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EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ARUBA

(Article 16
for the period 01/01/2005 – 31/12/2009)

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CYCLE XIX-4 (2011)

European Social Charter

**Report by the
Government of Aruba**



for the period

1 January 2006 – 31 December 2009

regarding Article 16 of the Charter

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Foreword

The Government of Aruba submits hereby its report for the period 1 January 2006 through 31 December 2009 in accordance with Article 21 of the European Social Charter, on the measures taken to give effect to Article 16 of the Charter, complying with any questions or requests for information consequent its previous report and responding to any comments made by the European Committee of Social Rights. Other than the information supplied in this report, no other changes in law or regulation has been effected during the reporting period. The Government therefore kindly refers the Committee to its past reports.

In accordance with Article 23 of the Charter, copies of this report have been communicated to the following representative organisations of workers and employers:

The Employer's organisations:

- The Aruba Hotel and Tourism Association
- The Aruba Trade and Industry Association
- The Association of Employers in the Aruban Building Industry

The Worker's organisations:

- The Aruban Union of Nurses
- The Federation of Workers of Aruba
- The Union of Public and Private Employees of Aruba

REPORT BY THE GOVERNMENT OF ARUBA 2010

Social Protection of the family

Housing for families

In its Conclusions XVIII-1, the Committee reproves the Government for not providing detailed information on housing, in particular how families' needs were taken into account in building programmes and whether there were housing benefits specifically targeted at families.

The Government kindly refers the Committee to the Government's 2003 report in which the Government communicated to the Committee that the Fundacion Cas pa Comunidad Arubano (FCCA) awards favourable interest rates to families, taking into consideration the family size and income, to make it possible for each family to build a home of their own, as this is financially more advantageous than renting and because it falls within the cultural value placed on owning a home. In addition, the report further describes how each family is able to design the interior of the home according to their own needs, thereby making adjustments for the number of room, facilities for the physically challenged and/or the elderly. As it regards the Government's role in the needs of the family, the Government repeats its comments in its 2003 report in which it stated that the public housing scheme is directed at the needs of low-income families, in other words, affordable housing for the eligible, which are determined a.o. on the basis of family income and the number of members in that family. There are no additional housing benefits available.

The FCCA currently has several housing projects on a short-term, providing in total 240 homes.

Table 1. Housing projects

Rooi Bosal	Alto Vista	Papilon	Bubali	Palisiaweg	Total
26 homes	62 homes	68 homes	34 homes	50 homes	240 homes

Source: http://www.fcca.com/index.php?option=com_content&task=view&id=64&Itemid=62

Childcare facilities

As communicated to the Committee in the past, childcare facilities in Aruba do not provide free services. Private childcare facilities are commercially driven and solicit therefore commercial fees, subsidised facilities aim to break even and government facilities calculate its fees based on the family income and the number of children.

Children of the age of 4 years or older may attend a public or a subsidised kindergarten. Aruba currently has 28 kindergartens spread out over the whole island. Parents pay a contribution referred to as parental contribution. Children younger than 4 years old attend day care centres, and with the exception of a few schools, parents pay the requested amount.

Out of all the centres, the Tra'i Merdia is the only public facility with seven branches in the different neighbourhoods of Aruba; the Government will provide further details below under the sub-heading *Tra'i Merdia*.

The target group for these private childcare centres varies from 0 to 13 years old and may be offered any combination of the following services:

- Baby sitting; are usually open in the morning only, full day, 24 hours per day, on Saturdays, Sundays and during school vacations, except for Christmas;
- Transportation, tutoring and homework assistance;
- Care dedicated to only Dutch speaking clients;
- Food and beverages, and activities programme;
- Care for children with learning disabilities or that have psychological issues; and/or
- Care dedicated to a specific religious affiliation

Childcare facilities do not have admission criteria beyond age and/or restroom independence of the child. Some facilities increase the monthly fee for children requiring that extra service. In general, children may be turned away if the facility, at its own discretion, feels it has reached its own maximum care capacity. The Government elaborates on the law governing childcare centres below under the sub-heading *Childcare centre ordinance*.

Tra'i Merdia

As mentioned above the government childcare centres are located in seven elementary schools, spread across the island. Schools are used to minimise the costs of the programme and in many instances for its proximity in the accessibility for the parents. Table 2 provides data on the different locations where Tra'i Merdia centres are located and other relevant information.

Table 2. Tra'i Merdia Childcare centres, as per 1 Dec. 2009.

