

THE NETHERLANDS 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of the Netherlands, a constitutional monarchy, consists of four equal autonomous countries: the Netherlands, Aruba, Curacao, and Sint Maarten. The kingdom retains responsibility for foreign policy, defense, and other “kingdom issues.” The Netherlands also includes the Caribbean islands of Bonaire, Saba, and Sint Eustatius, which are special municipalities. The six Caribbean entities collectively are known as the Dutch Caribbean.

The Netherlands has a bicameral parliament. The country’s 12 provincial councils elect a first chamber, and the second chamber is elected by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. Aruba, Curacao, and Sint Maarten have unicameral parliamentary systems. Ultimate responsibility for safeguarding fundamental human rights and freedoms in all kingdom territories lies with the combined kingdom governments. Elections for seats in the Netherlands second chamber of parliament in March were considered free and fair.

Throughout the kingdom civilian authorities maintained effective control over the security forces.

The most significant human rights issues included anti-Semitic incidents and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Authorities generally investigated, and where appropriate prosecuted, such cases.

Authorities in the kingdom investigated, prosecuted, and punished officials who committed violations.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the governments or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions in the Netherlands that raised human rights concerns. According to a 2015 report by the Council of Europe's Committee to Prevent Torture (CPT), the most recent independent assessment available, prison conditions in Aruba, Curacao, and Sint Maarten were substandard due to insufficient medical care and physical conditions. The report documented beatings of detainees after arrest, delays in accessing legal counsel, and unsanitary conditions of detention in some facilities.

Physical Conditions: According to the CPT report, medical resources at facilities in Aruba, Curacao, and Sint Maarten were limited. The report stated that in Aruba authorities did not meet the dietary requirements of prisoners, and prisoners with mental health problems and other vulnerable prisoners were housed in poor conditions.

Administration: Agencies that make up the national preventive mechanism in the Netherlands investigated credible allegations of mistreatment.

Detainees held on terrorism charges at two maximum-security facilities at Vught and Rotterdam in the Netherlands protested the terms of their confinement, including lack of privacy, constant observation, and frequency of full-body searches. In response the authorities implemented a more individualized approach to address some of their grievances. Amnesty International and Open Society Justice Initiative published a report on October 31 echoing the same grievances and concluding measures the government has taken did not fully address the human rights concerns in terrorism prisons.

Independent Monitoring: The kingdom's governments permitted monitoring by independent nongovernmental observers, such as human rights groups, the media, and the International Committee of the Red Cross, as well as by international

bodies such as the CPT, UN Subcommittee on Prevention of Torture, and UN Working Group for People of African Descent.

Improvements: In response to the CPT report, authorities on Aruba and Curacao opened new police holding cells facilities that met CPT requirements.

Aruba continued its prison guard training plan as proposed in the CPT report. International prison standards were part of the curriculum.

Authorities in Curacao implemented additional measures, such as new observation cameras, the use of a drone, and additional detection ports, to suppress illegal activities among inmates and to ensure the safety of inmates and staff. Renovation and upgrade projects at the Curacao Center for Correction and Detention continued, including renovation of toilet facilities, changing locks of the cells, and renovation of the roof and kitchen.

In Sint Maarten authorities provided an infirmary and qualified nurses. They also contracted medical doctors to provide care in the prison facilities. The prison authorities started to provide in-house dental care, and the Mental Health Foundation provided psychological care on a weekly basis.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the governments generally observed these requirements.

Role of the Police and Security Apparatus

In the Netherlands the Ministry of Justice and Security oversees law enforcement organizations, as do the justice ministries in Aruba, Curacao, and Sint Maarten. The military police (Marechaussee) are responsible for border control in the Netherlands. The Border Protection Service (immigration), police, and the Dutch Caribbean Coast Guard share the responsibility for border control in Sint Maarten, Aruba, and Curacao.

