market sales workers	5 598	2 585	3 013
Skilled agricultural and fishery workers	246	230	16
Craft and related trade workers	3 990	3 803	187
Plant and machine operators and assemblers	1 527	1 487	40
Elementary occupations	5 331	2 388	2 943
Armed forces	124	124	-
Not reported/not adequately defined	160	111	49
Total	29 220	16 835	12 385

Source: Population Census 1991.

TABLE 5. WORKING POPULATION BY AGE AND SEX

Age	1981			1991		
	Total	Male	Female	Total	Male	Female
14-19	1 331	792	539	746	397	349
20-24	4 160	2 324	1 836	3 027	1 611	1 416
25-29	4 107	2 537	1 750	4 558	2 454	2 104
30-34	3 384	2 076	1 308	5 316	2 949	2 367
35-39	2 727	1 752	975	4 721	2 614	2 107
40-44	2 418	1 653	765	3 779	2 205	1 575
45-49	1 976	1 416	560	2 781	1 700	1 081
50-54	1 392	1 056	336	2 069	1 319	750
55-59	904	739	165	1 248	877	371
60-64	543	423	120	501	372	129
65+	635	523	112	386	294	92
Not reported	-	-	-	86	42	45
Total	23 577	15 111	8 466	29 220	16 834	12 385

Source: Population Census 1981 and 1991.

Refresher courses, retraining and occupational resettlement

7. Since February 1991, for the purpose of upgrading its own employees (the civil servants), the Government has been offering a course at a secondary level, intended in particular for clerical staff in the lowest salary scales. For the training of the other workers, the Government set up a programme, called “Enseñanza pa Empleo”, enabling anybody, for a very small amount of money, to take courses in various fields, including languages, bookkeeping, marketing, computer science, and technical courses. The number of students who took a course at Enseñanza pa Empleo increased from 233 to 3,431, in the period 1988-1993. In 1994, a total of 2,926 students obtained a diploma or a certificate at “Enseñanza pa Empleo”, of whom 1,781 (60.9 per cent) were women and 1,145 (33.5 per cent) men. More than one third of the students were foreigners.

NUMBER OF COURSES OFFERED BY “ENSEÑANZA PA EMPLEO”

Year	Courses	Students
1988	35	233
1989	95	1 110
1990	215	2 022
1991	38	207
1992	255	3 123
1993	300	3 431
1994	284	2 926
Total	1 222	13 052

8. The employers and their organizations, as well as the trade unions, regularly offer training opportunities. As an employment office the Jobcentre, which comes under the Minister of Labour, keeps records of vacancies and assists job-seekers in finding a job.

Women

9. Although the share of women in the labour market increased by 47 per cent during the period 1981-1991, women with domestic duties, and in particular those belonging to the lower socio-economic classes, are faced with obstacles in the realization of their right to employment, inter alia due to (affordable) child care and the limited possibilities for part-time work, both in the public and the private sector.

10. Owing to the gradual disappearance of traditional lifestyles, informal child care has declined sharply in recent years. More and more people demand facilities in the field of organized child care.

11. Through its policy as regards child care, the Government tries to create incentives in order to expand the package of services. Presently, a draft State Ordinance regulating the existing child-care centres is pending in Parliament. Within the framework of the reorganization and trimming down of the government apparatus, the State Committee “Empleo Balansa” (Balanced Employment) inter alia proposed to stimulate part-time employment in the public sector. Furthermore, the Committee proposes to promote part-time employment in the private sector, thus enabling parents having domestic responsibilities to participate in the labour process.

12. In August 1995, a national symposium was organized under the auspices of the Ministry of Public Health, Social Affairs, Sports and Cultural Affairs, with the objective of formulating proposals by means of a number of workshops concerning the general policy to be conducted as regards women and the establishment of a women's bureau in particular. This symposium was attended inter alia by representatives of the Government, the business community, the media, the national health organizations, the trade unions, the educational sector, and social workers. The outcome and follow-up of this symposium ultimately led to the establishment of the Bureau Women's Affairs of Aruba on 18 March 1996. One of the tasks of this Bureau will be to conduct further research on the position of women in the labour market.

The handicapped

13. According to the data of the third population and housing census 1991, 3,701 persons appeared to have a physical or mental handicap. This amounts to 5.5 per cent of the total population. The percentage of handicapped people in the population sharply increases with age. Especially after the age of 65, the number of handicapped people rises considerably. At the age of 70, as many as 1 out of 5 persons is handicapped.

14. Possibilities to enter the labour market are limited for the handicapped in Aruban society, and the participation of the handicapped in the labour process is rather low. Possibilities for an adapted working environment are hardly applied. In the age group 15 through 60, 26.4 per cent of the handicapped have a job. For the time being, there are no statutory regulations or financial “incentives” to stimulate developments in this field. The Stichting de Geestelijk Gehandicapte (Foundation for the Mentally Handicapped) provides employment training and placement services for its target group. In order to optimize its services, it gets technical assistance and guidance from the Dutch Association Supported Employment (NVSE). In addition, the Foundation intends to set up a form of cooperation with other private foundations in Aruba with the objective of promoting entry of the handicapped in the labour market.

Migrants

15. Because of the rapid economic growth in the construction and tourist sectors in recent years, the local labour market came under great pressure to provide the skilled and unskilled labour required. When it turned out that the local market was unable to provide these large numbers of workers,

a massive import of foreign workers began. Because of this, the population increased by some 15,000 persons during the period 1990-1994. Most foreign workers are to be found in the lowest and highest ranks of the labour market.

16. A labour agreement between a foreigner and a local employer does not mean that a residence permit will be granted automatically by the Minister of Justice. A labour agreement and a residence permit to live and work in Aruba each have their own statutory conditions. First of all, no local persons should be available to perform the work in question, and furthermore the applicant should represent no threat to public order and safety.

17. As a rule, foreign workers cannot easily switch employers. Usually, their residence in Aruba is based on a permit for temporary residence. Article 7, sixth paragraph, of the State Ordinance Admission and Expulsion provides the possibility to attach conditions to a residence permit as regards, inter alia, exercising a certain profession or conducting a certain business, or being employed by a certain employer. As a rule, the permit for temporary residence is granted for one year, after which a possible renewal for one year at a time may follow. If the residence permit is issued on the condition that the person concerned is employed by a certain employer, which is often the case, one has to apply for a new residence permit if one switches employers during the term of validity of the permit. Such new residence permits may be refused if economic reasons prevent employment of the person concerned by the new employer (art. 9, under (a), of the aforementioned State Ordinance), for example if there are local workers available for the new job.

18. As has been stated in the eighth, ninth, and tenth Kingdom Report on the International Convention on the Elimination of All Forms of Racial Discrimination and the third report on the International Covenant on Civil and Political Rights, there is, with regard to a specific professional group, a restrictive measure in force concerning the free choice of profession. In the past, foreign domestic servants living in with their employer had to be employed in that capacity by the same employer for a period of 10 years. Switching jobs resulted in cancellation of their residence permits (to which the work permit is linked). For the background of this measure reference is made to the relevant passages in the aforementioned reports. In the meantime, this situation has changed and at present the rule is that domestic servants living at the home of their employers have to be employed in that capacity for five years. During that time, they are allowed to switch employers, but not their occupation. Switching occupation within the period of five years results in cancellation of the residence permit (to which the work permit is linked).

Article 7. Right to fair and favourable working conditions

19. Aruba, as a part of the Kingdom of the Netherlands, is a party to the ILO Conventions on Minimum Wage Fixing (No. 131), Weekly Rest (No. 14 and No. 106), Labour Inspection (No. 81), Labour Inspection (Agriculture) (No. 129).

20. In order to ensure the right of everyone to the enjoyment of fair and favourable working conditions, a number of statutory provisions are in force for work performed in the private sector. Examples are the Labour Regulation

Ordinance, Labour Decrees, the Collective Labour Agreement Ordinance, the Labour Dispute Ordinance, the Vacation Ordinance, the Minimum Wage Ordinance and Industrial Safety Ordinances. Furthermore, there are a number of statutory provisions with regard to the social security of employees. They are to be found in the Health Insurance Ordinance, the Employers' Liability Insurance Ordinance, the National Health Insurance Ordinance of Aruba and the Company Pension Fund. Separate provisions apply to persons employed by the Government.

Minimum wages

21. The minimum wage is the wage that one will have to pay, at least in pursuance of the law, for work performed. The statutory minimum wage is laid down in the Minimum Wage Ordinance. The Minimum Wage Ordinance stipulates that the following benefits and compensations are not to be included in the minimum wage:

(a) Income from overtime;

(b) Vacation pay;

(c) Share in the profits;

(d) Payments on special occasions;

(e) Payments based on the right to one or more payments upon the completion of a period of time or on conditions;

(f) Compensation, in as far as it can be considered to be for defraying necessary expenses which the employee had to incur in connection with his employment relationship.

22. Table 6 provides a survey of the statutory minimum wages per category, and compares the present situation with the situation five years ago. Payment of the civil servants does not fall under the scope of the State Ordinance Minimum Wages, but is regulated in the Salary Regulation of Aruba 1986.

23. The Government intends a further phased raise of the minimum wages, up to the living wage established (see under art. 11), after which the minimum wages will be automatically linked to this living wage.

24. Discrimination-based sex is not allowed by the Aruban Constitution. A number of provisions have already been made to abolish unjust and unequal treatment of women. Until the 1960s, women who married were dismissed from the civil service. Later on, they were offered the possibility of keeping their jobs as employees on contract, however, without pension rights and child allowance. As from 1983, women can also be appointed in permanent, pensionable employment in public service. But married men continued to receive 25 per cent more salary than single persons and married women. As from 1990, this distinction in status based on sex and civil status was abolished and men and women in public service now receive equal pay for equal work.

25. For the sake of brevity, reference can be made in this connection to the third Kingdom report on the ICCPR (art. 2), and on the first Kingdom report on the Women's Convention (arts. 1-3).