Nr.	Location	No. of groups	No. of children as of 1-12-2009	Centre Counsellor	Group Counsellors	Homework Counsellors
1	Morgenster / Conrado Coronel	8 x 24	184	2	8	1
2	Oranjestad / St.Fransiscus	8 x 24	154	2	8	1
3	Noord / Washington	10 x 24	215	2	10	2
4	Noord / Kudawecha	5 x 24	111	1	5	1
5	Paradera / Maria Goretti	7 x 24	156	2	7	2
6	Santa Cruz / San Hose	7 x 24	147	2	7	2
7	San Nicolaas / Pieter Boerschool	7 x 24	183	2	9	2
Total			1150	13	54	11

Source: Bureau Traimerdia, December 2009

For every 24 children, there is one counsellor. Per centre with six or less groups, there is one homework counsellor; for centres with more than six groups, additional homework counsellors are provided.

There are no admissions criteria and all children, except for children of the Scol Dunaman (Helping Hand School), receive care at the centres. The Scol Dunaman is

for mentally handicapped children; those children receive special care at the Traï merdia Sonrisa centre.

Parents must submit an application for their children yearly. Per year the centres receive 1123 registrations. Children who do not get immediate placement are placed on a waiting list that is reviewed biannually. Children may be removed from the centre if they pose a threat to the safety of other children or the group. Removal of children in this regard occurs sporadically.

The cost to families of the Traimerdia is dependent on the income of the parents. This fee ranges from as low as Afl. 24 to as high as Afl. 940, payable in bi-annual instalments. Parents pay additionally an annual registration fee of Afl. 35.00 that covers insurance for the child and activities organised for the children by the centre. See Annex 1 for a breakdown of the rates per tax rate and Annex 2 for the rates by centre (Table 3 and Chart 1). The rates have been adjusted specifically with the aim of providing affordable day care for parents so that their participation on the labour market can be made easier and thereby increased.

Centre services are provided for children in kindergarten through the sixth grade of elementary education from Monday to Friday, 13:00 to 17:45 hours. During the month of July, centres offer a two-week programme; approximately 400 children take advantage of this.

Childcare centre ordinance

The private member's bill on childcare centres was approved by parliament but has not been ratified by the Government. The bill received critical comments by the Advisory Council as to its feasibility and costs for families that merited further scrutiny and re-evaluation. In its efforts to improve the quality and safety of childcare centres, the bill proposed increased credentials for childcare centre personnel, minimum number of bathroom facilities per x-number of children, minimum square-footage per child, first-aid knowledge and other requirements. Had the bill been ratified by the Government, countless childcare centres would have had to close their doors immediately or raise their fees drastically. Childcare would no longer be affordable for parents due to the large investment necessary to make the structural changes required and the upgrading of its personnel. The Government regards this bill as a priority and is looking into different solutions to improving the legislation on these centres while keeping them affordable for parents. The Government will keep the Committee abreast of any developments.

As it regards the Government's proposals to make childcare costs tax deductible, the Government informs the Committee that this proposal will not be pursued any further at this time. The current scheme of tax relief for families with children as communicated to the Committee in the Government's 2003 report is still in force.

Participation of associations representing families

The Government informs the Committee that there are no organisations representing families in Aruba. The Social Economic Council (SER), a tripartite organisation consisting of representatives of the Government, and worker's and employer's organisations, however, has the legal authority to provide unsolicited advise to the Government on, as it regards this article of the ESC, social family issues. The SER has not yet exercised this authority.

Additionally, in the Parliament, there is a Committee for Welfare, Family and Youth Affairs and Public Health that discuss the different issues concerning these topics. The Foundation for our Children also attends to the interests of children by providing information to parents and other teachers/counsellors. At school, there are various parents' committees that attend to the interests of school children. The parents' organisation Sonrisa looks after the specific interests of mentally challenged children. The OPPA (*Organisacion di Pensionado Publico Arubano*, Organisation of Aruban Public Pensioners) attends to the interests of retired individuals.

Legal protection of the family

Rights and responsibilities of spouses

The Committee requested the Government to inform on whether children can express their viewpoint in proceedings concerning them. Children of the age of 12 years or older are heard in a private setting with the judge. Children under the age of 12 years are not exposed to the same. A judge, at his/her discretion, may order the Supervisory Board for Guardianship to hear the child and submit its report concerning his or her viewpoint. In sensitive cases, psychologists of the Supervisory Board for Guardianship are requested by the judge to evaluate the child and submit a report to the courts.

