



GOVERNMENT OF CURAÇAO

**MINISTRY OF
SOCIAL DEVELOPMENT, LABOUR & WELFARE**

September 2013

*National Report on the fulfillment of the Brasilia Consensus
to the XII session of the Regional Conference of Women in
Latin America and the Caribbean*



NATIONAL REPORT ON THE FULFILLMENT OF THE BRASILIA CONSENSUS

Government of Curaçao – Ministry of Social Development, Labor & Welfare





CONTENTS

1.	Foreword by H.E. Mrs. Jeanne-Marie Francisca	3
2.	Introduction	4
3.	Achievements in Fulfillment of the Brasilia Consensus	5
4.	Challenges to the Fulfillment of the Brasilia Consensus	7





1. FOREWORD BY H.E. MRS. JEANNE-MARIE FRANCISCA

As the newly appointed Minister of Social Development, Labor & Welfare, it is a privilege to be in charge of gender affairs. Though we face important challenges in this field, I am looking forward to work with our local partners to continue towards a path of growth and full implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The current financial crisis is forcing us to review our expenditures. This means that we have to find ways to spend government subventions wisely and in stricter observance of our goals and projections in the area of gender equality.

Another issue is the streamlining of the collection of data. So far, gender sensitive data collection has proved to be a significant challenge. At the Ministry of Social Development, Labor & Welfare, we are working on mechanisms to improve the collection of data in the field, in close collaboration with other Ministries and Research Institutes.

Furthermore, we are strengthening our support structures in the neighbourhoods of Curaçao. On the one hand, we are working on the improvement of infrastructures and capacity building of the Managers of the facilities. On the other hand, we are designing projects in close collaboration with civil society partners in order to increase the participation of the elderly, to offer healthier recreational options to our adolescents, safer playing grounds to our youngest children, more support to our unemployed women and men, more resources for the poor and more mobility options for the disabled.

The ultimate goal is to create empowered citizens, who can help this government build-up our young nation in an atmosphere of equal opportunities for all.

In this nation-building process, the information and communications technologies have become a very important and crucial factor in all fields and at all levels of government. Therefore, the theme of the twelfth session of the Regional Conference “gender equality, empowerment of women and information and communication technologies” is very relevant to our future plans and ideas.

Since the Brasilia Consensus of 2010 we have booked some progress in the fields of labor and combatting violence against women. However, we must remain vigilant in the areas of equality in the workplace and broaden the participation of women in decision making and the exercise of power.

I also look forward to strengthen cooperation between Curaçao and our neighbouring countries of Latin America and the Caribbean.

Yours Faithfully,

Mrs. Jeanne-Marie Francisca

Minister of Social Development, Labor & Welfare





2. INTRODUCTION

As of 10 October 2010, the Netherlands Antilles, formerly a country within the Kingdom of the Netherlands, has ceased to exist. As a result, the islands of Curaçao and St. Maarten have become autonomous countries within the Kingdom of the Netherlands, each having its own national (executive) government and (legislative) parliament. Together, these two institutions are empowered to enact legislation in the two the countries. The council of ministers now consists of nine ministries of which the minister of social development, labor and welfare is responsible for gender affairs.

For Curaçao and St. Maarten, most of the laws and international and regional commitments of the Netherlands Antilles were adopted as laws for Curaçao and St. Maarten.

As a new country Curaçao reaffirms its committed to advancement of and protection of rights of women and social justice in general.

As of august 2012, Curaçao is an associate member of the ECLAC.





3. ACHIEVEMENTS IN FULFILLMENT OF THE BRASILIA CONSENSUS

Achievement 1 under the Brasilia Consensus Chapter “Attain greater economic autonomy and equality in the workplace”:

Right to healthcare and special measures during pregnancy and maternity leave in Curaçao

As of April 6th, 2012, the maternity leave ordinance was adapted to the international standards in line with the revised version of the Maternity Protection Convention number 103 and ILO Convention number 183. The government wants to ensure equal opportunities and treatment of men and women of the working population, as well as to promote the health and safety of mother and child.

These changes are:

- **Non discrimination.**

The employer should not discriminate in case of employment agreement, as regards to providing instructions, employer benefits, promoting or at termination of the agreement.

Deviation is possible only if sex is a determinant, and in case of protection of women related to pregnancy or maternity. Resignation/cancellation in contrary to the first paragraph is invalid.

- **Prohibition on requesting pregnancy tests**

It is not allowed to demand a pregnancy test when a woman is applying for a job. Except for when the request is made because the job offered, may pose a substantial risk to health and safety of a mother and unborn child.

- **Extension of maternity leave**

Maternity and pregnancy leave is extended from 12 to 14 weeks. In case the delivery date is earlier than the estimated delivery date, the maternity leave should be augmented by the number of days the pregnant employee would have lost.

- **Right to leave of other parent**

Assign the right to leave to the employee who as a parent has the legal family right in the event of illness, hospitalization or death of the mother before the expiration date of the maternity leave.

- **Prohibition on night and standing work during pregnancy and lactation**

The employer cannot demand from an employee, during pregnancy, after childbirth or during lactation to perform night work or to carry out unlimited standing work.

- **Right to space and time for breastfeeding during working hours**

The employer should provide the nursing employee the possibility of breastfeeding her child and/or pump breast milk in peace and privacy during working hours.

The mother has the right to breastfeed, pump or nurse the child to a maximum of $\frac{1}{4}$ of the length of the working time per shift without loss of payment.





- **Prohibition of dismissal of pregnant workers.**

The employer may not terminate the agreement during pregnancy for reasons related to pregnancy or during maternity leave.