TABLE 6. MINIMUM WAGES

Section	Sector	Effective date	Monthly M.W. Afls.	Weekly M.W. Afls.
I	Industry and handcrafting, building industry and related undertakings	Since 1 January 1988 unchanged	925.40	213.85
		1 January 1995	994.80	229.90
	Bank and insurance, transport, hotel, restaurant, entertainment and related undertakings, services, commerce, farming, gardening, animal husbandry, electronic industries, textile and clothing industries	1 December 1988	686.90	158.70
		1 January 1992-30 June 1992	762.45	175.80
		1 July 1992	800.60	184.60
		1 January 1993	830.20	191.45
		1 January 1994	876.70	202.20
		1 January 1995	994.80	229.90
		1 January 1996*	1 025.35	237.05
				Hourly M.W.
II	Housekeeping in homes of natural persons * If during a week less than 22 hours is worked, the salary will be at least.	1 December 1988	341.65	3.84
		1 January 1992-30 June 1992	379.25	4.26
		1 July 1992	398.20	4.47
		1 January 1993	412.95	4.65
		1 January 1994	436.10	4.95
		1 January 1995	464.00	5.25
		1 January 1996*	478.40	5.40

* NOTES: - Minimum wages are applicable to persons 18 years old and above.
- US$ 1.00 = Afl. 1.75.

Source: Department of Labour Affairs.

TABLE 7. WORKING POPULATION BY (MONTHLY) INCOME, CATEGORY AND SEX

Income category Afls.	1981			1991		
	Total	Male	Female	Total	Male	Female
Less than 300	2 135	726	1 409	355	125	230
300- 649	6 525	3 173	3 352	2 236	568	1 668
650-1 049	5 994	4 160	1 834	6 971	3 104	3 867
1 050-1 499	3 416	2 600	816	6 526	4 122	2 404
1 500-2 999	3 736	2 878	858	8 833	5 741	3 092
3 000-6 000	1 173	1 090	83	3 427	2 446	981
More than 6 000	251	238	13	651	563	88
Unknown	347	246	101	222	166	55
Total	23 577	15 111	8 466	29 220	16 834	12 385

Source: Population Censuses February 1981 and October 1991.

Labour Regulation Ordinance (LRO)

26. The LRO contains binding conditions with regard to those who perform work, the enterprises where work is performed, and conditions on which work is permitted to be performed. In general, it is prohibited to perform work, or cause work to be performed for more than 8 hours per day and 45 hours per week. When an overtime permit is granted, extended or renewed, it must be taken into account that the employee may only perform work for more than 10 hours per day and 54 hours per week in exceptional cases. A permit for overtime can be granted by the competent authority (the Director of the Department of Labour) for a maximum of four weeks, possible extensions or renewals included therein. If it concerns a permit for a period exceeding four weeks an advisory committee will have to be consulted first.

27. The LRO also stipulates the resting periods, during which it is prohibited to perform work or to cause work to be performed, and the resting times during working hours. For civil servants a similar regulation has been laid down in the State Ordinance Substantive Law Civil Service.

28. The Labour Regulation Ordinance prohibits children under the age of 14 to perform work, whether or not on payment of wages or for a consideration. For the purposes of the above prohibition “work” also includes all work performed outside an enterprise, except work in or for the family in which the child is reared, in schools or other educational institutions, or on projects, provided such work is of an educational nature and is not primarily aimed at financial gain.

TABLE 8. WORKING POPULATION BY AVERAGE AMOUNT OF HOURS WORKED AND SEX

Hours worked	1981			1991		
	Total	Male	Female	Total	Male	Female
1-14	446	235	211	307	122	185
15-29	962	302	660	1 280	399	881
30-39	1 663	972	687	1 400	640	760
40-42	13 324	9 310	4 014	15 464	9 552	5 911
43-49	4 448	2 301	2 147	8 019	4 060	3 959
50+	1 295	931	364	2 152	1 639	513
Unknown	1 439	1 056	383	598	422	176
Total	23 577	15 111	8 466	29 220	16 834	12 385

Source: Population Censuses February 1981 and October 1991.

29. A minor may enter into a labour agreement as an employee if he has been authorized to this effect by his legal representative, either verbally or in writing. The legal representative(s) of a minor are his parents or his guardian. With the concurrence of his representative a minor can institute court proceedings regarding his employment. Parents and guardians must see to it that children who are in their parental power or under their guardianship do not perform work prohibited by the LRO.

30. Aruba is a party to the ILO Convention No. 89 on night work performed by women. Article 17 of the Labour Ordinance has been enacted for the protection of women and young persons. The first paragraph of this article consists of two components:

(a) Night work: it is prohibited to cause women and young persons to perform night work;

(b) Hazardous labour: it is prohibited to cause women and young persons to perform labour of a hazardous nature.

31. The second paragraph of this article sets out the prohibition of night work by women and young persons in further detail:

(a) For young people a prohibition on working is in force between 19.00 and 07.00;

(b) For women there is a prohibition on working between 20.00 and 07.00. For certain enterprises or groups of enterprises the “competent labour authorities” may stipulate this period to fall between 22.00 and 09.00, whether or not for a definite period of time.

32. Article 20 of the Labour Ordinance offers certain companies the option to deviate from the provisions in, inter alia, article 17 as regards certain types of labour, or labour under certain circumstances. In a number of State Decrees containing General Administrative Orders, use is made of the option to make an exception to the prohibition of night work for women or for young persons. The Hotel and Catering Decree, for example, makes an exception to the prohibition of night work for women, for companies to which a licence has been granted under the Licensing Decree (hotel and catering).

33. The head or manager of an enterprise must see to it that no work is performed in his enterprise in violation of the provisions contained in or issued by virtue of the LRO. He is also obligated to see to it that each and any rule and each and any condition imposed by the governor or the competent authorities by virtue of this State Ordinance is complied with in his enterprise. The Department of Labour is in charge of the inspection of working conditions.

Collective Labour Agreement (CLA)

34. Employers and employees can insert all kinds of provisions in a labour agreement, provided they are not in conflict with the law or other regulations, and are not immoral or against the public order. Once a condition is inserted in a labour agreement, it cannot be cancelled or modified without the mutual consent of employee and employer. Most provisions concern rules to be observed in the implementation of the labour agreement. These provisions can also be laid down in a Collective Labour Agreement.

35. The term Collective Labour Agreement is misleading, because an employer and a trade union do not really enter into a collective labour agreement. They enter into an agreement which contains terms of employment and rules. Except for the provisions which apply only to the trade union and the employer, for instance arbitration, all provisions and rules of the CLA are part of an individual labour agreement, and remain part of that agreement even after the collective labour agreement has expired. These provisions and rules can only be cancelled or modified in the same way as they became part of individual labour agreements, or by the individual employees themselves. In the event of a breach of contract the court can dissolve a collective labour agreement at the request of the trade union or the employer.

36. The provisions in a collective labour agreement may not contain discriminatory stipulations, not even with regard to non-members. Generally speaking, the employer is obligated to apply the same rules in a CLA to all new personnel.

37. If a CLA contains discriminatory provisions with regard to non-members of a union, these non-members can request the court to declare these provisions null and void, based on the non-discriminatory stipulation in article 26 of the International Covenant on Civil and Political Rights. Provisions in a CLA whereby the wage and the benefits of members of a trade union are more beneficial than those of non-members are deemed discriminatory.

38. Non-members of a union can also request the court, if a CLA has been entered into by their employer, or if in similar branches of industry there is

question of the same conditions as in the CLA, to declare the conditions of the CLA applicable to their labour agreement, based on article 1364 and/or 1356 of the Civil Code of Aruba which states that “constant customary conditions, are considered to be implied conditions in their agreement, although not stipulated in same”. For example, it is customary in Aruba for the termination of a labour agreement to take place on the last day of a work-week or a month, depending on whether the wage of the employee is paid by the week or month.

Protection of employees as regards life, property and honour

39. Article 1614X/1 of the Civil Code stipulates that “the employer shall equip and maintain the premises, equipment, and tools with which he causes the work to be performed in such a way, and issue such rules and give such directions regarding the performance of the work, that the employee is protected from danger of life, property and honour to such an extent as may be demanded in reason in connection with the nature of the work to be performed”. The Safety Ordinance provides specific regulations to ensure the safety in places where work is being performed. Compliance with the Safety Ordinance is enforced by the Department of Labour.

40. If these obligations are not fulfilled, the employer must pay compensation for the loss suffered by the employee, unless he can produce evidence that such non-fulfilment is attributable to force majeure, or that such loss is attributable to a considerable extent to gross negligence on the part of the employee.

41. If, as a consequence of the non-fulfilment of these obligations by the employer, the employee has sustained such injury during the execution of his work as to cause his death, the employer shall be liable for compensation towards the surviving wife, the children or the parents of the deceased whom the employee used to support through his work, unless the employer can produce evidence that such non-fulfilment is due to force majeure, or the death is to a considerable extent attributable to gross negligence on the part of the employee.

42. An employer may not allow his employees to perform hazardous work without having asked and received advice from the department in charge of safety in enterprises. In the event that the rules issued by, or by virtue of the Industrial Safety Ordinance have not been complied with, the government official designated by the Minister of Labour can order that work to be stopped. Police assistance may be called in for the purpose of enforcing this order.

Vacation

43. After having completed one year of service, all employees, regardless of the level of their income, have a minimum of 15 working days' vacation. If a labour agreement terminates before the term of one year has passed, the employee is entitled to 1½ days for each full month of service. A fraction of a day will be considered a full day. If a labour agreement is terminated, the employee is entitled to payment of the vacation days he did not receive.

Termination of a labour agreement

44. There are various ways to terminate a labour agreement. An agreement can be terminated, for instance, during a probation period, by mutual consent of the parties, unilaterally by the employee or unilaterally by the employer. The ways in which a labour agreement can be terminated are laid down in the Civil Code of Aruba and the Ordinance Termination of the Labour Agreements.

45. Since the Ordinance Termination of the Labour Agreements has come into effect (1972), an employer cannot terminate a labour agreement without prior permission of the Director of the Department of Labour Affairs, except if the termination takes place on account of one of the following reasons:

(a) An urgent reason of which the employee is immediately informed;

(b) By mutual consent;

(c) During a probation period.

A petition to terminate a labour agreement should contain the reason why the permission is requested, and has to be made on a special form provided by the Labour Department. The employee receives a copy of the petition and should react within a certain period of time stipulated by the Labour Department.

46. Urgent reasons for the summary termination of a labour agreement, without observing a prior notice period and without the consent of one of the parties, are for the employer and employee: “such actions, characteristics, or conduct of the employer/employee which have such consequence that the employer/employee cannot be required in reason to allow the employment relationship to continue”. The circumstances which are considered to constitute urgent reasons for summary termination of the employment relationship without prior notice are stipulated by law.

Occupational Health Service (OHS)

47. The OHS is an expert service in the field of working conditions. The OHS advises the Government and associated employers on optimizing the working conditions. It will do so on request, but also on its own initiative. To be able to give sound advice on the labour conditions, it is essential to visit the place where the work is carried out. The management is orally informed about the findings. If necessary, the OHS reports in writing on the findings and advice given. The OHS only considers the advice project completed if it appears that the working conditions have actually improved.

