

ARUBA, CONSTITUENT COUNTRY OF THE KINGDOM OF NETHERLANDS

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990 (extended on 18 Dec 2000)	6 Feb 1995 a	
UN Optional Protocol on the Sale of Children, Child prostitution and Child Pornography	7 Sep 2000 (extended on 17 Oct 2006)	23 Aug 2005	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000 (extended on 18 Jan 2007)	27 Jul 2005 a	
UN Optional Protocol on the Involvement of Children in Armed Conflict	7 Sep 2000	24 Sep 2009	
UN Convention for the Protection of All Persons from Enforced Disappearance	29 Apr 2008 (extended on 21 Dec 2017)	23 Mar 2011	
Hague Convention on International Child Abduction			

In Aruba, there are three laws that refer directly or indirectly to missing children:

1. Aruba Constitution of 1986;
2. Civil Code of 1989 (amended in 2013); and
3. Penal Code 2012 (amended 2014).

General Child Protection

Aruba is a constituent country of the Kingdom of the Netherlands, and as an overseas dependency it maintains its own laws, government, and currency.¹ The Kingdom of the Netherlands has ratified the Convention on the Rights of the Child (CRC) and its Optional Protocols, which have been extended to include Aruba. Additionally, Aruba has implemented important international and regional laws that strengthen its approach to human rights protections. Nearly 30% of Aruba's population is under the age of 25.²

Aruba has made efforts to implement programs, projects, and policies that address child exploitation through government and non-governmental organizations. A Central Point of Registration (CPR) was established in the Fall of 2016 to collect data on child abuse and neglect.³

The Ministry of Economy, Social Affairs and Culture launched a parental helpline, developed an initial childhood and adolescence protection system led by the Bureau Sostenemi, and created a committee

¹ Overseas Territories of Netherlands, AMSTERDAM.INFO, at <http://www.amsterdam.info/netherlands/islands/> (last visited May 6, 2019).

² CIA World Factbook, Aruba, at <https://www.cia.gov/library/publications/the-world-factbook/geos/aa.html> (last visited May 6, 2019).

³ Letter from the Office of the Minister Plenipotentiary of Aruba, Washington, D.C., to the International Centre for Missing & Exploited Children (Sep. 16, 2016) (on file with the International Centre for Missing & Exploited Children).

against child abuse.⁴ The Bureau Sostenemi, an independent agency that falls under the Ministry of Social Affairs, Youth Policy and Labor, fights child abuse, including physical, emotional, and sexual abuse.⁵ It provides assistance and protection for children who are mistreated and offers information to combat child abuse.⁶ The Bureau Sostenemi's main task is to redirect cases of neglect and abuse to other state agencies, in particular those organizations that are able to follow up on each case. Additionally, the Guardianship Council under the Ministry of Justice, is a child protection agency charged with guaranteeing the fundamental right of the minor to healthy and balanced development and progress towards independence.⁷

In 2014, the six Dutch Caribbean islands and Holland (the seven entities that make up the Kingdom of the Netherlands) established the Intercountry Task Force on Children's Rights,⁸ and signed a Memorandum of Understanding (MOU) in 2018 "to collectively stimulate and improve children rights."⁹ The MOU includes the prevention of child abuse, support to children and family, and special attention for vulnerable children among other key elements.¹⁰

Aruba's Human Rights Committee is drafting a national human rights action plan to help ensure the government complies with the CRC to which Aruba is party.¹¹ The action plan will be based on the most recent periodic reports to the UN Committee on Economic, Social and Cultural Rights and the international recommendations arising from them.¹² This action plan will "set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba."¹³ The action plan is expected to be completed in 2019.¹⁴

General Missing Child Issues

Aruba does not officially report having any missing persons. However, in 2017 Aruba was shocked by the deaths of brothers Roshandrick (3 years old) and Rishandro (5 years old) who were murdered by their stepfather. Rishandro had apparently been seriously abused when he died. His younger brother Roshandrick had been reported missing and was believed to be missing for two months before his body was found buried on the island.¹⁵

⁴ Bureau Sostenemi, at <http://sostenemi.org.aw/> (last visited May 30, 2019).

⁵ *Id.*

⁶ *Id.*

⁷ Aruba Overheid, *Familiezaken / Voogdijraad / Beschrijving instelling (Family Affairs – Guardianship Council – Description of Institution)* – Aruba Overheid (2015), at https://www.overheid.aw/informatie-dienstverlening/familiezaken_45767/item/beschrijving-instelling_25634.html (last visited May 30, 2019).