Civilian authorities in the entire kingdom maintained effective control over the security forces, and the government had effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

A prosecutor or senior police officer must order the arrest of any person, other than one apprehended on the spot, for alleged crimes. Arrested persons have the right to appear, usually within a day, before a judge, and authorities generally respected the right. Authorities informed detainees promptly of charges against them. The kingdom's law also allows persons to be detained on the order of a judge pending investigation. In these cases no charges are filed. There is no bail system.

In the Netherlands in terrorism-related cases, the examining magistrate may initially order detention for 14 days on the lesser charge of "reasonable suspicion" rather than "serious suspicion" required for other crimes.

In all parts of the kingdom, the law provides suspects the right to consult an attorney. In March an EU directive on the right to access a lawyer became part of national law. It grants all criminal suspects the right to have their lawyers present at police interrogation. Previously, with some exceptions, suspects could consult with their lawyers only prior to first police questioning. In Aruba and Curacao, any criminal suspect is entitled to consult his or her lawyer only prior to the first interview on the substance of the case. In the case of a minor, the lawyer can be present during interviews but cannot actively participate.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention and any delay in obtaining judicial ruling. If the court finds persons to have been detained unlawfully, they are entitled to prompt release and/or compensation.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the governments generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to a presumption of innocence, and the right to be informed promptly of the charges. Trials take place without undue delay in the presence of the accused. The law provides for prompt access of defendants to attorneys of their choice, including at public expense if the defendant is unable to pay. Defendants generally have adequate time and facilities to prepare for a defense. If required, the court provides interpreters throughout the judicial process free of charge. The accused is not present when the examining magistrate examines witnesses, but an attorney for the accused has the right to question them. In most instances defendants and their attorneys may present witnesses and evidence for the defense. In certain cases involving national security, the defense has the right to submit written questions to witnesses whose identity is kept confidential. Defendants may not be compelled to testify or confess guilt and have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may bring lawsuits for damages for human rights violations in the regular court system or specific appeal boards. If all domestic means of redress are exhausted, individuals may appeal to the European Court of Human Rights. Citizens of Sint Maarten and Curacao may also seek redress through the ombudsperson if the government is accused of human rights violations.

Property Restitution

The Netherlands has laws and/or mechanisms in place, and NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens. The Dutch comply with the goals of the Terezin Declaration. A legal process exists for claimants to request the return of property looted during the Holocaust, although some advocates say that bureaucratic procedures and poor record keeping have been key barriers to restitution efforts. In 2016 Amsterdam allocated \$11 million to Jewish causes--an estimate of the total taxes paid by survivors following the war. In February, The Hague's executive board advised the city government to offer \$2.75 million for property tax restitution to Holocaust survivors and heirs. As of July the national railway company Nederlandse Spoorwegen has not paid restitution for the

equivalent of \$2.7 million it received from the Nazis to transport Jews to a concentration camp.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: It is a crime “verbally or in writing or image deliberately to offend a group of people because of their race, their religion or beliefs, their sexual orientation, or their physical, psychological, or mental disability.” The statute does not consider statements that targeted a philosophy or religion, as opposed to a group of persons, as criminal hate speech. The penalties for violating the law include imprisonment for a maximum of two years, a fine of up to 8,100 euros (\$9,700), or both. In Aruba the penalties for this offense are imprisonment for a maximum of one year or a fine of 10 thousand Aruban florins (\$5,600). In the Netherlands there are restrictions on the sale of the book *Mein Kampf* and the display of the swastika symbol with the intent of referring to Nazism.

In January the Amsterdam district court convicted four men of offending and discriminating against Jewish persons in connection with a demonstration during which members of the ultrarightist Netherlands People Party (NVU) carried banners with texts such as “Defend Europe” and signs of the “Combat 18” neo-Nazi group, and wore anti-Jewish nose stickers. The four individuals were fined and sentenced to community service.

In December 2016 a court convicted Freedom Party leader Geert Wilders for encouraging his supporters to chant “fewer Moroccans” at a 2014 political rally. The court decided that Wilders had “crossed a line” but did not impose a sentence.