Article 8. Freedom to join trade unions

48. As part of the Kingdom of the Netherlands, Aruba is a party to ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organize.

49. Article I.11 of the Constitution guarantees the right of association. This right implies the right to establish trade unions. The right of association may be restricted by State Ordinance for the sake of public order.

The State Ordinance Association and Assembly contains a regulation in the interest of public order, it does not contain specific provisions as regards the right to establish a trade union, or the right of a trade union to hold meetings. The State Ordinance Illicit Associations prohibits any association whose aim is to:

> "(a) Disobey or contravene any statutory regulation;
>
> (b) Undermine or pervert good morals;
>
> (c) Impede any person in the exercise of his or her rights;
>
> (d) Exercise, maintain or encourage discrimination against persons on the grounds of their race."

50. There are no legal bans or special legal provisions on joining trade unions for certain categories of workers. Public servants are allowed to form and to join labour unions. A number of trade unions are active in Aruba, ranging from trade unions for civil servants, the police, teachers, and employees in nursing institutions, to industrial workers. At present, there are seven trade unions in the public sector and four in the private sector. The largest trade union, the Federacion di Trahadornan di Aruba (Federation of Aruban Employees), the FTA, looks after the interests of the employees of the hotel and casino industry, banking, the commercial sector, industry (and construction), and the transport and telecommunication sector. At present the FTA has more than 4,000 members. Employers' and workers' organizations are free to affiliate with national and international federations.

51. The government mediator may at the request of a labour union or an employer, organize a referendum to enable the employees to vote for the trade union of their choice. If more than 50 per cent of the employees vote for a certain union, the employer is obligated, in pursuance of article 14 (a), paragraph 4, of the Labour Dispute Ordinance, to recognize this labour union and to consider it as a partner in collective bargaining.

52. A trade union may institute legal proceedings on behalf of its members, for example to demand compliance with the conditions in the Collective Labour Agreement or to demand that the employer be condemned to compensate damage to person and/or property that the employee has suffered.

53. The task of the government mediator is to ensure labour peace. Therefore, he should be kept informed of all negotiations on collective labour agreements taking place. In pursuance of article 3 of the Labour Dispute Ordinance, if a strike is imminent, or if a strike has broken out, the employer as well as the board of the trade union should promptly inform the mediator. A strike may not be called before having called in the mediator, or before having issued an ultimatum.

54. The Minister of Labour Affairs has the authority to declare a cooling-off period of up to 30 days, during which parties in the conflict must refrain from action and try to resolve the conflict at the negotiating table with the help of the government mediator. Since 1973 no cooling-off period has been declared.

55. Although article 374 (a) of the Criminal Code of Aruba contains a prohibition for civil servants to strike, in practice (court rulings) the right to strike of public employees has been recognized.

Article 9. Right to social security

56. Although Aruba can be deemed relatively prosperous in terms of economic and social development as compared to other countries in the region, there are also vulnerable groups on the island. At present, the subsistence level/living wage in Aruba is fixed at Afl. 2,200 for a family of two adults and two children. This was done after a thorough analysis of the data of the budget survey by a committee especially established for this purpose (see art. 11). However, up to this day, no comprehensive research has been conducted into what part of the Aruban population has an income lower than the subsistence level. In order to assist those who, due to all kinds of reasons (unemployment, handicap, old age) are not able to support themselves, a system of social assistance measures has been created. Below, a survey is given of the most important regulations in the field of social security.

Financial assistance

57. Those who are not able to support themselves and cannot claim any other statutory-regulated benefit may apply for public financial assistance on certain conditions. The conditions in question are formulated in the State Ordinance Social Care and in the implementation regulation thereof, the State Decree Financial Assistance.

58. Under article 5 of the State Ordinance Social Care, social assistance, also called public assistance or financial assistance, has to be granted to those who meet the following (cumulative) requirements:

(a) Registered in the civil registers;

(b) Born in Aruba, or having lived in Aruba for at least three years;

(c) Have Dutch nationality;

(d) Not able to adapt or maintain oneself socially; and

(e) Receive no, or insufficient, assistance from (private) institutions for social care.

59. Therefore, also in view of article V.24 of the Constitution of Aruba, non-Dutch nationals are not entitled to financial assistance, in principle. However, article 19 of the State Ordinance Social Care provides that financial assistance may be granted to non-Dutch nationals who were born in Aruba, in accordance with rules to be laid down by the State Decree containing General Administrative Orders.

60. The amount of the financial assistance depends on the composition of the family and the income of the members of this family. In addition, the Government supports the impecunious and the poor by granting a school allowance once a year. This allowance is meant to help parents pay the cost of school clothes and school books.

Medical insurance

61. If a person can prove that he has no, or only partial, medical insurance and does not have the means to cover medical expenses, he will be eligible for application of the regulation Free Medical Treatment (FMT). Based on article 8 of the State Ordinance Employment Medical Practitioners in Public Service, doctors are obligated to provide the necessary medical care for free to those who can identify themselves as being impecunious or poor by means of a card, especially issued for this purpose (the so-called PPK card). In practice, frequent use is made of this regulation. Depending on their income, those who qualify may be asked for a contribution of their own.

62. Foreigners are only eligible for free medical treatment if they have reached the age of 60 and have lived on the island for 10 years in succession. Furthermore, a foreigner may make use of this regulation if he/she belongs to a family of which the head does meet these conditions. In addition, in emergency situations, one can make use of the possibility of emergency assistance once.

63. Employees (Arubans and foreigners) in the private sector below a certain wage level are insured against medical expenses under the State Ordinance Health Insurance. The employer pays a premium to the Social Insurance Bank for each of his employees to cover the cost of the health insurance. However, only the employee is beneficiary. A private health insurance has to be effected for the members of the employee's family. Sometimes, the labour agreement of the employer stipulates that the employer will pay the cost of this private insurance. As the employer is not obligated to reimburse the cost of a private medical insurance for the members of the employee's family, the employee will have to pay the cost himself, in principle. If the income of the employee is below a certain level, it is possible to apply for a PPK card for his family members.

64. Persons employed, or formerly employed, by the Government (pensioners) and their family members, are insured against medical expenses based on the State Ordinance Compensation Medical Expenses Civil Servants and the State Ordinance Compensation Medical Expenses Retired Civil Servants. The civil servant receives a contribution towards the medical expenses of 90 per cent of the medical expenses incurred for himself or the members of his family.

65. The Government intends to replace the above ordinances by the State Ordinance National Health Insurance. The purpose of this ordinance, which has not yet become effective, is to bring all persons who reside in Aruba, as evidenced by the civil registers, under the operation of the health insurance system set up by this State Ordinance.

Old age pension

66. In addition to the private pension provisions, the State Ordinance General Old Age Insurance is applicable to those who have been insured and have reached the age of 60. In order to offer one of the financially weakest groups in Aruban society better financial support, the Government raised the pensions paid under the State Ordinance General Old Age Insurance in 1994.

Disability

67. Insurance against the financial consequences of disability is regulated in the State Ordinance Employers' Liability Insurance. It entitles the employee who has had an accident in connection with his work, and his surviving dependants, to a benefit. This benefit consists of medical treatment, hospitalization, and a benefit in cash.

Widows' and orphans' insurance

68. Article 7 of the State Ordinance General Widows' and Orphans' Insurance stipulates that only widows may call on this regulation. Therefore, widowers could not claim a survivorship benefit for a long time. This situation was changed by the judgement of 31 October 1989 of the Appeals Tribunal General Widows' and Orphans' Insurance. This national judge deemed the provision in question in conflict with article 26 of the International Covenant on Civil and Political Rights. Now widowers too can claim a benefit under the State Ordinance General Widows' and Orphans' Insurance. Orphans are eligible for a benefit by virtue of the State Ordinance General Widows' and Orphans' Insurance (GWOI). The amount of the benefit depends on the age of the child. The amount is higher for children who are handicapped, or who go to school. Unlike the State Ordinance Substantive Law Civil Service and the State Ordinance Compensation Medical Expenses Civil Servants, the Pension Ordinance Civil Servants only granted rights to the legitimate children of the deceased civil servant; illegitimate children of the deceased civil servant were not entitled to orphans' pension after his death. In 1995, a State Ordinance was enacted under which illegitimate children of deceased civil servants are granted a right to orphans' pension as well.

The handicapped

69. In view of the extra (medical) expenses due to a handicap, the Government has granted the handicapped who are impecunious or poor an extra benefit within the framework of the financial assistance regulation in order to support them financially. Considering the high costs of living of this group, the Government has raised the amount of the benefit as of 1 January 1996.

70. Within the Aruban social security system there is no unemployment insurance, only severance pay. A person qualifies for severance pay if there is question of dismissal through no fault of the employee. (This is not applicable if it concerns an employee of a public body.)

71. Foreign employees are entitled to all social insurances concerning employment. However, in situations not covered by the aforementioned insurances, it appears that they are not entitled in all cases to the social benefits paid out of public funds.

72. In the Manual on Human Rights Reporting, it is requested to indicate what percentage of GNP is spent on social benefits. However, owing to the fact that necessary annual financial statements of many years are not available, it is impossible to calculate the GNP. Therefore, it was decided to compare the level of the benefits to the GDP. As the GDP for 1995 has not yet been fixed, the GDP for 1994 is used for this purpose. Social security can be divided into public benefits paid out of public funds, and the insurances paid out of insurance premiums by the Social Insurance Bank (SIB). As regards the social benefits, table 9 is based on the cost budgeted for 1995. The cost of the social insurances has been estimated on the basis of the actual expenditure in 1994. The total amount budgeted for public benefits is 3.87 per cent of GDP, and the estimated amount of the insurances of the SIB is 1.46 per cent. The total amount is equal to 5.33 per cent of GDP.

73. Table 9 shows that the total amount the Government spends on social benefits, is 19.02 per cent of its budget. The largest part of the money budgeted for the benefits paid by the government concerns the pensions of civil servants, namely 34.45 per cent, and comprises 6.5 per cent of the total national budget. The second largest item concerning social benefits supplied by the Government is the one concerning free medical treatment. The amount budgeted for free medical treatment comprises almost 6 per cent of the total national budget. Also, as regards the estimated cost of the insurances supplied through the Social Insurance Bank, the amount for health insurance is the largest item. It is estimated, that for 1995 47.87 per cent of the funds available for social security will be spent on health insurance.