In case of dismissal during pregnancy, the employer must give substantiated reasons to prove that the dismissal is based on objective basis and not on pregnancy-related basis.

Support Measure 1: Inauguration of the National Job Center of Curaçao

On September 6th 2013, the Minister of Social Development, Labor & Welfare, H. E. Mrs. Jeanne-Marie Francisca inaugurated the National Job Center which provides a wide range of new services to unemployed women and men on the island. Apart from data collection, one of its crucial functions will be to promote financial empowerment of women, especially mothers with young children, by facilitating their access to the labor market.

Achievement 2 under the Brasilia Consensus Chapter “Attain greater economic autonomy and equality in the workplace”:

Combatting Violence Against Women: Human Trafficking Legislation

The criminal code of Curaçao was revised and the new criminal code entered into force on November 15, 2011. Before the revised code, human trafficking was not explicitly mentioned, but cases suspected of being human trafficking were prosecuted under other articles in the criminal code, mostly as labor laws violations. The new article on human trafficking is in alignment with international standards and criminalizes all forms of human trafficking. The law prohibits all forms of trafficking. The penalties prescribed range from nine to 24 years’ imprisonment. These penalties are sufficiently stringent and are in proportion to those prescribed for other serious crimes, such as rape.

The government is aware that Curaçao is a source, transit and destination for women, children and men who are subjected to sex trafficking and forced labor and has significantly improved its anti-trafficking law enforcement response. One of the areas of major attention is improving the identification of vulnerable foreign women forced into prostitution in bars and other locales as potential trafficking victims. Because of these efforts in 2012 and now in 2013, the prosecution of sex trafficking cases and the identification and referral of sex-trafficking victims for care has increased.

In the past victims and possible victims were not referred for care rather they were detained and subsequently deported. At the beginning of 2012, the government completed an official inquiry into the forced labor conditions of Indian nationals, and concluded that forced labor is also an area of concern, and should be dealt with the full force of the new law.

Support Measure 2: National Committee against Violence

On the 28 and 29th of May 2012, the NGO National Alliance working against child abuse and domestic violence held a national dialogue in which government officials, policy advisors and other stakeholders participated. The government reiterated its commitment to combatting domestic violence and child abuse and committed itself to working with the alliance towards a comprehensive and structural management and policies concerning domestic violence and child abuse. In October 2012, the government issued a national decree instituting a committee to work on development of an action plan for combating child abuse and domestic violence. The National Committee will become operational within a few months after the formal appointment of its members.





4. CHALLENGES TO THE FULFILLMENT OF THE BRASILIA CONSENSUS

Challenge 1 under the Brasilia Consensus Chapter “Attain greater economic autonomy and equality in the workplace”:

National Implementation of ILO Conventions

In order to comply with the of the International Labor Organization’s aim to have all of the eight (8) ILO’s so called Fundamentals ratified by the year 2015, the Council of Ministers of government of Curaçao has decided to align the national legislation and policy in accordance with the international labor norms as set by the ILO.

So far, the government of the former Netherlands Antilles had ratified three of the eight fundamental ILO Conventions. These three Conventions contain standards regarding forced labor and the guarantee of freedom of association. The other five Conventions to, be ratified, contain norms on several areas such as the equality of remuneration between men and women (ILO Conventions 100 and 111), the ban on the worst forms of child labor (ILO Conventions 182 and 138) and the freedom of collective bargaining (ILO Convention 98).

The limited human resources and the financial restrictions from in particular from the 10 October 2010 until now, the constitutional change process, have delayed the ratification of the remaining five ILO fundamental Conventions. However, the government has reaffirmed its commitment to the ratification of these conventions and firmly subscribe to the principle of strengthening and enforcing social justice. The Ministry of Social Development Labor and Welfare, as the ILO liaison in Curaçao, is coordinating these efforts.

Support Measure 3: OMIC Project for Migrant Women Workers

In 2009, the Ministry of Social Development, Labor & Welfare started a project focused on determining the impact of migrants on our society. The project is called ‘OMIC’, which can be translated into ‘a survey on migration and integration issues on Curacao’. It is being funded with both local and Dutch support. Partners to the project, apart from the Ministry of Social Development, Labor & Welfare, are the local university UNA and the Bureau of Statistics, CBS. The reason for starting OMIC is the fact that hardly any data is available on migrants in our society, nor their impact on several systems. A lot of what we know is based on ‘hear say’. The goal of the project is to get real data, and based on this data, to design specific policies for the migrant population (including issues regarding migrant women). Most of migrant women are in employed and work in domestic care. In general the rate of unemployment among migrant women is quite low compared to local women. A significant number of migrant women work within the informal economy. This means that government regulations on working hours and conditions do not always apply to them. Alleged stories about abuse on the workplace do exist, but more research is needed to document individual cases.





Challenge 2 under the Brasilia Consensus Chapter “Broaden the participation of women in decision-making and the exercise of power”:

Increase the political participation of women

Even if Curaçao has known five female prime ministers over the past decades, the political participation of women on the island remains a point of concern. Within the next few years, it will become crucial to invest in a new generation of women who shall be prepared to occupy public functions. In the current local government (as per September 2013) with nine portfolios, there is only one female minister. Out of the twenty one seats in Parliament, only six are held by women.

Within the framework of the South-South cooperation, the Ministry of Social Development, Labor & Welfare intends to explore new ways in order to develop stimulating programs and research aimed at the promotion of more women in representative public office. The Ministry understands that it is important to include political parties and local opinion makers in this process.