Press and Media Freedom: Independent media in the kingdom were active and expressed a wide variety of views without restriction. The restrictions on “hate speech” applied to the media but only occasionally were enforced. Disputes occasionally arose over journalists’ right to protect their sources.

Internet Freedom

The governments did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the governments monitored private online communications without appropriate legal authority. The internet was widely available in the kingdom and used by citizens. According to the International Telecommunication Union, in 2016 just more than 90 percent of the Netherlands’ population and 94 percent of Arubans used the internet.

Authorities continued to pursue policies to prevent what they considered incitement to discrimination on the internet. They operated a hotline for persons to report discriminatory phrases and hate speech with the principal aim of having them removed. On May 18, the Amsterdam District Court convicted 20 persons for using inflammatory, threatening, and offensive language against a black politician on social media. The court sentenced four of them to community service and fined 16 others.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the governments generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The governments cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The laws on asylum vary in different parts of the kingdom. In general the law in the Netherlands provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees.

Sint Maarten does not recognize asylum seekers. Foreigners requesting asylum are processed as foreigners requesting a humanitarian residence permit. UNHCR aided authorities in those cases and determined whether the asylum case was justified and whether Sint Maarten needed to provide protection. If so, the asylum seekers received a humanitarian residence permit; if not, authorities deported them to their country of origin or a country where they would be accepted. In Curacao and Aruba, asylum seekers were referred to UNHCR.

Safe Country of Origin/Transit: Authorities in the Netherlands denied asylum to persons who came from so-called safe countries of origin or who had resided for some time in safe countries of transit. They used EU guidelines to define such countries. Applicants had the right to appeal all denials.

Consistent with a 2011 ruling by the European Court of Human Rights, the government processed the applications of third-country applicants arriving from Greece under the asylum procedures of the Netherlands instead of sending them back to Greece. The government stated such applicants would only be returned to Greece once the Greek asylum system meets European human rights standards. For similar reasons, authorities do not return asylum seekers under the Dublin III regulation to Hungary and Belgium.

Freedom of Movement: Government guidelines require that authorities not detain denied asylum seekers longer than three months, but they exceeded this term in several cases. In the Netherlands the national ombudsperson, Amnesty International, and other nongovernmental organizations (NGOs) asserted that persons denied asylum and irregular migrants were regularly subjected to lengthy

detention before deportation even when no clear prospect of actual deportation existed.

Durable Solutions: In the Netherlands the government accepted up to 500 refugees per year for resettlement through UNHCR. These refugees came mainly from UN refugee camps, and many were Syrians arriving from camps in Lebanon and Jordan. The government also provided financial and in-kind assistance to refugees who sought to return to their home country voluntarily. The laws in all parts of the kingdom provide the opportunity for non-Dutch persons to gain citizenship.

Temporary Protection: The Netherlands government provided temporary protection to individuals who may not qualify as refugees. According to Eurostat data, in 2016 it provided subsidiary protection to 10,705 persons and humanitarian status to 365 others. In the Dutch Caribbean, individuals who do not qualify as refugees are immediately returned to their country of origin.

Stateless Persons

According to 2016 UNHCR statistics, 1,951 persons in the Netherlands fell under UNHCR's statelessness mandate. Stateless persons in the Netherlands included Palestinians from Syria, Romani immigrants, and some Malaccans, who declined both Dutch and Indonesian citizenship for historical and political reasons. UNHCR acknowledged that the 2016 statistics on stateless persons in the Netherlands were inaccurate because not every stateless person was properly registered. According to government statistics, more than five thousand stateless persons applied for asylum in 2014-16, most of them Palestinians from Syria. Almost all of them were granted a residency permit.

The laws in all parts of the kingdom provide the opportunity for stateless persons to gain citizenship.