74. In addition to the formal social security system, Aruba also has a number of private organizations which offer financial assistance and/or assistance in kind to the impecunious or poor in society. The assistance in kind concerns, inter alia, supplying meals to persons who are bedridden, elderly people and those who are not able to provide for this themselves and supplying second-hand clothes or furniture for a reasonable price to persons who have a small or no, income. The organizations concerned usually have a religious background and obtain their funds through fund-raising, donations and the organization of events.

Source: Department of Social Affairs.

Article 10. Protection of family, marriage, mothers and children

75. The family, in whatever form, is an important pillar in Aruban society. Although the western family form (father, mother, one/two children) is the most common, other compositions can be found as well, such as one-parent families or families in which one or both parents live together with a child in this child's home. The greater part of the households in Aruba consists of families based on legal marriage. However, in the course of time this characteristic of the Aruban society appears to be subject to change. There is an increase in divorces, and this is one of the reasons for the increase in one-parent families.

TABLE 10. MARRIAGES AND DIVORCES

YEAR	POPULATION	MARRIAGES	DIVORCES	DIVORCES PER 100 MARRIAGES
1984	63 519	526	142	27.0
1985	62 760	431	171	39.7
1986	61 028	357	191	53.5
1987	60 192	380	214	56.3
1988	60 422	390	196	50.3
1989	61 655	443	216	48.8
1990	63 509	504	180	35.7
1991	67 358	515	209	40.6
1992	69 337	566	219	38.7
1993	74 832	643	231	35.9
1994	79 007	620	198	31.9

Source: Bureau of Statistics and Registry Office.

76. According to the data of the Population Census (1991), there are 1,582 households (8.2 per cent of the total number of households) in Aruba which only consist of a single mother with children. This group does not include mothers who are living, together with their children, with other relatives. The group of single mothers is a very vulnerable group, running greater risks of falling below the poverty line. If the present trend in divorces continues, out of each 1,000 married 20-year-old women, 50 per cent will be divorced by the age of 50. This means that the group of single mothers will probably grow even more in the future.

77. A change can be noticed in the conceptualization of the family in terms of legal status as well. In the past, married civil servants obtained a raise of approximately 20 per cent in comparison with their unmarried colleagues. In addition to this, until recently one only received child allowance for children born in wedlock. As already stated in the first Kingdom report on the Convention on the Elimination of All Forms of Discrimination against Women, this distinction has been abolished. At present, no distinction is made any more between the salaries of married and unmarried persons, and the right to child allowance applies to both legitimate and illegitimate children.

Marriage

78. Family relations in Aruba are governed by civil law. Marriage and its consequences are regulated in the Civil Code of Aruba. In pursuance of the Aruban Civil Code, marriages and divorces have to be registered. The law only regulates the civil relations of the marriage (art. 74 of the Civil Code of Aruba). The freedom to conclude a religious marriage, after the performance of the civil marriage, is fully recognized. The conclusion of a religious marriage is very common practice.

79. Article 77 of the Civil Code of Aruba is worded: “An essential feature of marriage is the free permission of the future spouses.” Both men and women are free in the choice of their partners and the conclusion of a marriage. However, article 83 stipulates that “a woman may only conclude a marriage 306 days after the dissolution or annulment of her previous marriage”. Neither arranged marriages nor the tradition of a dowry are known in Aruba. Furthermore, article 76 of the Civil Code prohibits polygamy.

80. Child marriages are not possible in Aruba; the minimum age to marry is 15 years for women and 18 years for men. However, it is possible to apply for dispensation (art. 78 of the Civil Code of Aruba). The age of majority is the same for both men and women, viz. 21, or younger through marriage. A legitimate child of age (both male and female) has to obtain the permission of his/her parents to conclude a marriage up to the day of his/her twenty-third birthday, in as far as the parents were not deprived of their parental power over their child at the time that the child became of age (art. 91, para. 1, of the Aruban Civil Code).

81. Under the law, the husband is still deemed the head of the family. The consequence hereof is that the Aruban Civil Code (for the time being) contains family law provisions which assign a subordinate position to women. An example is article 54 (a) of the Civil Code of Aruba; “legitimate children and illegitimate children recognized by the father bear the family name of the father; illegitimate children not recognized by the father bear the name of the mother". Furthermore, article 339, second paragraph, provides that the parents jointly exercise the parental power during their marriage. However, in case of disagreement, the will of the father prevails. Paragraph 3 of Article 339 provides: "In case the decision of the father is apparently contrary to, or constitutes serious objections to the moral and mental interests or health of the minor child, the judge in the Court in the First Instance is competent to annul this decision on the mother's request”.

82. During the marriage, both husband and wife have the same rights as regards the ownership, acquisition, administration, management, enjoyment and disposal of their property. Certain legal acts as regards the conjugal home and the common household may only be performed with the consent of the partner (arts. 158-160 of the Civil Code of Aruba).

83. The spouses decide on the common place of abode in joint consultation. The husband decides in the absence of consensus. However, the wife determines the common place of abode in case the husband is placed under guardianship, if he cannot, or will not, decide as regards the common place of abode, or in case the needs of the family are provided for mainly, or exclusively, through the wife's labour (art. 154, Civil Code).

84. The phenomenon of cohabitation is on the rise in Aruba, and is increasingly accepted by society. Although the legal consequences of such a non-marital relationship are not completely equal to those of a statutory regulated marriage, it is possible to provide a legal basis for it by means of a notarial deed (cohabitation agreement).

85. Aruban women may decide independently on the number of children they wish to give birth to. However, such decisions are usually made in consultation with their husbands. Facilities for family planning (famia planea) are free for everyone. Women have the same rights as men as regards guardianship, legal representation, trustee, and the adoption of children. Natural children have a relation under family law with their mother since the day they are born, and with their father by recognition.

Termination of a marriage

86. Each of the spouses has the right to institute an action for the annulment of the marriage (arts. 134-148 (a), Civil Code) or for divorce (arts. 256-284 (a), Civil Code). In addition, there is the possibility of legal separation (arts. 282-298, Civil Code). A legal separation does not end the marriage, but it releases the marriage partners of their obligation to have a common place of abode. The judge stipulates an arrangement concerning the financial position of both spouses and the guardianship of the children.

87. The nullity of the marriage can be invoked based on the fact that one of the spouses is already married, the marriage was concluded under duress or by error of one of the parties, one of the partners is placed under guardianship, or one of the partners had not yet reached the legal age for marriage at the time of concluding the marriage.

88. Article 258 of the Civil Code gives an exhaustive enumeration of the grounds for divorce, namely: adultery, malicious abandonment, conviction of a crime involving a sentence of four years imprisonment or longer, pronounced after the marriage was concluded, and serious cruelty of one of the spouses towards the other. The annulment of a marriage as well as a divorce are registered (art. 148 (a) and art. 270, in conjunction with art. 40, Civil Code).

Pregnancy

89. An Aruban woman can call on a family doctor, an obstetrician or a gynaecologist for the delivery of a baby. The law provides extra protection to women working outside the home, whether they are pregnant or not. Article 17 of the Labour Ordinance prohibits women from carrying out night work or hazardous work. Article 20 creates the possibility to make an exception to this rule for various occupational groups, by State Decree containing General Administrative Orders. Use was made of this possibility inter alia in the Decree Hotel and Catering Industry.

90. The State Ordinance Health Insurance is applicable for women working in the private sector. Article 3, second paragraph, of this Ordinance is worded: "pregnancy and confinement of a female employee shall be put on a par with illness". In pursuance of article 5, first paragraph, in case of pregnancy, the female employee will be considered disabled during 30 days preceding the presumed date of birth and 30 days after the delivery. The second paragraph of this article stipulates the amount of the benefit. In case the employee is married or is the breadwinner, the sick pay will amount to 80 per cent of the daily wages. In case the employee is unmarried or is not the breadwinner, the sick pay will amount to 70 per cent of the daily wages, and it will amount to 50 per cent during the time she is hospitalized. The Government has the intention of amending this discriminatory provision, but it has not yet decided in what way this unequal treatment should be removed.

91. In addition to this, reference can be made to article 1614 (c) of the Civil Code of Aruba. This article provides that the employee, in case of illness or accident for a relatively short period (in jurisprudence this term has been fixed at approximately six weeks) he or she remains entitled to his/her salary. The employer, who obtains sick pay from the Social Insurance Bank, has to continue paying the full salary during this period.

92. The State Ordinance Vacation and Exemption from Work, Civil Servants is applicable to women working in the public sector. This State Ordinance regulates the exemption from service due to illness in article 31 and following articles. Although this regulation, dating back from 1966, does not explicitly provide for maternity leave, it has to be assumed, since such a provision is not made anywhere else, that maternity leave for women working in the public sector also falls under the regulation of sick leave, analogous to the system in force for women employed in the private sector.

93. Article 31 of this State Ordinance provides that civil servants are entitled to their full salary during the first 24 months of the illness. In view of the fact that a maternity leave will not take such a long period, this means that a woman working in the public sector will be fully paid during her maternity leave. There are no statutory provisions as regards the term of maternity leave. In practice, the Government grants maternity leave for 12 weeks; 6 weeks before and 6 weeks after delivery.

Child allowance

94. Civil servants are entitled to child allowance for raising their children who have not yet reached the age of 18 or who attend full-time or

part-time education. This right applies to both the father and the mother of the child and it applies to both married and unmarried fathers and mothers. In the past Aruba had various statutory regulations which discriminated among children according to descent. By State Ordinance of 17 September 1990, the distinction as regards the child allowance and the contribution towards medical expenses for civil servants between legitimate children (the father and mother are or were married) and natural children (the children of an unmarried female civil servant and the recognized children of an unmarried male civil servant) was abolished.

Child care

95. As a consequence of the increase in the number of women with domestic obligations who enter the labour market, inter alia, due to a shortage of manpower, the demand for child care facilities has increased considerably during the past years. Response to this increasing demand for child care mainly came through private initiative. As of the 1970s, the number of child care centres in Aruba has grown steadily. Although a reasonable network of organized child care has been established in this way, there is still a question of bottlenecks. The main problems concern the quality of the care, the capacity of the centres, notably as regards care after school hours, and the financing. For further details as regards these points, reference is made to the Aruban contribution to the first Kingdom report on the Women's Convention.

96. On 12 June 1991 the Fundacion Pa nos Muchanan (For our Children Foundation) was established for the purpose of supporting the organized provision of non-medical and non-pedagogic child care for children under 14 in order to extend, and improve the quality of, the education of and care for these children. Another object of the Foundation is to provide the public with information on matters of upbringing. At present the Foundation is completely subsidized by the Government.

