

Convention on the Rights of the Child

Aruba, Kingdom of the Netherlands

Initial NGO Report

Oranjestad, May 2003

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INTRODUCTION

After ratification of the Convention on the Rights of the Child, the Aruban Government has instituted a Commission to prepare the Initial Report. According to the proposal of representatives of both GO's and NGO's, this Commission consists of representatives of six Governmental and four NGO's. The members of the Commission have put the Initial Report presented by the Aruban Government together.

During the process of writing the report, it has become overtly clear, that law and practice are not enough to guarantee the rights and the well-being of children. A closer look shows that their **Provision – Protection – Participation** tend to be neglected or at least is not the primary concern of the policies and decision making process, both at governmental level as well as in the entire community.

In this report, it is our goal to indicate certain fields of primary concern regarding everyday life realities for our children that are not sufficiently emphasized in the initial report.

Under the relevant thematic articles, information will be given on certain **Trends** in the community regarding preoccupation and fear that interests of children are being neglected and their rights not recognized.

Signals from the children describe certain changes in behavior and manners that may be indicative for the lack of adult attention children are experiencing, while also presenting serious menaces to their healthy growth and development.

Reality describes situations where children's well-being is being neglected, because there is not enough supervision on how existing laws and policies are being executed.

The **Epilogue** summarizes the main points of concern and gives recommendations for the future.

NOTE: It must be emphasized that the report is solely based on impressions, observations and experiences as opposed to factual information which is not currently available. At this moment NGO's and governmental organizations are working on solutions on mentioned problems.

About this report:

Asociacion Trabao di Hubentud na Aruba – ATHA (Aruban Association of Youth welfare) as participant in the Commission and in her role as umbrella organization for the volunteer child & youth work in Aruba has accepted the responsibility for the writing of this report.

ATHA has 46 Members, i.e. NGO's that are dedicated to promoting and improving the well-being of children and youth. Together, these member organizations cover the fields of: health care, youth work, judicial care, daycare, community center work, social – and cultural work and scouting.

ATHA-member organizations have been invited to provide both their information and insights. ATHA also sought the cooperation of the following NGO's: CEDE-Aruba / Amnesty International / Stichting Kinder&Jeugd Telefoon / Stichting SOS-TeleAyudo / Fundacion Ban Cria Nos Muchanan / Pastoraal Overleg Aruba.

As such the content reflects the views of workers in all fields of the community. Where possible, use has been made of existing reports, notes, discussions, etc.

III GENERAL PRINCIPLES

(b) Best interests of the child (article 3)

THE REALITY

Children of teenage mothers, who cannot take their parental responsibility, must have a legal representative appointed by the court right after registration of the birth. The law is clear, however, the procedure is not put into action. As long as there is no urgency for a legal representative (f.i. when a passport is needed), no one can be held responsible for the well-being of this particular child.

IV CIVIL RIGHTS AND FREEDOMS

(a) Name and nationality (article 7)

THE REALITY

A large number of newborns are not registered. Most deliveries are taking place in the hospital. An easy comparison between the number of births and the number of newborns registered at the Census Office shows that there is a yearly number of about 100 to 200 children born in Aruba that are unaccounted for in registration.

(c) Freedom of expression (article 13)

THE REALITY

Although the National Decree on Alcohol Advertising limits the advertising on alcoholic beverages, sport clubs and community centers are places, where this advertising is blatantly taking place. It is common practice for youth teams (like soccer and baseball) to look for financial support at agents of alcoholic beverages and cigarettes. Children not only become inappropriately familiar with various brand names, they are also forced to carry the advertisements on their uniforms.

(d) Access to information (article 17)

THE REALITY

On Aruba the common language is Papiamentu. However, at school, classes are being given in the Dutch language. Due to this, few people (including teachers) master a sufficient level of knowledge in this foreign language to be able to express themselves clearly. This limits the efficacy and efficiency in the teaching process. As a result few students reach the level of understanding that will allow them to approach subjects with a critical, independent and analyzing mind.

Fulfilling their academic and intellectual potential is hampered by the incredible amount of time they need for reading and understanding the material.

Little information is available in the Papiamentu language. Students often express a feeling of impotence and lack of self-confidence that will limit their development.

V FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Aruba has been affected by the fast worldwide economical and technological growth. Because of this, changes have taken place in values and standards as well as in the participation of women in employment. Rapid growth in employment opportunities caused an enormous influx of foreign labor. These changes have had an enormous impact on live in general and even more so on children. Children were used to a social family and community life in which they had their own place. There used to be a natural social supervision; children spent their time mostly outdoors.