Section 3. Freedom to Participate in the Political Process

The constitution and laws in the entire kingdom provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the March elections for seats in the Netherlands' Second Chamber (the lower chamber of parliament) to be free and fair, as were the governmental elections in Curacao, Aruba, and Sint Maarten.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the governments generally implemented the laws effectively. There were isolated reports of government corruption during the year.

Corruption: In July a district court in Rotterdam convicted a former customs officer and three accomplices of smuggling large quantities of cocaine into the country. The customs officer worked in the office that decided which incoming sea containers would be physically inspected. In exchange for payments from criminals, he would let certain containers pass.

Several investigations of government corruption in the Dutch Caribbean continued. In Sint Maarten three cases against parliamentarians were under investigation or pending before the court. Two other parliamentarians were convicted. In Curacao a former prime minister was convicted of corruption, money laundering, and forgery. Additionally, a civil servant was arrested for allegedly issuing illegal work permits. In Aruba a minister and a civil servant were arrested for allegedly issuing work permits without the proper procedures. In Curacao the head of immigration was under investigation for corruption, and in Sint Maarten a senior immigration official was under investigation for human smuggling.

Financial Disclosure: The law does not require income and asset disclosure by officials. For most senior government positions, each ministry has its own regulations governing conflicts of interest.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: A citizen of the Netherlands may bring any complaint before the national ombudsperson, the Netherlands Institute for Human Rights (NIHR), the Commercial Code Council, or the Council of Journalism, depending on circumstances. The NIHR acted as an independent primary contact between the government, and domestic and international human rights organizations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law in all parts of the kingdom criminalizes rape, including spousal rape, and domestic violence. The penalty is imprisonment not exceeding 12 years, a fine not exceeding 78 thousand euros (\$93,600), or both. In case of violence against a spouse, the penalty for various forms of abuse can be increased by one-third. In Aruba the penalty is imprisonment not exceeding 12 years or a fine of 100 thousand Aruban florins (\$56,000). Authorities effectively prosecuted such crimes.

Safe Home, a knowledge hub and reporting center for domestic abuse with 26 regional branches, was the national platform that worked to prevent domestic violence and support victims. Safe Home ran a national multimedia campaign to raise awareness of domestic violence and to direct survivors to the proper institutions for assistance. The center operated a national 24/7 hotline for persons affected by domestic violence. The government supported the organization Movisie, which assisted domestic and sexual violence survivors, trained police and first-line responders, and maintained a website on preventing domestic violence.

Female Genital Mutilation/Cutting (FGM/C): In the kingdom the law prohibits FGM/C for women and girls; the maximum penalty for FGM/C is 12 years in prison. The only women in the Netherlands who are victim of FGM/C are immigrants from countries where the practice is prevalent, according to a 2013 government-funded study. Eighty percent of these women are from Egypt, Somalia, Ethiopia/Eritrea, and Kurdish Iraq. An estimated 40 to 50 girls were at risk of becoming victims each year, but only when they returned to their home countries.

The Ministry of Health, Welfare, and Sport continued funding for the Pharos Center of Expertise on Health for Migrants and Refugees to run a project to

prevent and counter FGM/C. Pharos also operated Focal Point, which functioned as a FGM/C knowledge hub for aid workers, law enforcement agencies, policy advisors, and others.

Other Harmful Traditional Practices: The National Expertise Center for Honor-Related Violence, part of the police force in the Netherlands, received 452 reports of honor-related violence in 2015. Honor-related violence is treated as regular violence for the purposes of prosecution and does not constitute a separate offense category. Laws against violence were enforced effectively in honor-related violence cases, and victims were permitted to enter a specialized shelter.

Sexual Harassment: The law penalizes acts of sexual harassment and was enforced effectively. It requires employers to protect employees against aggression, violence, and sexual intimidation. Complaints against employers who fail to provide sufficient protection could be submitted to the NIHR. Victims of sexual assault or rape in the workplace can report the incidents to police as criminal offenses, which can trigger a police response. In Curacao the law penalizes sexual harassment and it is enforced effectively. The Stichting Slachtofferhulp (Victims Assistance Foundation) assists the victims.