⁸ *Child Protection Conference Inter Country Task Force Children's Rights*, SABA NEWS, May 19, 2019, at <http://www.saba-news.com/child-protection-conference-intercountry-task-force-childrens-rights/> (last visited Jun. 10, 2019) (on file with the International Centre for Missing & Exploited Children).

⁹ *Our Kingdom United for Children's Rights*, at https://www.dvg.aw/news/news_3809/item/our-kingdom-united-for-childrens-right_38362.html (last visited Jun. 10, 2019) (on file with the International Centre for Missing & Exploited Children).

¹⁰ *Id.*

¹¹ *Sixth periodic report of the Kingdom of the Netherlands to the Committee on Economic, Social and Cultural Rights of the International Covenant on Economic, Social and Cultural Rights* 51, Feb. 2016, at <https://www.internationaal-recht.nl/documents/20531/0/2018-02-19+1247+Sixth-periodic-report-of-the-Netherlands-ICESCR.pdf/53c4a4b6-8032-1e59-3215-5c82a0b737c2?version=1.0> (last visited Jun. 3, 2019) (on file with the International Centre for Missing & Exploited Children).

¹² UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of the Netherlands – Addendum - Information received from the Netherlands on follow-up to the concluding observations*, Jan. 24, 2019, at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4siQ6QSmIBEDzFEovLCuW6IE23xM8tpu%2Fownn553mA%2F3UJDSew0EN1F%2FQq9X3HK2tgC3BDB0x%2B%2B03EusVaeoKK158woHJTZ33AOPQMNEw9Lc%2BxKSoJph3gOnwV0iPr8j9ScgoQarmxD%2FE2M%2B1xr3oA%3D%3D> (last visited Jun. 7, 2019) (on file with the International Centre for Missing & Exploited Children).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Aruba is startled by the death of five-year-old*, CARIBISCH NETWERK, Nov. 25, 2017, at <https://caribischnetwerk.ntr.nl/2017/11/25/aruba-opgeschrikt-door-dodelijke-mishandeling-vijfjarige/> (last visited May 30, 2019).

Aruba has also had several cases of tourists visiting the island who went missing such as American Natalee Ann Holloway in 2005.¹⁶ The Visit Aruba website lists foreigners who are missing and is meant to provide information on the missing people.¹⁷

Definition of “Missing Child”

Aruba does not define “missing child” in legislation or policy. However, Article 931 of the Civil Code of 1989 defines “child” as a person under 18 years of age.¹⁸

Abandonment

Aruba’s Criminal Code Section 2, Article 217 states that it is illegal to abandon a child under the age of seven years and is punishable with up to five years in prison.¹⁹ According to Article 218, if serious injury occurs, the act is punishable by up to eight years in prison and increases to 10 years if the child dies.²⁰

If the crimes enumerated in Articles 217 or 218 are committed by a parent, then the punishment will increase by a third. Also, mothers who abandon their babies shortly after birth will be imprisoned for half the time listed in Articles 217 and 218.²¹

Kidnapping and Abduction

Title 17 of the Penal Code focuses on crimes against personal freedom. Article 239c criminalizes the taking of a person to another country against their will.²²

Article 246 explains that “he who deliberately removes a minor from the authority legally assigned to him or from the person who has it exercised over him, is punished with imprisonment of up to six years.”²³ If the individual uses violence or threatens the use of violence, or if the minor is less than 12 years old, the individual will be imprisoned for up to nine years.

Parental Abduction

Aruba is not party to the Hague Convention on International Child Abduction. The Penal Code does not provide any exemption to parents who abduct their child.

The Kingdom of the Netherlands is responsible for the conduct of foreign affairs and its embassies and consulates issue visas for travel to the island.²⁴ Since Arubans are Dutch citizens, they need to obtain a Dutch passport. A child must have their own passport or identity card and are no longer able to be registered through their parent’s travel documents.²⁵ Children who are under the age of 12 will not have their fingerprints in their passport.²⁶ Also, a child must be present when applying for a

¹⁶ Visit Aruba, *Aruba Missing Persons information*, at <https://www.visitaruba.com/about-aruba/aruba-news/missing-persons/> (last visited Jun. 7, 2019).