Economic protection of the family

Family Benefits of a sufficient amount

The Government informs the Committee that the Government provides child allowances to families with a right to social benefits. The amount of social benefits is determinant on income of the family and number of family members. A family receives Afl. 175 per child. If the child attends school, the family receives an additional Afl. 100 per child. The term child is defined loosely here as even university attending students fall under this category.

Eligibility is further based on place of birth, namely the person must be born in Aruba, and the Dutch nationality. Individuals born in Aruba but who do not have the Dutch nationality but who can prove that their petition for the Dutch nationality has been submitted and that the process for 80% has been completed and that it indicates that the petition most likely will be approved, are awarded benefits. Individuals not born in Aruba who have attained the Dutch nationality through the process of naturalisation must have resided at least three years in Aruba to be eligible to receive benefits.

Individuals not born in Aruba and who do not have the Dutch nationality are required to have a working permit to reside and perform labour in Aruba. Once the individual no longer has work legally, he/she is not permitted to remain in Aruba. For this reason, eligibility for social benefits is conditional on nationality and place of birth.

Additional Information according to report form

The Government communicates the following updated information as presented according to the report form. Only those questions with additional information have been included. Topics related to families are governed by law. In the execution of these laws, there exists no integrated family policy, reason why there is no statistical information available on families as a *unit*. The social policy is predominantly geared towards different target groups or subjects, such as, children and adolescents, elderly, physically challenged, housing, psycho-social support, community nursing, etc. The content of this report is therefore based on the law and these subjects and target groups.

Question B

1. The procedural social insurance regime regulates the legal continuity of financial assistance.

Table 4. Substantive resources according to the legislation

Legal Provision	Article	Duration	Target group
State Decree assistance benefit AB 1988 no. 88 For substantive support.	Artt. 2,8,9,10, substantive support: family welfare: Afl 406 head of household and Afl. 175 family member; handicapped- assistance Afl 847; diet supplement Afl. 100; foster family benefit Afl 175; child allowances Afl 100.	Assistance changes when the financial or health situation changes. Payment is in cash.	Persons with no income or income below the minimum wage.
Price control primary necessities AB 1990 no. 66	Art.2, maximum price for baby food, powder milk, rice, flour etc.	Maximum prices are long-term, until they are changed.	All groups, including newborns
General Widow(er)s and Orphan Insurance Ordinance AB 1996 no.GT 30	Artt. 7,9, eligibility of right to the pension.	Long-term benefit, except when de widow(er) remarries and the children reach a certain age. Payment is in cash.	All widow(er)s and children that are eligible.
General Retirement Plan Ordinance AB 1990no. GT 33	Art. 6 : eligibility requirements.	Payment in cash starts at age 60 until the natural expiry of the individual, and according the current norms.	Persons of 60 years or older.
Pension Ordinance for Public Servants AB 1991no. GT 25	Artt. 8, 23, 24, : eligibility requirements	Long-term. Payment in cash	Public servants less than 54 years of age, their widow(er) and orphan
Organic Act of Public Servants, AB 1989 no GT 37	Art. 29 : conditions for child allowances for public servants.	Up to age 26. Benefit is equal to Afl. 55 for the first child and Afl. 50 for the others.	Children of public servants and aged less than 19 years old or school going children aged less than 26 years.
Subsidy Ordinance for Common Benefit Organisations. AB 1990 GT 34	Art. 1: eligibility for organisations to receive government subsidy	Subsidies are long-term, provided the foundation complies with the conditions.	Children, youth, handicapped, elderly, women, etc.
General Sickness Insurance Ordinance AB 1992 18	Art.3 : eligibility for medical coverage	Medical assistance is long-term, provided the individual complies with the conditions.	Registered individuals in the public registry that comply with the conditions.

Table 5. Social Welfare, per gender, 2009

Welfare	MAN	WOMAN
Family (head of household)	710	1064
Handicap	509	477
Foster care	28	44

Source: Department of Social Affairs, 2009

1.a - Government organisations in Aruba do not have any programmes designed for couples that are getting married. Religious groups and organisations offer information to couples on coupledness and forming a family.

1.b Besides the information provided for in previous reports, the Government informs the Committee that since the introduction of the corporate turnover tax per 1 January 2007, the income tax for minimum wage earners was abolished and the income tax in certain categories reduced. This measure contributed to the family income.

Question C

1.a The Foundation for Public Hygiene of the White Yellow Cross offers support to parents and children through prenatal home visits, courses for new parents, maternity assistance, registration of and guidance to teenage mothers, vaccination programmes, early signalling of problem issues, promotion of healthy oral hygiene, nutrition and upbringing.