97. In order to stimulate the expansion of the capacity of care after school hours, the Government granted an experimental subsidy to the Asociacion Trabao di Hubentud na Aruba (ATHA), an umbrella organization for organizations engaged in youth welfare. A project for care after school hours is being set up by ATHA in various districts.

Assistance

98. Families having problems can apply to the Division for Individual and Family Problems of the Department of Social Affairs. At present, this Department is working on the realization of further professionalization, in order to be able to offer more adequate assistance. In those cases in which the domestic and/or educational problems have reached such proportions that placing the child in care is necessary, there are three children's homes in Aruba which offer shelter, care and guidance. When the children go back home, the Department of Social Affairs offers family counselling to the families. It is the intention to expand this form of assistance in the near future, in order to be able to provide direct guidance to families by means of house calls in order to avoid as much as possible that children have to be placed

in a children's home. Furthermore, shelter and counselling are offered to orphans. In these cases, however, it is also the intention to find a foster home for the children.

99. The most common problems of children placed in children's homes are neglect, maltreatment and sexual abuse. A few years ago, the foundation Stichting Respetami (Respect Me Foundation) started its activities. The Foundation's object is looking after the interests of minor victims of sexual abuse. Furthermore, it organizes (educational) activities to prevent sexual abuse, especially of minors. In view of the necessity of a policy as regards tackling the issue of child abuse in general and sexual abuse in particular, the Coordination Committee against Sexual Abuse, a cooperation between the (welfare) institutions, is drawing up a policy document on the subject.

100. At the moment Aruba has a family-substituting home for the mentally handicapped. This home is especially meant for adults. However, the foundation De Geestelijk Gehandicapten (The mentally handicapped) also exists, offering day-time education, care, and guidance to mentally handicapped children. A day-time programme for the physically handicapped is offered by the Foundation FUNARI.

101. The Guardianship Board and the Foundation for Child Welfare and Rehabilitation are charged with guarding the humanitarian treatment of the Aruban child.

Article 11. Right to a reasonable standard of living

102. Aruba is characterized by limited fresh water resources, soil salination, a limited quantity of fish in its territorial waters, a dry climate, and strong trade winds. These factors make agriculture as a means of subsistence impossible. Combined with its small scale and the absence of commercially exploitable mineral resources, the island is dependent on the importation and exportation of goods. Since most goods must be imported, it has become necessary to expand Aruba's export market beyond the natural resources available, in order to maintain a proper balance of trade. At present tourism is the principal source of income, employment and foreign exchange.

103. For data regarding the birth rate, mortality rate, life expectancy, and other data regarding the population growth, as well as data on imports and exports, reference is made to appendix II (Statistical Yearbook) of the core document of Aruba.

104. The Government pursues a social policy aimed at strengthening the position of the lower income groups. In order to guarantee a reasonable standard of living for everyone, and especially for the part of the population which is unable to provide for its daily sustenance, either temporarily or for a longer period, a system of social securities is in place in Aruba. For a survey of the main regulations of this system, reference is made to article 9 of this report.

TABLE 11. GROSS DOMESTIC PRODUCT

Year	GDP in Afls.	Nominal growth (%)	Real growth (%)	Population
1986	702			60 270
1987	876	24.8	20.5	59 881
1988	1 071	22.2	18.6	60 918
1989	1 318	23.1	18.4	62 365
1990	1 545	17.2	10.7	64 565
1991	1 704	10.3	4.5	67 423
1992	1 871	9.8	5.8	71 233
1993	2 002	7.0	1.6	77 898
1994	2 249	12.3	5.9	80 257

Source: Central Bank Aruba.

105. A graduated income tax system, public investment in social infrastructure, improvement of the social security system, and a system of maximum prices for basic necessities (such as sugar, milk, flour and rice) are among the main instruments the Government uses to achieve an adequate standard of living for its citizens.

106. By order of the Council of Ministers, and under the chairmanship of the Bureau of Statistics, a committee was established in 1994 whose assignment was to present proposals to the Government in order to enable it to determine the subsistence level in Aruba. The subsistence level was deemed to be the amount of money required to buy a package of consumer goods and utility services, universally regarded in society as a minimum. Of course, the basic necessities are very different from country to country, and from one culture to another. For this reason the committee preferred to use the term “social subsistence level”. For the fact is that the term “subsistence level” refers too much to the sheer minimum needed to survive physically. The "social subsistence level" refers to the minimum amount needed to function in a socially and ethically acceptable way within a given society.

107. For the basis of the calculation of the social subsistence level one proceeded on a model household of two adults of 16 or older and two children younger than 16. (This is the type of family widely found in Aruba.)

108. The Budget Survey conducted by the Bureau of Statistics in October 1993 constituted the basis for the determination of the social subsistence level. A total of 519 households, throughout the island, participated in this study.

The following consumption categories were used in this survey: food; alcoholic beverages, tobacco and goodies; clothing, footwear and accessories; housing; home furnishing and household goods; health care; transport and communication; recreation, culture and education; other goods and services. In order to calculate the subsistence level, an estimate was made for each of the categories, using the method which was as closely in line as possible with the nature of the category and the availability of data. For some of the categories the normative method was used, whereas for other categories a more statistical approach was used.

109. According to the estimate of the committee, at the time of issue of the report (September 1994) the subsistence level in Aruba amounted to Afls. 2,201 per month, for a family consisting of two adults and two children younger than 16. Partly also on the basis of the results of this survey, the old age pensions were raised at the end of 1994, and the Government intends to further raise the minimum wages during the coming four years (see art. 8 of this report).

The right to adequate nutrition

110. The socio-geographic situation in Aruba is such that a real distinction between rural and town population does not exist. In view of the size of the population on the one hand, and the area of the island on the other hand, the conclusion can be drawn that cities (as well as their attendant problems) are non-existent in the sense of this article. Therefore, there is no question of food (supply) problems in remote areas. Aruba has an extensive network of small, medium-sized, and large supermarkets located all across the island. The foods offered are mainly imported from the United States and Europe. In addition to this, fresh fruits and vegetables have been sold in the open air market in the harbour, brought in by vendors in small fruit vessels from the South American mainland for decades.

111. A study conducted in 1990 by the Department of Public Health showed that almost 60 per cent of all Arubans in the age group from 15 to 75 years have an overweight problem. The three main problem areas were found to be: high blood pressure, diabetes, and back troubles. Furthermore, 34 per cent of the deaths in 1992 were (partly) caused by cardiovascular diseases. This was the reason that the Department of Public Health conducted a national survey into overweight and eating habits in Aruba in 1993. The results of this research, as well as the conclusions and recommendations, were published in the report “Aruba one Heavy Island: a survey of overweight and eating habits in Aruba”.

112. This survey, in which the Body Mass Index (BMI) was measured, showed that the average BMI of Arubans in the age group 22-64 amounts to 27.8. The average is higher for persons 50 years of age and older (28.5). This means that two thirds of the Aruban population has an overweight problem. However, persons in the lower income brackets have a BMI which is considerably higher than the BMI of persons having a higher income. This may have something to do with differences in eating habits and/or insufficient knowledge and awareness as regards healthy foods. Besides, food that is relatively less expensive often also contains more fat and carbohydrates.

113. The average calorie consumption appears to be approximately 2,091 calories. For men, this average amounts to 2,587 calories a day, and for women approximately 1,840 calories. A breakdown of these calories into the groups of proteins, fats, carbohydrates and alcohol is given in table 12. Table 13 shows the actual calorie consumption in comparison with the consumption during the 1950s. It proves that about 40 years ago, people had healthier eating habits than at present.

TABLE 12. CALORIE CONSUMPTION MALE/FEMALE, 1991

Aruba	Male	Female	Healthy
Calories	2 587	1 840	
Proteins	16%	16%	11%
Fat	40%	37%	34%
Carbohydrates	42%	46%	55%
Alcohol	2%	2%	

Source: Department of Public Health.

TABLE 13. AVERAGE CALORIE CONSUMPTION 1957 AND 1991

Aruba	Average 1991	Average 1957	Healthy
Calories	2 091	2 226	
Proteins	16%	16%	11%
Fat	38%	37%	34%
Carbohydrates	44%	46%	55%
Alcohol	2%	not available	

Source: Department of Public Health.

114. The hazards involved in overweight (cardiovascular diseases, diabetes and hypertension) are the reason that the need for adequate information is increasingly felt among individuals working in health care and especially dieticians. By using the media and by supplying brochures, the Department of Public Health and the Association of Nutritionists and Dieticians are constantly providing information. Especially overweight children cause concern. It is important that the information given is not only focused on overweight in itself, but that the social, economic and psychological factors,

in other words environmental factors, are also taken into account. The conclusion can be drawn that, as a result of effective information, a healthy lifestyle, which also focuses on more physical exercise, is becoming more popular in Aruba.

115. In order to give more publicity to and information on healthy nutrition, the Association of Nutritionists and Dieticians of Aruba organized the annual interregional CANDY (Caribbean Association of Nutritionists and Dieticians) conference in Aruba in 1992.

The right to adequate housing

116. As a consequence of the considerable economic expansion which took place in the island in recent years, the Aruban labour market attracted, and continues to attract, large numbers of workers from the countries and islands in the region. At the end of 1994 the size of the Aruban population was estimated at 80,694 inhabitants, 13,975 of whom were registered as foreigners. The accelerated population growth has led to many problems in the field of infrastructure, of which the housing problem is one of the most pressing. Although the shortage in housing has been alleviated in part by the realization of some housing projects, especially in the middle income and upper income brackets, the pressure on rents for lower-middle and lower income groups continues to increase. In order to tackle the housing problem in an effective way, a nationally centralized registration of all persons seeking housing accommodation was started in 1995. Based on these data, plans are being developed, in cooperation with the private sector, to solve the problem of the lack of housing accommodation. For information regarding the quality of existing housing accommodation, reference can be made to the data of the Third Population and Housing Census 1991.

117. Attempts to establish a universal rent subsidy system for the whole island have not yet led to the result desired. Social housing schemes do exist. In 1979, the Fundacion Cas pa Comunidad Arubano (FCCA) was established, with the object of improving social housing in Aruba. On behalf of the State of Aruba, the FCCA manages and rents out some 1,400 houses. The rent to be paid depends on the gross family income per month.