¹⁷ *Id.*

¹⁸ Civil Code of 1989, Article 931, at <https://www.overheid.aw/document.php?m=7&fileid=8699&f=5ccf6b8ac610f6057fd1a29eb5946cab&attachment=0&c=10947> (last visited Jun. 7, 2019) (on file with the International Centre for Missing and Exploited Children).

¹⁹ Penal Code of 2012, Section 2, Article 217, at <https://www.overheid.aw/document.php?m=7&fileid=17393&f=5b1491b6f8298bd06ec1090332c028d1&attachment=0&c=13435> (last visited Jun. 7, 2019) (on file with the International Centre for Missing & Exploited Children).

²⁰ Penal Code of 2012, Section 2, Article 218.

²¹ Penal Code of 2012, Section 2, Article 219.

²² Penal Code of 2012, Article 239c.

²³ Penal Code of 2012, Title 17, Article 246.

²⁴ U.S. Department of State, *U.S. Relations with Aruba – Bilateral Relations Fact Sheet*, Oct. 1, 2018, at <https://www.state.gov/r/pa/ei/bgn/22491.htm> (last visited Jun. 7, 2019).

²⁵ Ministerie van Buitenlandse Zaken, *Applying for a Dutch passport abroad Identification documents*, 2019, at <https://www.government.nl/topics/identification-documents/passports-identity-cards-and-dutch-nationality-certificates/applying-for-a-dutch-passport-abroad> (last visited Jun. 7, 2019).

²⁶ *Id.*

passport and the parents or guardians have to provide permission.²⁷ If one of the parents or guardian(s) cannot be present, a written permission statement and a copy of a valid proof of identity of the person who cannot be present must be submitted. If the person who cannot be present is staying abroad, a written consent form and a copy of valid proof of identity (i.e., passport, ID card, driver's license) on which their signature is placed must be sent directly to the e-mail address: info@censo.aw. A passport for children and young people under the age of 18 is valid for five years.²⁸

In 2014, Aruba participated in a pilot program called "Happy Flow," which used facial recognition biometrics for passenger checkpoints in the Aruba Airport.²⁹ A 2018 article reported that Happy Flow had introduced walking pace capture of biometrics that identifies passengers as they walk up to the bag drop counter.³⁰ The Happy Flow program is working toward implementing a "One ID concept of providing an end-to-end digital identity management system" and to expand by connecting with another similar passenger flow program.³¹

Additionally, in January 2018, the U.S. Customs and Border Protection (CBP) selected Aruba's Queen Beatrix International Airport as the first airport outside of the United States to pilot the CBP's biometric entry program to verify the identities of travelers who are re-entering the United States.³² No end date for the pilot program was found.

Reporting Mechanism

Any crimes should be reported to Korps Politie Aruba (Aruba Police Force) emergency line 100.³³ The contact number for the Aruba Police Force is 911 or 100.³⁴ The Aruba Police Force also has a tipline: 11141.³⁵ The missing persons information listed on the Visit Aruba website all provide different phone numbers and emails for reporting information about the missing person.³⁶

The Aruban Youth Telephone Line, otherwise known as the Telefon Pa Hubentud, is a helpline that was launched on 20 November 1999 and provides services for 8-to-24-year-olds from 2:00pm to 6:00pm daily, 365 days a year.³⁷ Children, teens and others can call telephone number 131 as well as email and chat with staff through the 131 mobile app.³⁸ The Youth Telephone Line covers issues such as bullying, children's rights, cyber-safety, and violence against children.³⁹

Investigation of Missing Child Cases

The Aruba Police Force does not appear to have an active website. It is unclear how the Aruba Police Force investigates missing persons/children investigations. In some high-profile missing persons

²⁷ CENSO, *Passport for children under 18 years old*, at <https://www.censo.aw/main/paspoort/> (last visited Jun. 3, 2019).

²⁸ *Id.*

²⁹ *Aruba Happy Flow*, at <http://www.arubahappyflow.com/> (last visited Jun. 10, 2019) (on file with the International Centre for Missing & Exploited Children). See also, *KLM Aruba Happy Flow*, Dec. 19, 2018, at <https://www.youtube.com/watch?v=FpntvWLnOo> (last visited Aug. 22, 2019).

³⁰ *Aruba Airport is the NEXTT big thing for IATA and ACI*, International Airport Review, Nov. 5, 2018, at <https://www.internationalairportreview.com/article/76819/aruba-airport-nextt-iata-aci/> (last visited Aug. 22, 2019).