(a) Parental guidance (article 5)

TRENDS

When children come home after school, there's often no one to take care of them as both parents (and often also grandparents) have fulltime jobs. Apart from long working hours, transportation takes an extra toll. Parents who cannot afford their own vehicle have to rely on the limited public transportation and as a result have to spend extra hours on the road. Many people work in hotels that are located on the northwestern part of Aruba. As a result people from the other part need more time for transportation and many of them cannot come home for lunch. There are very few opportunities for part-time jobs and few employers are willing to provide a flexible working schedule.

Labor law allows pregnant women four weeks of paid leave before expected date of delivery and four weeks after giving birth. In case of premature delivery women lose their right of missed weeks or days. Schools and business enterprises have their 'sacred' schedules. Often parents are forced to leave their (small) children in front of the still closed school fences in order to make it to work on time. Only recently some shops and offices have started to adapt better to their employees' convenience.

(b) Parental responsibility (article 18, paragraphs 1 and 2)

Safety

Cars are the main means of transportation. Although roads are not built for heavy traffic, there are a lot of cars. Some parents do not pay much attention to their children's safety when on the road. Children are allowed to sit on the front seat of the car, often without using safety belts. Adequate car seats are not commonly used. It is not uncommon to see people driving while holding babies or toddlers in their lap.

Most children are being driven to and from school by their parents. When the children are being dropped off or picked up this sometimes leads to chaotic and dangerous traffic situations.

It is still accepted that under aged children are permitted to drive a car and are allowed to use the family car for their (nightly) outings.

Recreational Activities

Many clubs and community centers offer free activities, like sport competitions, fairs and family days. As a rule, these organizations have permits to sell alcoholic beverages at all hours of the day, irrespective of the presence of children. There is little or no supervision for the children and too often we see children running around, while adult conversations are centered at the bar.

It is common practice, that even young children are admitted to adult recreation, like boxing, movies, drag racing and wrestling competitions. In these circumstances children are exposed to all kinds of arguments, verbal abuse, fighting, cursing, drinking and drugs.

Elections, like Miss Aruba, Mr. Man are very popular and will always attract a large crowd. It is common that there are also 'mini'-versions of these elections, where the very young participants are dressed up as adults and are stimulated to act and show as sexy and witty as grownups. This also happens during Carnival time, when there are all kinds of parades and elections.

Commercial entertainment

For entertainment and nightly activities in particular, many children have to find their own ways of transportation. This is a point of major concern.

This may be achieved by hitchhiking or driving the family car. Parents are very permissive in allowing

their children (even under age for a driving license) to use their cars. The number of (fatal) accidents that involve young inexperienced and/or unlawful drivers is extremely high.

Parental supervision as to the hours their children spend outside and the places they visit is not very strong. Curfews are very seldom set.

(h) Abuse and neglect (article 19), including physical and psychological recovery and Social reintegration (article 39)

THE REALITY

As early as 1993, on proposal of aid workers, a Government Decree ordered the governmental Department of Health to establish a confidential medical examiners office. Their aim was to report, register and coordinate cases of child abuse and neglect. Up until now none of this has been realized due to lack of collaboration and decisionmaking.

VI BASIC HEALTH AND WELFARE

(d.2) Childcare services (article 18, para. 3)

THE REALITY

The available child care services, with some exceptions, are mainly offered as commercial enterprises. To this day there are no restrictions or subjections to any rules of law. Therefore, as long as there are no quality demands, it is difficult to judge the level of care and education these services are offering.

(e) Standard of living (article 27, para. 1-3)

TRENDS

There are hardly any regulations concerning the construction of homes and buildings. Houses are being built closely to each other due to lack of sufficient housing and neighborhood planning. Outdoor space

becomes scarce. The fast growing population and insufficient housing has led to many add on construction of rental houses, apartments and trailers. Lack of privacy has led to an increase of stress,

social unrest and dissensions. The growing number of children with behavioral problems may be related to these circumstances.

There is hardly paved sidewalk, therefore no save play areas are provided for. No urban renewal plan exists in any form of green belt or such.

Providing children with a good breakfast or meal is another point of concern. Due to the lack of supervision, many children tend to eat a lot of junk food. Obesity is becoming a threat to the health of ever-younger children.

On the other hand: the growing number of children that start school without having breakfast is alarming. According to the records of the Foundation 'Ban Cria Nos Muchanan' (foundation for the upbringing of our children) there are hungry stomachs both in children of daycare facilities as well as in students of primary and vocational schools. Their program caters around 380 children at 24 schools.

Although there has always been a small amount of parents not able to provide sufficiently for their children, the growing number must be of major concern. So far it has not been possible to identify the causes for this new development in the Aruban society.

It is also known that religious organizations are often being asked by families to support them financially. Although this phenomenon is not new, the growing number of parents that need assistance to pay their water and electricity bills may be an alarming first signal that poverty may be on our doorstep.