118. In the Aruban community one attaches great value to having a house of one's own. In this respect, it is important to note that almost all land in Aruba is publicly owned. This land is not for sale, but everyone can obtain a parcel of land in long lease for a period of 60 years. The ground rent is levied per year and is fixed for the entire period of 60 years.

119. By far the most important activity of the FCCA is granting (construction) mortgages. This system implies that the customer is granted a credit, and in addition to this the FCCA provides materials and technical support to the future home-owner. This self-construction method enables most Arubans to build a good-quality house at a relatively low cost. The interest to be paid on the money borrowed depends on the gross annual income. The average life of the loan amounts to 25 years.

120. The FCCA proceeds on the principle that it is cheaper in the long run for a family to build their own house than to rent a house. Besides, the family will own the house after 25 years. When they grow older, and often suffer loss of income when they retire, they will possess an unencumbered dwelling.

121. In addition to the fact that self-construction has been the most economical way of building up to now, many people prefer this system by far, because one can decide for oneself on the layout, colour, and architecture of the house. This line of thought as regards having one's own house is characteristic of the Aruban community.

122. As to the legislation regarding tenancy rights, reference can be made to articles 1564 through 1604 of the Civil Code of Aruba. Eviction of a tenant from a house is only possible if the lease agreement has been terminated in a legal way. The Civil Code of Aruba stipulates how and when the lease agreement can be terminated.

123. In recent years, the Government has been making more and more efforts to tackle the problem of homeless drug addicts (the so-called “chollers”). In 1994, a national Drug Committee was set up to coordinate, together with the National Drug Coordinator, the initiatives in the field of care and treatment of drug addicts in Aruba. The establishment of a drug rehabilitation centre for this target group is presently under way.

International cooperation

124. In order to realize the rights set forth in the Covenant, Aruba gets technical and financial support from the Netherlands, the European Union and the United Nations. Projects realized with support from the Netherlands are to be found in the field of social housing construction and utilities, education and culture, environment and public health and law enforcement.

TABLE 14. FINANCING PROJECTS FOR THE BENEFIT OF ARUBA THROUGH NETHERLANDS DEVELOPMENT FUNDS (IN AFLS)

Source: Department of Economic Affairs, Commerce and Industry.

Article 12. Right to the highest possible standard of physical and mental health

General

125. Article V.23 of the Constitution of Aruba stipulates that the Government shall take measures for the promotion of public health.

126. Aruba has a general hospital (Dr. H. Oduber Hospital), with a total of 253 beds (including 26 beds for the psychiatric ward). The hospital has a total of 611 employees, of whom some 80 per cent are female. In addition to this, the eastern part of the island can also make use of the services of the Dr. R. Engelbrecht Centro Medico in San Nicolas, a clinic which provides the most basic services. Furthermore, there are three homes for the elderly in Aruba.

127. At present, there are 30 general practitioners and 40 medical specialists working in Aruba.

TABLE 15. PHYSICIANS/DENTISTS PER 1,000 INHABITANTS AND INHABITANTS PER PHYSICIAN/DENTIST

Year	Mid-year population *	Physicians per 1,000 inhabitants	Dentists per 1,000 inhabitants	Inhabitants per physician	Inhabitants per dentist
1990	63 509	1.09	0.28	920	3 528
1991	67 358	1.10	0.28	910	3 545
1992	69 337	1.07	0.27	937	3 649
1993	74 832	1.11	0.31	902	3 254
1994	79 007	1.13	0.29	888	3 435

Source: Department of Public Health and Bureau of Statistics.

* The mid-year population of Aruba is based on two censuses - 1 February 1981 and 6 October 1991 - and the mutations in the population registry, corrected for migration growth.

128. The main causes of death in Aruba are cardiovascular diseases and cancer; mortality is also strongly influenced by degenerative diseases, with diabetes as the most prevalent cause: 6 per cent. The number of cases of infectious diseases is low, but is suspected to be under-reported.

129. In recent years health care expenditure has been estimated at Afls. 80 to 85 million; this is more than 6 per cent of GDP. Health care expenditure per capita is almost US$ 800 per year. There is, however, a strong emphasis on secondary care, at the expense of primary care, prevention and mental

health. Exact expenditure is not known, due to a general lack of reliable data and registration systems. In order to improve this, a proposal for a national health insurance (with compulsory registration of data) was approved by Parliament in 1992.

130. The largest part of the total cost of health care is paid by the Government, partly by contributions towards the medical expenses of its employees, but in particular by its contribution to the medical expenses of the lower income groups. For regulations as regards medical insurance, reference is made to article 9 of this report.

131. The task of the Department of Public Health, which comes under the Ministry of Social Affairs, Public Health, Culture and Sports, is to prepare, carry out and evaluate government policy as regards public health. Furthermore, the Department of Public Health oversees the activities of the administrative bodies carrying out curative, preventive and inspective tasks. In 1990 the Department of Public Health conducted a descriptive study to collect information on the population's health in general, use of medical services, alcohol consumption, and to assess the level of satisfaction with medical care in Aruba (see also art. 11).

Health care for the young and immunization

132. Juvenile health care is aimed at the longitudinal (socio-medical) guidance of children from 0-12, in order to monitor and further their state of health.

133. All over the world, the national vaccination programmes are aimed at preventing the various diseases which primarily affect children, by means of vaccination. These diseases are: diphtheria, whooping cough, tetanus, polio, measles, German measles and mumps. The vaccination programme implemented by the Division of Juvenile Health Care of the Department of Public Health is systematically aimed at all children, from the moment of their birth until approximately the age of 12, and is offered without people having to ask for it. Children are vaccinated against the aforementioned diseases in accordance with the scheme prescribed by the Kingdom Vaccination Programme of the Netherlands, which roughly corresponds with the vaccination programme of WHO.

134. Three doctors of Juvenile Health Care are in charge of the entire implementation of the vaccination programme of Aruba, assisted by nurses of the Juvenile Health Care and the Wit-Gele-Kruis (an organization in the field of home nursing, health care for babies, etc.). The assistance of nurses of the Medical Service for Schools is indispensable in the realization of the vaccination programme. On an annual basis 3,000 vaccinations are administered at the schools, and 4,500 vaccinations at the White-Yellow Cross.

Division Contagious Diseases

135. In order to prevent the spread of certain diseases, Aruba has the State Ordinance Contagious Diseases and an Implementing Order belonging thereto. In addition to this, there is a Quarantine Ordinance, and various State Decrees, containing General Administrative Orders, based on this ordinance.

136. The object of the Division Contagious Diseases is to prevent, fight, and keep records of contagious diseases. The activities carried out by this Division for this purpose are, inter alia, furnishing information concerning contagious diseases, the supervision of food handlers, and the counselling of persons who tested HIV-positive and of AIDS patients.

TABLE 16. REGISTERED CONTAGIOUS DISEASES

	1989	1990	1991	1992	1993
Bacillary dysentery (Shigella)	32	89	57	38	21
Campylobacter		27	39	29	12
Other salmonelloses, inc. paratyphoid	116	74	72	66	55
Diphtheria	-	2	-	-	-
Tuberculosis	2	-	-	7	5
Syphilis		14	-	9	9
N. Gonorrhoea		29	53	22	9
Hepatitis B		2	-	-	-
HIV		10	30	30	28

Source: Department of Public Health.

137. The first case of HIV/AIDS in Aruba presented itself in 1986. As of 1 January 1995, a total of 146 cases had been reported to the Division of Contagious Diseases. Approximately half of those who tested HIV-positive were immigrant workers. Of the immigrant workers who tested positive, the majority returned to their country, making it impossible to determine how many of those who tested HIV-positive developed AIDS or died from this disease. Most of the AIDS/HIV-infected individuals were diagnosed among outpatients.

138. No surveys or other studies have been conducted to get a true indication of the prevalence and incidence of HIV infection in Aruba or among subgroups of the population. The only data available at the moment are those of blood donors and registered prostitutes, who are tested on a regular basis.The HIV test is conducted in Aruba by means of Elisa-testing and confirmation testing by Western Blot (which is conducted abroad).

139. The persons who test HIV-positive are equally divided between men and women, and are to be found mainly amongst individuals over 25 years of age. The (provisional) conclusion based on the above data could be that there is a relatively low prevalence of AIDS infection in Aruba, steadily increasing

however over the years, and passed on mainly through heterosexual (or perhaps bisexual) contacts and probably not due to intravenous drug abuse (in view of the age group infected). However, the limited numbers involved in a community as small as Aruba make definite conclusions hard to draw.

TABLE 17. HIV CASES

Year	No. of tests	Pos. Elisa	Pos. W. Blot
1986	1 630	9	4
1987	1 829	6	5
1988	2 577	8	3
1989	3 361	12	6
1990	4 778	17	10
1991	8 969	39	23
1992	8 775	35	22
1993	7 757	55	47 Liatek as of Jan. 93
1994	6 673	40	26
Total	46 349	221	146

Source: Department of Public Health, Division of Contagious Diseases.

140. In 1987 a National AIDS Committee was set up in order to make recommendations to the Government as regards a policy on AIDS and HIV infection to be pursued. Before that time, information on the spread of HIV was provided by the Aruban Women's Club, a social/charitable organization. This information varied from showing educational films on national TV to organizing panel discussions and visiting schools. The National AIDS Committee was granted a subsidy by the Aruban Government for its activities.

141. In 1993 the National Aids Committee was converted into an Advisory Committee, while in the same year the Director of Public Health installed the AIDS Task Force Aruba (ATFA) which is responsible for planning, implementing and evaluating the AIDS prevention programmes.

142. By visiting the neighbourhoods where prostitutes are active the Division of Contagious Diseases is endeavouring to establish a relationship of trust with this extremely vulnerable group so that they will in the long run submit voluntarily to regular checks. This will yield important information not only about AIDS but also about other sexually transmitted diseases.

Contraceptives

143. For information as regards pregnancy and birth, reference can be made to the Kingdom Report on the Women's Convention.

144. In Aruba, contraceptives are freely available (and often without prescription) to both men and women. When using contraceptives, a regular medical check-up is recommended, but it is not compulsory.

145. The Aruban foundation for the promotion of responsible parenthood Famia Planeá distributes free contraceptives among the population. Furthermore, this bureau gives information regarding responsible parenthood and sexual education in general. Various secondary schools are visited regularly by representatives of Famia Planeá in order to provide such information.

146. In connection with the spread of the AIDS virus, a large number of condoms have been distributed in recent years, free of charge, by both Famia Planeá and the Division of Contagious Diseases. The AIDS Task Force also conducts special campaigns, e.g. during the carnival period.