In Sint Maarten there is no central institution to handle sexual harassment cases. According to the law, substantive civil servant law integrity counselors must be appointed for each ministry. These integrity counselors advise the civil servants on integrity issues. It is up to the responsible minister to act on the complaint.

Aruban law states the employer shall ensure the employee is not sexually harassed in the workplace. Employers are required to keep the workplace free from harassment by introducing policies and enforcing them. Sint Maarten and Curacao also have laws prohibiting stalking.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Under the law women throughout the kingdom have the same legal status and rights as men, including under family, religious, personal status, labor, property, nationality, and inheritance laws. There were reports of discrimination in employment.

Children

Birth Registration: Citizenship can be derived from either the mother or the father. Births are registered promptly.

Child Abuse: A multidisciplinary task force in the Netherlands acts as a knowledge hub and facilitates interagency cooperation in combatting child abuse and sexual violence. The children's ombudsman headed an independent bureau that safeguarded children's rights and called attention to abuse. Physicians are required to report child abuse to authorities.

Aruba has a child abuse reporting center. In Curacao physicians are not required to report instances of abuse they encounter to authorities, but hospital officials reported indications of child abuse to authorities. In Sint Maarten, the penal code addresses serious offenses against public morality, abandonment of dependent persons, serious offenses against human life, and assault that apply to child abuse cases.

Early and Forced Marriage: The legal minimum age of marriage is 18 in all parts of the kingdom. In the Netherlands and Aruba, there are two exceptions: if the persons concerned are older than 16 and the girl is pregnant or has given birth, or if the Minister of Security and Justice in the Netherlands or the Minister of Justice in Aruba grants a dispensation based on the parties' request. Underage marriages were rare.

Sexual Exploitation of Children: Throughout the kingdom the law prohibits commercial sexual exploitation of children as well as production, possession, and distribution of child pornography, and authorities enforced the law. The minimum age of consent is 16 in the Netherlands, Curacao, and Aruba and 15 in Sint Maarten. The Netherlands is a source country of child sex tourists. The government of the Netherlands continued to implement the 2015-18 National Program against Child Pornography and Child Sex Tourism. The government ran campaigns to encourage travelers to report signals of child sex tourists. A reporting website received 76 notifications in both 2015 and 2016.

International Child Abductions: The kingdom is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish population in the Netherlands numbered approximately 30 thousand persons.

In April the NGO Center for Information and Documentation on Israel (CIDI), the country's main chronicler of anti-Semitism, reported fewer incidents (109) in 2016 (the most recent available figures) than the year before (126). The most common incidents included vandalism, verbal abuse, and hate emails. Vandalism and physical abuse were major concerns. The most common form of vandalism concerned swastikas scratched or painted on cars, walls, or buildings, in combination with a Star of David or texts such as "Heil Hitler," specifically directed against Jews or Jewish institutions. Persons who were recognizable as Jewish because of religious attire were targets of direct confrontations.

CIDI called for more specific measures to stop discrimination and anti-Semitic chanting during soccer matches. Police registered 26 incidents in and around the soccer field.

Police registered 335 anti-Semitic incidents in 2016, compared with 428 in 2015. A significant percentage of anti-Semitic incidents concerned "shouting." For example, police officers, in particular, were frequently called "Jew."

A Ministry of Justice civil servant, who tweeted "ISIS is a premediated plan by Zionists," was suspended from her position, but was reprimanded by a court, which found that she was penalized too severely, as her remarks are considered protected speech.

In 2016 the government-sponsored, editorially independent Registration Center for Internet Discrimination on the Internet (MDI) reported 162 anti-Semitic expressions on the internet. The center noted that criticism of Israel's policies and appeals to boycott the country readily turned into anti-Semitism, Holocaust denial, and expressions of wishing Jews dead.