VII EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

TRENDS

Especially in the overcrowded primary schools there are no substitute teachers available, when the teacher for some reason does not show up for his classes. In these situations the children are sent home. Children spend these hours off wandering around and nothing is being done about it. Given the quantity of working parents who cannot at that moment provide for proper care, this is an unacceptable situation.

Training and other postgraduate activities for teachers are regularly organized during school hours. There is a growing tendency to compensate teachers in 'hours free' instead of raising their salary. For the children this means they are getting less and less time and opportunity to receive their education.

THE REALITY

Education is made very difficult because of overcrowded classes, lack of learning material and poor conditions of the buildings. Immigrant children who are strange to the language and culture are not making proper progress. There are also many schools that are subject to burglary and vandalism which makes the possibility of teaching more difficult.

Quoting from the report 'Levels of Education in Aruba' by the Sociaal Economische Raad – SER (Council for Social and Economic Development):

“ The figures of the Aruban level of education do not comply with the figures of other industrialized countries, but rather resemble those of underdeveloped countries like Latin America”.

Education in Aruba is given in the Dutch language but Papiamentu is most commonly spoken. Most people (including many teachers) do not master the Dutch language sufficiently.

Therefore it is almost impossible for students to acquire a critical and analytical way of thinking. General development stays behind because of insufficient knowledge of the language. Reading and understanding text remains difficult.

Because of a bad knowledge of the Dutch language and insufficient material existing in the mother language Papiamentu, children have little self confidence and problems speaking their mind. It is hard for children to gather (written) information because of this insecurity in understanding the language. The 'search' for information therefore is limited.

SIGNALS FROM THE CHILDREN

Badgering, physical & verbal violence

Badgering in and around school is often present. According to social counselors at school, physical and verbal violence is often used in order to remain or stay in control.

Sugar daddies

A strong interest in sexual activities and acting out behavior is common. Peer pressure exists in all sexual related areas.

It is pointed out that more young girls seek attention from (often) older men. Because these men are able to offer and spoil these young girls they are called 'sugar daddy's'.

Cults

A new trend is the upcoming of so-called spiritual and religious groupings. With their strong ways of indoctrination which leads to the submissiveness of their followers, they can best be described as cults. During a recent seminar for social aid workers and other professionals, attention was given to this new phenomenon.

Enrolment Rates

TRENDS

The IDEA-Project was intended for Aruban children who dropped out of school, although over the years this has shifted to support those children of illegal citizens who are unable to attend a regular school due to the fact that they are illegal. For this reason its focus is primarily on teaching social skills. There is no curriculum that aims at preparing the students to attend regular school.

THE REALITY

The attending children are in a wide variety of ages and learning levels. The existing program cannot offer them the continuance in their education they are so desperately seeking. Currently the program is being adapted and upgraded to give the children more opportunities in following regular education.

Right of the child to rest and leisure

SIGNALS FROM THE CHILDREN

Through conversations it became clear that many children are bored. They hang out on streets, in front of the television, eat sweets and snacks and have insufficient exercise.

Striking is that the children's motor system has worsened over the last decade. There is the impression that children are participating less in sport activities. Also many of the schools physical programs are not contributing to enough exercise because of lack of materials and facilities.

There are indications youngsters are looking for their own space. This is seen in behavior, clothing, and other expressions and often leads to the forming of gangs.

EPILOGUE

Summarizing it may be said that in general the community is not yet sufficiently open as to the interests of children or conscious of their importance and value for the community. So far children are often being taken for granted, both within the context of their family circle as well as the community as a whole.

The ways of upbringing have changed little over the last century. Both the family upbringing and the formal education system have remained at a very traditional level. Education still focuses on the traditional concept of teaching 'academic tricks' and a certain amount of 'necessary' skills. Children are not allowed to question the usefulness of what is taught. There is no room for doubts on norms and values. Children are expected only to pay attention to what they are being taught. There is no or very little appreciation for their individual talents or creativity.

There is often no communication, no willingness to listen to their opinions or allow them to express themselves. Many adults do not treat children with respect and have no appreciation for their talents. Often this will be cause for rebellion, which leads to punishments.

Yet, the demands in society have grown; more choices and decisions have to be made. In these modern times changes are necessary.

The community as a whole has to come together and decide what kind of society we want our children to inherit. Hopefully the community will envision a society where all decisions first and foremost take into account the children's well-being. A society where children are being cared for respected and appreciated; where they can express and develop themselves freely; where they are allowed to participate in deciding their own future, and where they have the opportunity to prepare themselves adequately to take their place in society.

It is crucial that the government supports this vision by taking appropriate measures in creating the right environment. It is recommended that Youth Policy focuses on measures to accommodate parents and educators and the society as a whole on guaranteeing the right to **Provision – Protection – Participation** of the children.