³¹ *Id.*

³² *Aruba airport chosen to trial U.S. biometric entry program*, Jan. 16, 2018, at <https://www.biometricupdate.com/201801/aruba-airport-chosen-to-trial-u-s-biometric-entry-program> (last visited Jun. 10, 2019) (on file with the International Centre for Missing & Exploited Children).

³³ Visit Aruba, *Medical & Emergency Services in Aruba*, at <https://www.visitaruba.com/about-aruba/medical-emergency-services-in-aruba/> (last visited Jun. 3, 2019).

³⁴ U.S. Department of State, Overseas Security Advisory Council (OSAC), *Curaçao 2017 Crime & Safety Report*, at <https://www.osac.gov/Content/Report/9a0e4270-cdd0-46e9-a2ac-15f4ae13ccee> (last visited Jun. 7, 2019) (on file with the International Centre for Missing & Exploited Children).

³⁵ Aruba Blue Pages, *Emergency Numbers*, at <http://www.arubabluepages.com/pages/emergency-numbers.html> (last visited Jun. 7, 2019).

³⁶ Visit Aruba, *Missing Persons*, at <https://www.visitaruba.com/about-aruba/aruba-news/missing-persons/> (last visited Jun. 7, 2019).

³⁷ *Children 8-12, YAMA 131*, at <https://131.aw/children/> (last visited Jun. 7, 2019).

³⁸ *Id.*

³⁹ *Id.*

cases, the police have engaged with the Aruban Marines as well as the U.S. Federal Bureau of Investigations.

National Database

Aruba maintains records regarding police “good conduct,” court records, and prison records.⁴⁰ Research could not determine if the Aruba Police Force has a national database recording all crimes including missing children incidents. Research was unable to find information about a national DNA database.

Aruba has been a member of INTERPOL since November 1987 and has access to INTERPOL’s databases including the International Child Sexual Exploitation (ICSE) image and video database, fingerprint database, and DNA database.⁴¹

Case Management System

There does not appear to be a case management system in Aruba focused on missing children. Eleven missing people are listed on the Visit Aruba website, which is not a police website.⁴² It appears the cases are all handled differently as they provide different phone numbers rather than a centralized contact through the Aruba Police Force.

Alert Mechanism

Aruba does not have a rapid emergency child alert system in place. Aruban newspapers do publish articles regarding missing persons.

Awareness-Raising Initiatives

Research could not confirm any specific public education initiatives regarding missing children in Aruba. According to the Sixth Periodic Report to the Committee on Economic, Social and Cultural Rights, training has been conducted for students of the Police Academy on domestic violence and human trafficking.⁴³

The Aruban government established the Sustainable Development Goals Commission to help implement and fulfill the UN Sustainable Development Goals in-country, which include the elimination of child sexual exploitation and violence.⁴⁴

The government has developed trafficking awareness initiatives including educating students leaving Aruba to study abroad on the risks of becoming trafficking victims, and training sessions for over 1,000 individuals in connection with the National Day Against Human Trafficking.⁴⁵ The Bureau of Victim Assistance operates a hotline for victims of crime including trafficking victims that successfully identified four trafficking victims in 2017.⁴⁶ Also, in 2018, the anti-trafficking task force worked with a local TV station to produce a documentary on trafficking.⁴⁷

⁴⁰ U.S. Department of State, Bureau of Consular Affairs, *Reciprocity Schedule*, at <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Aruba.html> (last visited Jun. 7, 2019).

⁴¹ INTERPOL, *Member Countries – Aruba*, at <https://www.interpol.int/en/Who-we-are/Member-countries/Americas/ARUBA> (last visited Jun. 7, 2019).

⁴² Visit Aruba, *Missing Persons*, *supra* note 16.

⁴³ Sixth periodic report of the Kingdom of the Netherlands to the Committee on Economic, Social and Cultural Rights of the International Covenant on Economic, Social and Cultural Rights, *supra* note 11, at 44-45.