The government entered into agreements with major social media networks such as Twitter, Facebook, and YouTube to counter discrimination on the internet. In consultations with stakeholders, the government also established measures to counter harassing and anti-Semitic chanting during soccer matches. The Anne Frank Foundation managed government-sponsored projects, such as the "Fan

Coach” project to counter anti-Semitic chanting and the “Fair Play” project to promote discussion on discrimination.

The government of the Netherlands paid special attention to countering anti-Semitism in its national action plan, which emphasizes the role of Jewish and Muslim communities in promoting mutual dialogue.

Government ministers regularly met with the Jewish community to discuss appropriate measures to counter anti-Semitism. The government worked with youth and other NGOs on several projects. This effort included making anti-Semitism a subject of discussion within the Turkish-Dutch community, setting up a help desk, organizing roundtables with teachers on anti-Semitic prejudice and Holocaust denial, holding discussions with social media organizations on countering anti-Semitism among Muslim youth, promoting an interreligious dialogue, and renewing a public information campaign against discrimination and anti-Semitism. The NGO Bridgizz that promotes diversity developed a methodology for schools to support neighborhood networks.

In July Jewish and Muslim organizations signed an agreement with the government and slaughterhouses that fine-tunes a 2012 accord allowing ritual slaughter in an attempt to better articulate each stakeholder’s interest.

In April city workers in Amsterdam removed and relocated a small plaque placed near the entrance to a residential house commemorating a Holocaust victim who had lived there. A couple living in the house sued the city to have the plaque removed altogether saying it placed emotional burden on them and attracted visitors, compromising their right to privacy. After public uproar the couple decided to withdraw the case and explained the plaque reminded them too much of their deceased child but they valued the commemoration of all Holocaust victims.

The Jewish populations in the Dutch Caribbean were small. There were no official or press reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

Laws throughout the kingdom ban discrimination against persons with physical, sensory, intellectual, and mental disabilities. In the Netherlands the law requires equal access to employment, education, transportation, housing, and goods and services. It requires that persons with disabilities have access to public buildings, information, and communications, and it prohibits making a distinction in supplying goods and services. Despite continued progress public buildings and public transport were not always easily accessible, lacking access ramps. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. Government enforcement of rules governing access was inadequate.

In the Dutch Caribbean, a wide-ranging law prohibiting discrimination does not specifically mention, but was applied to persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, transportation, and the provision of other government services. Some public buildings and public transport were not easily accessible in the Dutch Caribbean.

Although discrimination is illegal in Curacao, UN Children's Fund human rights observers noted that persons with disabilities had to rely on improvised measures to access buildings, parking spots, and information.

Not all schools in Sint Maarten were equipped for children with a range of physical disabilities, but the government reported that all children with physical disabilities had access to public and subsidized schools.

National/Racial/Ethnic Minorities

The laws of the kingdom's constituent territories prohibit racial, national, or ethnic discrimination. In the Netherlands members of minority groups, particularly immigrants and Muslims, experienced verbal abuse and intimidation and were at times denied access to public venues such as discotheques.

In the Netherlands the Muslim community of approximately 900 thousand persons faced frequent discrimination, intolerance, and racism, as did members of other minority/immigrant groups, particularly in public venues and with regard to housing and employment. According to the Central Bureau of Statistics, the minority unemployment rate during the year was approximately twice that of the native Dutch workforce, while the unemployment rate among minority youths was almost three times as high as among native Dutch youth.

Various monitoring bodies reported that the largest number of registered incidents of discrimination in 2016 had to do with a person's origin, which includes color and ethnicity, with the largest percentage of incidents (45 percent) related to the victim's skin color. According to the NIHR, discrimination on racial and ethnic grounds occurred in virtually every sphere.