The section of Life and family hardships (SLM) of the Social Affairs Department offers psychotherapeutic and psychosocial assistance to children, adolescents, adults, partners and families. There are also family counsellors, parental guidance and after care for children in voluntary boarding placements. These counsellors also provide in-home help to families or at the office. SLM is also in charge of the preventative programmes regarding psychosocial issues, for example by offering workshops and lectures. Finally, the SLM works closely with front line assistance providers through the creation of cooperative programmes, such as the Home Assistance (Hulp aan Huis) and a social skills training for toddlers and young children (Club di Trii) and for teens (de Trasova).

Table 6. Top 5 problems attended to by the SLM, in 2008

Partner-relations	Parent-child	Postponed Diagnosis	Life phase issues	Abuse and domestic violence
74 cases	64 cases	47 cases	37 cases	28 cases
17%	15%	11%	9%	7%

Source: Annual Report 2008 SLM

Question F

Table 7. Number of acceptors visits to the Planned Parenthood

	2004	2005	2006	2007	2008
Visits	247	366	568	743	851
of which teens	96	149	265	294	334
New teen registrations					
Male	3	33	40	16	39
Female	61	77	167	150	182

Source: Famia Planea (Planned Parenthood) ¹Teens <20 years

Table 8. New acceptors of contraceptive methods provided by Planned Parenthood

Contraceptive methods	2004	2005	2006	2007	2008
Oral	323	491	541	543	635
Injectable	158	239	216	168	160
Condom	140	223	249	281	295
I.U.D.1	32	49	47	32	34
Sterilization	-	-	-	-	-
Other 2	-	-	-	-	-
Total	653	1,002	1,053	1,024	1,124

Source: Famia Planea (Planned Parenthood)

Question G

Table 9. Subsistence level by household composition

Household Composition	Weighing	Sustenance Levels in Afl.		
		Aug. 1994	Dec. 2007	Dec. 2008
Single	1	815	1258	1359
Single & 1 child (16yr)	1,5	1223	1887	2039
Single & 2 children (16yr)	2	1630	2516	2718
Single & 3 children (16yr)	2,5	2038	3145	3398
Single & 4 children (16yr)	3	2446	3774	4077
Single & 5 children (16yr)	3,5	2853	4403	4757
Two adults	1,7	1386	2139	2310
Two adults & 1 child (16yr)	2,2	1793	2769	2990
Two adults & 2 children (16yr)	2,7	2201	3397	3670
Two adults & 3 children (16yr)	3,2	2609	4026	4349
Two adults & 4 children (16yr)	3,7	3016	4655	5029
Two adults & 5 children (16yr)	4,2	3424	5284	5708
Three adults	2,4	1956	3019	3262
Three adults & 1 child (16yr)	2,9	2364	3648	3941
Three adults & 2 children (16yr)	3,4	2772	4277	4621
Three adults & 3 children (16yr)	3,9	3179	4906	5301
Three adults & 4 children (16yr)	4,4	3587	5535	5980
Three adults & 5 children (16yr)	4,9	3994	6164	6660

Source: Consumer Price Index, C.B.S. (2007 and 2008 have been revised)

Annex 1

New Rates Traimerdia

These rates are valid as per January 2009

Annual taxable income of families, according to the Tax Department	Percentages	Annual fee for one child	Annual fee for a second child	Annual fee per child for more than one children
A. Family with an annual income of Afl. 11.880,=	0.40	48,=	36,=	24,=
B. Family with annual tax income of Afl. 11.881,= or more, but not exceeding Afl. 18.660,=	0.47	90,=	68,=	45,=
C. Family with annual tax income of Afl. 18.661,= but not exceeding Afl. 25.820,=	0.53	140,=	105,=	70,=
D. Family with annual tax income of Afl. 25.821,= but not exceeding Afl. 33.840,=	0.60	200,=	150,=	100,=
E. Family with annual tax income of Afl. 33.841,= but not exceeding Afl. 42.000,=	0.67	280,=	210,=	140,=
F. Family with annual tax income of Afl. 42.001,= but not exceeding Afl. 49.000,=	0.73	360,=	270,=	180,=
G. Family with annual tax income of Afl. 49.001,= but not exceeding Afl. 60.000,=	0.80	480,=	360,=	240,=
H. Family with annual tax income of Afl. 60.001,= but not exceeding Afl. 74.980,=	0.87	650,=	488,=	325,=
I. Family with annual tax income of Afl. 74.981,= but not exceeding Afl. 93.620,=	0.93	875,=	657,=	438,=
J. Family with annual tax income of Afl. 93.621,= or more	1.00	940,=	705,=	470,=