Public information

147. A few years ago, with a view to adequate public information and consciousness-raising among the public, the Department of Public Health set up a Public Information Division, which takes care of informing the population as regards the various aspects of health. For this purpose the Division makes use of regular information material (such as posters, leaflets, information booklets and stickers) and, in addition it produces a TV and a radio programme, in which a different health-care topic is discussed each week. More over, the Public Information Division coordinates the cooperation between non-governmental organizations engaged in furnishing information on health. Workshops, lectures and other activities are organized on a regular basis for the various divisions of the Department of Public Health, non-governmental organizations and the public in general.

Complaint office

148. In order to be able to take note of (possible) deficiencies in health care and in order to improve the services, a complaint office was established in 1986 by the Department of Public Health. This complaint office handles complaints, inter alia, regarding medical, technical, organizational, relational, communicative and financial aspects. It counsels and supports patients and mediates between parties. Cooperating with the complaint office of the Department of Public Health is an association of patients Comision Pro Derechonan di Pashent, which has been defending the rights of patients since 1994.

Private institutions

149. Aruba has a large number of private institutions which are active in the field of public health. The objective of each of them includes health information and education. At the initiative of the Information Division, the Department of Public Health started the Human Resource Plan 1995. The objective of this plan is to establish cooperation between the private institutions in the field of health information and education and the Department of Public Health.

Article 13. Right to education

General

150. For a general survey of the Aruban educational system reference should, for the sake of brevity, be made to the Aruban core document. The information presented there is supplemented below with particulars in order to give a complete picture of education in Aruba. The information, which is presented in tabular form in annex 1 to this report, is based on data of the Department of Education and the census carried out in October 1991.

151. Article I.20 of the Constitution stipulates that “education shall be of constant concern on the part of the Government” and that public education will be regulated by State Ordinance, respecting everyone's religion or philosophy of life.

152. Education is free, except for supervision by the Government and, as regards the kinds of education indicated by State Ordinance, the inquiry into the competence and morality of the teachers (regulated by State Ordinance). Receiving education is also free, except for the restrictions to be provided by State Ordinance. The following regulations are in force: the State Ordinance Pre-school Education; the State Ordinance Elementary Education, and Orders in pursuance of this Ordinance; the State Ordinance Secondary Education, and Orders in pursuance of this Ordinance; the State Ordinance University of Aruba, and Orders in pursuance of this Ordinance. The conditions on which non-public primary, secondary and preparatory higher education receive contributions out of the public funds are also regulated by State Ordinance.

153. In Aruba, the importance of an adequately educated population is fully recognized. The Aruban (working) population is regarded to be among the best educated in the region, while the language skills of the Arubans (generally speaking, apart from Papiamento and Dutch, the people also speak English and Spanish) contribute to the success of, inter alia, the tourist industry. For this reason, education absorbs a considerable part of the total national budget. In the period 1991/92, the share of education amounted to 15.9 per cent of the budget. In 1993, this contribution amounted to 16.6 per cent, completely in line with the pattern of the 1990s. The expenditure for the benefit of education follows the economic growth only partially, as a result of which the direct costs per student are not in pace with inflation.

Participation in education

154. The participation in education in Aruba for the period 1990-1994 is estimated as follows.

Age	Level	1991	1994
4 - 6	preschool education	± 90%	± 86%
6 - 11	elementary education	> 99%	> 99%
12 - 17	secondary education	± 95%	± 94%
18 - 21	postsecondary education	± 30%	± 36%

155. The total number of students in regular education (preschool education through senior secondary vocational education) increased, by 4 per cent in 1994 in comparison with the preceding school year. Relatively speaking, the greatest increase took place in the senior secondary technical education.

156. The overview below gives a survey of the participation in education for the school year 1993/94, according to sex, for the different levels of education, as well as the different kinds of education.

Type of education	Number of schools 1 Sept 1994	Number of students		
		M	F	T
Preschool education	23	1 174	1 211	2 385
Elementary education	32	3 851	3 755	7 606
Special education	3	160	95	255
Junior secondary technical education	3	1 078	15	1 093
Junior secondary home economics education	4	93	386	479
Economic, tourist, clerical education	4	198	443	641
Junior general secondary education	9	922	1 210	2 132
Senior general secondary education/preuniversity education	1	496	767	1 263
Senior secondary technical education	1	283	24	307
Senior secondary commercial education	1	54	204	258
Total	81	8 309	8 810	16 419

157. The growth in the school population has to be due mainly to the increasing immigration, which is reflected in the origin and native language of the students (figures 4 and 5; see statistical data in annex 2). The percentage of foreign students differs per type of education (figure 6, annex 2).

158. In kindergarten and in elementary school, the participation of males and females in education is almost equal. As from secondary education, a clear difference in the participation can be noticed, notably in technical vocational education, in which females are clearly underrepresented. On the other hand, females are overrepresented in service-oriented education and education in the caring professions. Probably stereotypes and role models as regards men and women play an important role in the school choice of boys and girls. Relatively more females than males move on from elementary education to the general secondary education (VWO [preuniversity education], HAVO [senior general secondary education], and MAVO [junior general secondary education]). The number of females in these kinds of schools is considerably higher than the number of males.

159. As at 1 September 1994 more females (26) than males (15) were enrolled at the University of Aruba, which since 1993 has had a second faculty after the Law Faculty, namely the Finance and Economics Faculty. As regards the age of the students, there are clear differences between the Law Faculty and the Finance and Economics Faculty on the one hand, and males and females on the other hand.

160. The Finance and Economics Faculty has a relatively large number of students between 20 and 29 years of age. From this, it can be deduced that many students pass on to this education directly after obtaining their HAVO or VWO diploma. As regards the students of the Law Faculty, it is striking that a great part of the male students fall in the age group 40 to 49, while the major part of female students comes from the age group 20 to 29 years. The latter may indicate that women rather opt for continuing their studies in Aruba instead of in a foreign country. Besides, the high age of men may indicate that many men combine reading law with a (full-time) job.

161. The only institute for higher vocational education is the Instituto Pedagogico Arubano - IPA (Aruban Pedagogical Institute). At this four-year course for teaching staff, the students can specialize in one (or more) of the age groups 4 to 8-year-olds, 6 to 12-year-olds, or 12 to 15-year-olds. In addition to the regular courses for future teachers, the IPA also takes care of refresher courses.

System of study loans

162. Since 1986, Aruba provides study loans for Aruban students who want to continue their studies at a school for senior secondary vocational education in Aruba or an accredited institute for higher vocational education, or university education in Aruba, or in a foreign country. These study loans are supplied on the basis of the guidelines regarding the granting of study facilities approved by the Parliament of Aruba in 1986, in connection with the

absence of a statutory regulation. As of 1986, Aruba grants study loans to students with Dutch nationality, provided they meet the age requirements and have certain ties with Aruba. These study loans are interest-bearing loans.

163. The Government deems it desirable that a regulation be created in the very near future providing a legal basis for granting study loans. Meanwhile, the Office of Legal Affairs and Legislation of the Department of Education has drawn up a draft of a State Ordinance Study Loans, which has been submitted to the Minister of Public Welfare for approval. It is the intention that this State Ordinance will officially be enacted before the start of the school year 1996/97. This draft State Ordinance Study Loans is meant to guarantee access to education by giving everyone the right to participate in education, provided that the student meets the objective conditions laid down in the State Ordinance. The study loans granted on the basis of this State Ordinance should be regarded as goal-oriented loans for receiving education; the public investment by means of the study loans as such is aimed at creating equality of opportunities.

164. The number of people having a scholarship (including those with a study loan) increased by 79.4 per cent in the period from September 1986 to August 1994, namely from 542 to 940. Despite various developments in the Aruban educational system, such as the integration of the schools for senior secondary vocational education, the expansion of the tasks of the Instituto Pedagogico Arubano, and the expansion of the University of Aruba by the new Finance and Economics Faculty, an increase can be noted in the number of students studying abroad. Mainly as a consequence of the Wet Studiefinanciering 18+ (WSF 18+), the share of the Netherlands increased from 66.2 per cent in 1986 to 82.2 per cent in 1994.

165. With the introduction of the programme for financial assistance of students WSF 18+ (Dutch Financial Assistance Act for students 18 years old and up) and the substitution of the traditional Aruban scholarship system by (interest-bearing) study loans, the Netherlands has become much more attractive for students than the United States. If we have a look at the distribution of students having scholarships over the disciplines, the disciplines elected most in 1994 were: economics and related studies 33.8 per cent, followed by health science and related studies 18.2 per cent, education 16.6 per cent, and engineering sciences and related studies 16.1 per cent.

Adult education

166. In 1962, the night school for higher elementary education (MULO) started as a kind of second chance education, inter alia for drop-outs from daytime education. The present night courses in Aruba offer adults the possibility of obtaining a diploma for technical education, for senior general secondary education (HAVO) and for junior general secondary education (MAVO). In 1994 women constituted the majority in the night schools for MAVO and HAVO; in technical education men formed the majority. In 1994, the number of students following night education in Aruba increased by approximately 11 per cent, especially due to the growth in the night HAVO. Young people under 20 years of age appear to constitute the majority in the night MAVO, and to a slightly

lesser extent this is also the case in the night HAVO. The latter indicates that, as regards these courses, a shift has taken place from second chance education to "second road" education for drop-outs from daytime education. On the other hand, as regards the evening courses for technical education the students are somewhat older in general (most are over 20 years of age), giving this type of education more the character of second chance education.

167. Enseñansa pa Empleo provides short courses for adults in the field of clerical work and management, languages, hotel and catering, and engineering. During the calendar year 1994, 3,941 persons participated in one or more of these courses.

Educational projects

168. Innovational developments are taking place throughout the Aruban educational system. In 1990, the Aruban Government started a number of educational renovation projects. It was in that year that the Ministerial Council issued the order to restructure junior secondary vocational education. Because of the decrease in the number of students, the various schools for junior secondary vocational education had become very small, and this small scale impeded the offering of a wide range of courses. During the past years, the schools for junior secondary vocational education have not, or hardly, met the requirements of trade and industry, resulting in a great demand in certain sectors of the society for skilled labour which was not available. As of 1 August 1995 the separate types of junior secondary vocational education, namely junior secondary technical education, junior secondary economic, tourist and clerical education and junior secondary home economics education, were replaced by an integrated form of junior secondary vocational education with various divisions.