The government of the Netherlands in consultation with stakeholders updated its National Action Plan against Discrimination that includes measures aimed at prevention and raising awareness. The plan encourages victims to report discrimination; seeks to improve registration, investigation, and prosecution of discrimination; enhanced law enforcement; and supports the use of education to counter discrimination. Additionally, police received training on avoiding ethnic or racial profiling.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In the Netherlands the law prohibits discrimination based on sexual orientation and gender identity, including in such areas as taxes and allowances, pensions, inheritance, and access to health care. The law also prohibits educational institutions operating on a religious or ideological basis from engaging in discrimination on the basis of homosexuality. When courts find acts of violence against LGBTI persons to be motivated by bias, they can provide higher penalties to perpetrators. There were reports of anti-LGBTI violence. For example, on April 1, five individuals on a bridge in Arnhem beat two gay men holding hands. The underage perpetrators were prosecuted. The main national LGBTI organization, COC Netherlands, reported 1,500 incidents of anti-LGBTI violence in 2016 but only nine convictions.

The government increased efforts to counter discrimination against transgender individuals. The Transgender Network Netherlands (TNN) worked with authorities and NGOs to advance the rights of transgender persons and to combat discrimination. The TNN specifically promoted an action plan to increase labor participation of transgender persons.

Research by the University of Humanistic Studies in Utrecht found that, of 300 transgender persons, more than 40 percent claimed to face discrimination in the workplace. A quarter said they were fired or not hired because of their orientation. For that reason 20 percent remained silent about their identity.

The 2016-20 National Action Plan to Counter Discrimination outlines specific measures to counter discrimination and homophobic violence. Police had a nationwide network of units dedicated to protecting the rights of LGBTI persons. The city of Amsterdam had an information call center for LGBTI persons aimed at increasing safety and acceptance of homosexuality. The Ministry of Security and Justice sponsored a campaign in the LGBTI-oriented media to encourage victims to report incidents and file complaints with police.

Other Societal Violence or Discrimination

In March the “Third Monitor on Muslim Discrimination,” a report by Ineke van der Valk of the University of Amsterdam, reported 72 incidents of acts of aggression against mosques in 2016, the highest number since monitoring started in 2005.

The anti-immigrant Pegida and Identitair Verzet movements regularly staged anti-Muslim protests. On September 2, demonstrators displayed banners at the building site of a new mosque in Venlo with texts such as “No mosque in our neighborhood” and “No Jihad in our street.” On September 4, two demonstrators displayed a banner from the roof of a new Islamic secondary school in Amsterdam saying “those who sow Islam harvest Sharia.”

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The laws in all parts of the kingdom provide for public- and private-sector workers to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements.

The law in the Netherlands provides for the freedom of association and collective bargaining. Unions may conduct their activities without interference. The law prohibits antiunion discrimination and retaliation against legal strikers. It requires workers fired for union activity to be reinstated. The law restricts striking by some public-sector workers if a strike threatens the public welfare or safety. Workers must report their intention to strike to their employer at least two days in advance.

Penalties include fines, and most violations were considered criminal. Penalties were effective in deterring violations. Government, political parties, and employers respected the freedom of association and the right to bargain

collectively. Authorities effectively enforced applicable laws related to the right to organize and collective bargaining, and workers exercised them. Violations were rare.

b. Prohibition of Forced or Compulsory Labor

Throughout the kingdom the laws prohibit all forms of forced or compulsory labor, and the government enforced them. The penalty for violating the law against forced labor runs from 12 years' imprisonment in routine cases to 18 years' imprisonment in cases where the victim incurs serious physical injury and life imprisonment in cases where the victim dies. These penalties were adequate to deter violations.

Forced or compulsory labor occurred in the kingdom. Victims of coerced labor included both domestic and foreign women and men, as well as boys and girls (see section 7.c.) forced to work in among other sectors: agriculture, horticulture, catering, domestic servitude and cleaning, the inland shipping sector, and forced criminality (including illegal narcotics trafficking).

In Aruba authorities investigated six claims of forced labor abuses. Three cases were prosecuted for forced labor and the rest dismissed. Labor inspectors together with representatives of the Department for Immigration inspected worksites and locations for vulnerable migrants and screen for indications of trafficking based on the Quick Reference Card for Human Trafficking.