Source: Bureau Traimerdia

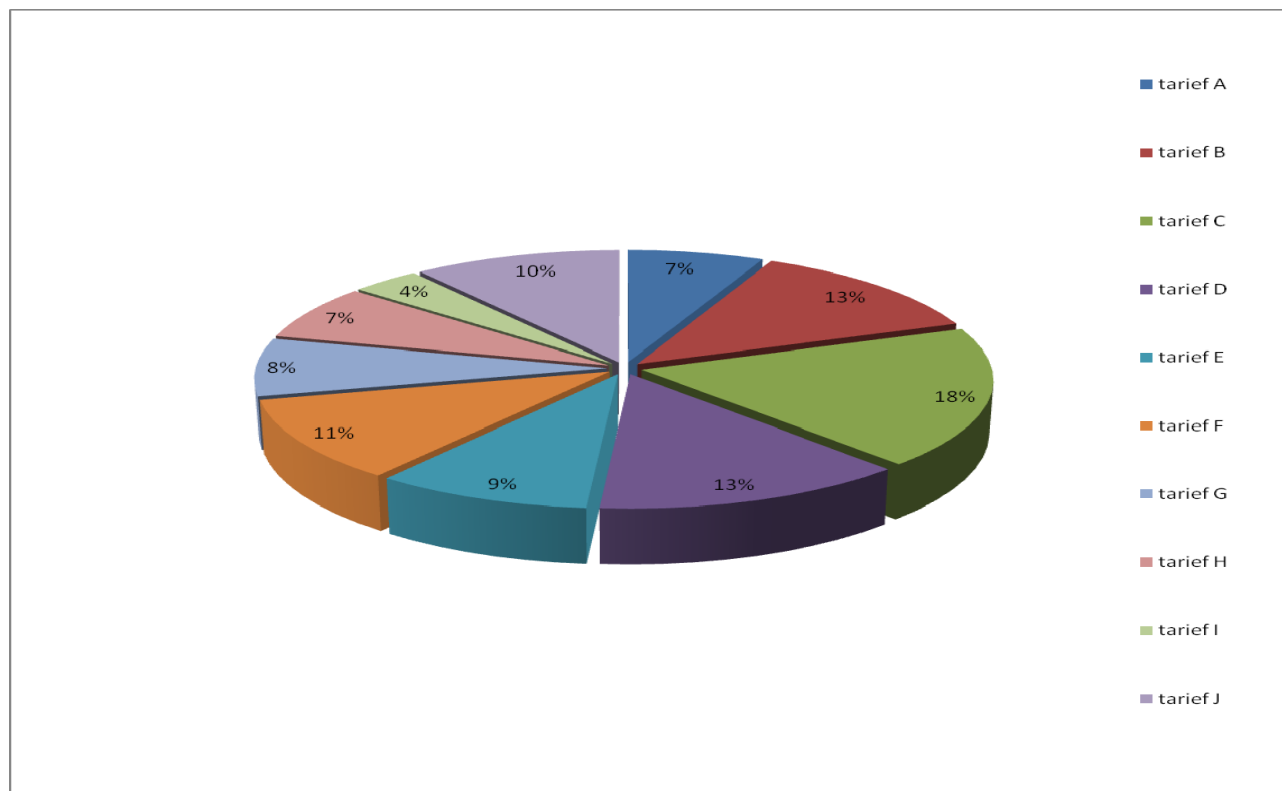
Annex 2

Table 5. By Centre

Centre	Rate A	Rate B	Rate C	Rate D	Rate E	Rate F	Rate G	Rate H	Rate I	Rate J	Total
Morgenster	10	24	14	15	21	22	13	21	9	35	184
Oranjestad	15	28	37	28	10	6	7	4	4	6	145
Noord	12	16	37	23	16	26	25	10	4	19	188
Kudawecha	7	2	17	10	9	13	2	7	1	9	77
Paradera	10	10	9	27	11	25	12	12	15	16	147
Santa Cruz	4	19	28	14	11	5	4	12	1	10	108
SanNicolas	10	28	43	17	14	12	13	6	1	9	153
Totaal	68	127	185	134	92	109	76	72	35	104	1002

Source: Bureau Traimerdia

Chart 1



Source: Bureau Traimerdia