⁴⁴ *Sustainable Aruba*, at <http://sdgaruba.com/> (last visited Jun. 4, 2019)

⁴⁵ U.S. Department of State, *2018 Trafficking in Persons (TIP) Report* 79, at <https://www.state.gov/wp-content/uploads/2019/02/282800.pdf> (last visited Jun. 5, 2019)

⁴⁶ *Id.*

⁴⁷ *Id.*

Trafficking

According to Article 239 of the Penal Code, those who are guilty of human trafficking are jailed for a maximum of eight years or a fine. The following are definitions of those who are guilty of trafficking:⁴⁸

- a. he who gives someone else through coercion, violence or other facts or through the threat of violence or other facts, extortion, fraud, deception or abuse of dominance, abuse of a vulnerable position or by giving or receiving payments or benefits to obtain the consent of a person who controls, recruits, transports, transfers, accommodates or assumes control over the other for the purpose of exploiting that person or removing his or her organs;
- b. he who recruits, transports, transfers, houses or accommodates another person for the purpose of exploiting that person or removing his organs, while the other person has not yet reached the age of eighteen years;
- c. he who recruits, takes or abducts another for the purpose of inducing that other person in another country to make himself available to perform sexual acts with or for a third party for a fee;
- d. he who forces or moves another person to use any of the means mentioned in part a to make himself available for the performance of work or services or to make his organs available or who, under the circumstances mentioned in part a, takes any action of which he knows or reasonably knows must suspect that the other person thereby makes himself available to perform work or services or makes his organs available;
- e. he who leads another to make himself available to perform sexual acts with or for a third party for a fee or to make his organs available for payment, or undertakes any act with respect to another that he knows or should reasonably suspect whereas the other person thereby becomes available for the performance of those acts or makes his organs available for payment, while the other person has not yet reached the age of eighteen years;
- f. he who deliberately takes advantage of the exploitation of another;
- g. he who deliberately takes advantage of the removal of organs from another person, while knowing or must reasonably suspect that his organs have been removed under the circumstances referred to under a;
- h. he who deliberately takes advantage of the sexual acts of another with or for a third party against payment or the removal of his or her organs against payment, while the other has not yet reached the age of eighteen years;
- i. he who forces another person by one of the means mentioned in part a or causes him to benefit from the proceeds of his sexual acts with or for a third party or from the removal of his organs.

Under the Penal Code, if a person commits a crime outside of Aruba, the person can be prosecuted for extraterritorial trafficking.⁴⁹ According to the U.S. State Department 2018 Trafficking in Persons (TIP) Report, Aruba is a transit and destination country for women, men, and children subjected to sex trafficking and forced labor.⁵⁰ Women from Venezuela are prone to sex trafficking in Aruba due to the there being a large number of individuals from Venezuela who have overstayed their visas and are vulnerable due to expired documentation.⁵¹ In Aruba, foreign men and women are at risk of forced labor. Furthermore, children in Aruba are at risk of sex trafficking into Chinese-owned supermarkets and restaurants.⁵²

⁴⁸ Penal Code of 2012, Article 239.

⁴⁹ Penal Code of 2012, Article 7a.

⁵⁰ U.S. Department of State, *supra* note 45, at 78.

⁵¹ *Id.*, See also, *Venezuelan migrants live in shadows on Caribbean's sunshine islands*, THE GUARDIAN, Nov. 13, 2018, at <https://www.theguardian.com/world/2018/nov/13/venezuelan-migrants-caribbean-islands> (last visited Aug. 22, 2019) (on file with the International Centre for Missing & Exploited Children).

⁵² *Id.* at 79.

In response to the human trafficking issue, Aruba created the Aruba Anti-Human Trafficking and Smuggling Taskforce as well as a national action plan 2018-2022 to combat trafficking.⁵³ The goals of the Taskforce are to “vigorously investigate and prosecute trafficking offenses; punish traffickers with prison sentences to deter the crime; implement guidelines for proactive victim identification and referral of possible trafficking victims among Venezuelan migrants and asylum-seekers; train officials on the use of the newly adopted referral mechanism; proactively identify trafficking victims among all vulnerable groups, including women in prostitution, those who hold adult entertainment visas, domestic workers, and migrants working in construction, supermarkets, and retail; continue to provide information to all migrant workers arriving in Aruba on their rights and resources for assistance; formalize agreements with local NGOs and private sector accommodations to shelter adult and child victims; and finalize the implementation strategy for the construction of the multifaceted shelter for victims of crimes, including trafficking.”⁵⁴ There does not appear to be funding allocated for the national anti-trafficking action plan.⁵⁵

The government has used other tactics to prevent human trafficking. For instance, the government created a register of all persons who acted as guarantors for foreigners entering the country to reduce the entry or transit of trafficked victims.⁵⁶

⁵³ *Id.* at 78.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at 79.