169. At present, activities to restructure senior secondary vocational education are in full swing. The current types of senior secondary vocational education, i.e. senior secondary technical education, senior secondary commercial education, senior secondary service and caring education, education for nursing and the Aruban Hotel School, will be consolidated into one school for senior secondary vocational education, with various divisions. The education will consist of modular training courses. An exam will have to be taken after each module. Within the new type of senior secondary vocational education, possibilities will be created for students to leave school and enter the labour market before schedule.

170. As of January 1995, the Government has been working on the preparations for the restructuring of general secondary education (AVO), and as of 1 August 1995, the Minister of Public Welfare has appointed a project manager for the renovation process for preschool, elementary, and special education.

Article 14. Compulsory education

171. Aruba has not yet introduced compulsory education. A draft State Ordinance has been drawn up by the Department of Education on instructions of the Minister of Public Welfare, on the basis of which children will be obliged to attend elementary school. It is likely that Aruba will go a step further and make education compulsory for children through the age of 15, as

it appears that, in particular young people of 12 to 16 are leaving school. The Department of Education has already submitted a first draft of this Ordinance to a number of experts. There are several issues on which agreement has to be reached before introducing compulsory education, e.g. regarding facilities in elementary and secondary education for children speaking a foreign language (in connection with the influx of foreign workers) and machinery to be set up to supervise compliance with the State Ordinance. Furthermore, an indication will have to be provided as regards the cost of the introduction of compulsory education.

Article 15. Right to cultural life and the enjoyment of the results of scientific research

General

172. In the course of the centuries, Aruba was influenced by various alien cultures. The original Indian culture was affected by Spanish, Portuguese, French, English and Dutch influences. In the twentieth century the oil industry, trade, and prosperity caused substantial migration from the region to Aruba, due to which the population kept growing steadily. To this day, the results of these developments determine Aruban culture.

173. In this context, culture should be seen as a broad concept: it is the way in which, and the extent to which people shape the way of life of the community to which they belong, and the extent to which they are aware of their influence on the quality of this way of living. Culture includes, inter alia, language, culinary customs, traditions in connection with festivities, death and birth, religion, crafts, and house-building. All these components together cause the Aruban population to distinguish itself from other population groups. Many Arubans are concerned, however, about the effect that tourism may have on the authentic culture.

174. Article V.23 of the Constitution of Aruba stipulates that the Government shall create conditions for social and cultural development and recreation. The Government's policy is to promote knowledge of the preservation of culture and to stimulate the development of cultural expressions and manifestations.

175. The Office of Cultural Affairs (Instituto di Cultura), which comes under the Minister of Culture, plays a guiding and coordinating role in the development and preservation of culture, and is charged with the following tasks: preservation of the cultural heritage; creation of possibilities for new initiatives; promotion of the participation of citizens in cultural expressions; establishing and maintaining contacts with international organizations and national foundations in the cultural field; conducting ethnographical/anthropological research, research concerning oral documentation of Aruba, as well as general research concerning arts and culture; giving lectures and the organization of cultural manifestations.

Culture preservation

176. Museums belong to the most important means for cultural development and culture preservation. Aruba has three museums: the Archaeological Museum, the Historical Museum, and the Numismatical Museum. The task of these

museums is to gather, register, preserve, restore, document and study the cultural heritage in order to present it to the public. The Archaeological Museum deals with one of the most important facets of the island's history, namely the time it was inhabited by Indians. The collection, consisting of 5,000 items, is owned by the Government and covers the pre-ceramic and ceramic era (4500 B.C - 1500 A.D.) and the historical era (1500-1800).

177. Although the first attempts to formulate a policy for the preservation of monuments for Aruba date back to 1966, it took some years before further attention was devoted to the issue of the preservation of monuments and historic buildings. In December 1994, the Minister of Culture established a Monuments and Historic Buildings Council, which is charged with the important task of setting up a system for the preservation of monuments and historic buildings. A number of historic buildings have already been acquired by the Government, and it is the intention to start restoration activities in 1996.

Development of cultural forms of expression

178. In addition to the preservation of culture, the Government's policy is also aimed at stimulating the living culture. Music, dancing and theatre courses are organized in the district centres for this purpose. At present, some 450 children and teenagers attend these courses.

179. Numerous foundations/organizations and private individuals are active in the field of visual arts, music, dancing and theatre. The various population groups are free to practise their own culture, which results in a great number of cultural manifestations, as well as social/cultural clubs such as, inter alia, the Alliance Française, Amigos de Colombia, a Portuguese club and Chinese club.

180. Aruban artists and artisans regularly participate in regional and international meetings and cultural exchanges, such as CARIFESTA. Moreover, Aruba regularly hosts annual regional festivals in the fields of dance, theatre, and music, as well as itinerant exhibitions. It may be stated that, for a relatively small island such as Aruba, there is a large variety of cultural activities in which the island's cultural diversity is expressed.

181. Although Dutch is the official language and Papiamento is the native language of the greater part of the population, the people of the various nationalities living in the island are free to speak their own language and preserve their identity in this way. Spanish, Patois (French dialect spoken, inter alia, in Haiti), Chinese, and Portuguese are frequently spoken. Partly also because of this development, people more and more often draw attention to the preservation, the literature and the officialization of the national language, Papiamento. In recent years, important developments have taken place in this field. The Instituto Pedagogico Arubano (Teacher Training College) set up a course in Papiamento (for a teaching certificate in elementary education), the Government appointed a commission to promote Papiamento, the Department of Education is developing teaching material in Papiamento and the official spelling was revised.

Association of Aruban Cultural Organizations

182. The Union di Organisacion Cultural Arubano, UNOCA (Association of Aruban Cultural Organizations) acts as the intermediary between those who submit a financing request for a cultural project, the Minister of Public Welfare and Netherlands Development Aid Aruba. The grant of a subsidy by UNOCA is based on democratic principles and equal treatment of all cultural sectors concerned. Any person, group or organization is eligible for (co)financing through UNOCA. However, one has to meet the requirement that the project to be financed should contribute to the cultural development of Aruba.

TABLE 18. ALLOCATED CULTURAL DEVELOPMENT AID PER SECTOR PER YEAR (IN AFLS)

	1990	1991	1992	1993	Total
Performing arts	291 101	427 284	250 541	393 200	2 065 070
Literature	57 432	16 839	29 437		205 760
Audio-visual productions	75 000	52 475		52 478	309 329
Visual arts	2 565	1 100	150 391	27 188	206 545
Libraries	400	106 513	17 564		169 668
Archaeology		6 500			95 605
Infrastructure/ facilities	460 495	229 478	207 553	104 342	1 711 526
Applied arts			21 797		52 422
Creative education	161 149	116 891	103 400	22 962	625 669
Student grants	49 031	119 519	154 140	109 916	486 425
Historic material archives/monuments					313 665
International contacts	59 733	49 646	55 298	49 913	332 770
Scientific research	21 025	13 080	28 165	69 795	171 783
St. C.C. A*	239 200	279 268	214 586	163 274	1 687 728
Mini-projects of less than 5,000			104 457	144 402	248 860
Other	10 000				10 000
Total	1 417 047	1 424 247	1 331 946	1 087 560	8 692 833

Source: UNOCA.

* St. C.C. A = Foundation Cultural Centre Aruba.

Freedom to gather or receive information

183. Article I.12 of the Constitution, which deals with the freedom of expression, among which is the freedom to gather or receive information, is of importance to the second paragraph of this article. This freedom can only be restricted by, or by virtue of, State Ordinance. This power has been used only incidentally. So, for example, article 37 of the State Ordinance on setting up and keeping the registers of births, marriages and deaths prohibits giving certain persons or institutions information on births out of wedlock or cohabitation of person entered in the registers. This information can be given, however, if the head of the registry office is given adequate proof that the information is requested for a scientific or philanthropic purpose.

184. Aruba is a party to the Paris Union (1883) for the protection of industrial property, and to other unions concerning patents, trademarks and industrial designs. Furthermore, Aruba is a party to the Bern Convention (1886) for the protection of literary and artistic works. The tasks in connection with these matters are entrusted to the Section Patents, Trademarks and Copyrights of the Bureau for Intellectual Property. Aruba has a Trademark Ordinance and an implementation decree, the State Decree Industrial Property. Copyright is protected under the Copyright Ordinance. Copyright provides protection for literary, artistic, photographic and audio-visual work up to 50 years after the death of the author.

185. In small-scale societies such as Aruba, which do not have many centres for consulting publications in specific fields, the National Library has the special task to meet the demand for information and to fill the existing gaps in the information supply. During the past 15 years, the function of the National Library has developed from the limited task of a centre for lending out books to a multifunctional centre which not only lends out books, but also audio-visual materials, and where one can also study, attend lectures, visit exhibitions, view films and take courses.

186. The importance of the library is illustrated by the frequent use that is made of its services. The average number of direct users of the library in 1994 is estimated at 600 per day. The premises of the library are also frequently used for exhibitions, lectures, conferences and activities of various social organizations. National and international contacts are maintained for the proper functioning of the information system of the library. The successful organization in 1983 and 1994 of the ACURIL (Association of Caribbean University, Research and Institutional Libraries) conference in Aruba by the National Library provided a good basis for the development of the aforementioned contacts.

187. As the number of institutions for higher scientific education in Aruba is limited to the University of Aruba with a legal and an economic faculty, the conduct of scientific research is necessarily limited. Scientific research on people is not conducted at all in Aruba.

188. The Fundacion pa Investigacion y Informacion, FUNDINI (Foundation for Research and Information) was established in 1988. FUNDINI's object is to make a contribution to research and information in the field of social sciences, both in Aruba and in the region, in order to promote and support

progress, awareness, emancipation and rational planning and policy. FUNDINI endeavours to achieve this objective by conducting, promoting and supporting research and research projects. In addition, it publishes research results and organizes meetings, conferences, seminars and courses. For example, in June 1994 the Fifth Meeting of the Caribbean International Relations Group of CLASCO (Consejo Latinamericano de Ciencias Sociales) took place in Aruba.

189. The central theme of the meeting was “Global Transformations: New Challenges for the Caribbean”. It was organized by three research centres: Institute of Caribbean Studies (University of Puerto Rico), the Centro de Investigaciones Sociales (University of Puerto Rico) and FUNDINI. Participants from all linguistic areas in the Caribbean discussed a wide range of issues relevant to the region, such as the effects of integration upon migratory movements in the Caribbean; environmental problems in the Caribbean; militarization and drugs in the Caribbean and Central America; and democracy and human rights in the Caribbean. Furthermore, a public forum for a broad audience was organized in the National Library of Aruba during which the various problems of contemporary Caribbean society were discussed.

ANNEX 1