Sint Maarten had one case of forced labor, which was under investigation at year's end. Front-line responders did not have standard procedures for identifying forced labor victims, which hindered the government's ability to assist such persons.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

In the Netherlands the government categorizes children into three age groups for purposes of employment: 13 to 14, 15, and 16 to 17. Children in the youngest group are allowed to work only in a few light, nonindustrial jobs and only on nonschool days. The scope of permissible jobs and hours of work increases as children become older, and fewer restrictions apply. The law prohibits persons under age 18 from working overtime, at night, or in hazardous situations.

Hazardous work differs by age category. For example, children younger than 18 are not allowed to work with toxic materials, and children under 16 are not allowed to work in factories. Holiday work and employment after school are subject to very strict rules set by law. The government effectively enforced child labor laws. Offenders faced fines, which were sufficient to deter violations. No reports of child labor occurred in the Netherlands.

In Aruba the minimum age for employment is 15. The rules differentiate between children and youngsters. Children are boys and girls under the age of 15, and youngsters are persons between the ages of 15 and 18. Children age 13 or older who have finished elementary school may work, if doing so is necessary for learning a trade or profession (apprenticeship), not physically or mentally taxing, and not dangerous. Penalties ranged from fines to imprisonment, which were adequate to deter violations. The government enforced child labor laws and policies. It conducted adequate inspections of possible child labor violations.

In Curacao the minimum age for employment is 15. The rules differentiate between children and youngsters. Children are those under the age of 15, and youngsters are persons between the ages of 15 and 18. Children age 12 or older who have finished elementary school may work if doing so is necessary for learning a trade or profession (apprenticeship), not physically or mentally taxing, and not dangerous. The penalty for violations is a maximum four-year prison sentence and/or a fine, which was adequate to deter violations.

In Sint Maarten the law prohibits children under the age of 14 from working for wages. Special rules apply to schoolchildren who are 16 and 17 years of age. The law prohibits persons under age 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being. Penalties ranged from fines to imprisonment and were adequate to deter violations. The government effectively enforced the law.

d. Discrimination with Respect to Employment and Occupation

In the Netherlands labor laws and regulations prohibit discrimination in employment or occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status or other communicable diseases.

In the Netherlands two studies published in 2015 concluded that job/internship seekers from ethnic minority backgrounds often experienced discrimination on the labor market. The government had a comprehensive plan of action to address discrimination in the labor market that included tailored policies for specific groups, such as non-Western immigrants, persons with disabilities, LGBTI persons, women, and older persons. During the year the government merged the action plan on labor market discrimination into the National Action Program against Discrimination. Implementation of the Action Program continued. Some studies indicated labor market discrimination still occurred, but the government remained committed to bring about change. Throughout the kingdom the government effectively enforced the laws. Penalties took the form of fines and were adequate to deter violations. Nevertheless, discrimination occurred, especially on the basis of sex. Female unemployment was higher than male, and female incomes lagged behind male counterparts.

The NIHR focused on discrimination in the labor market, such as discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees. The institute also cooperated on several campaigns against discrimination, such as Crossing out Discrimination, launched in 2016 by the Ministry of Interior that focused on raising awareness and encouraging individuals to report incidents of discrimination. Discrimination in employment and occupation occurred with respect to race, religion, and disability. Migrant workers also faced discrimination in employment. The NIHR addressed several discrimination cases; although its rulings are not binding, they were usually followed. Courts occasionally addressed discrimination cases. The law addresses adaptations that require employers to accommodate employees with disabilities, and the government worked to improve the position of persons with disabilities in the labor market (see section 6).

The situation was similar in Aruba, Curacao, and Sint Maarten, where labor laws and regulations prohibit discrimination.

e. Acceptable Conditions of Work

In the Netherlands the minimum wage for an adult was sufficient for a single-person household but inadequate for a couple with two children.

In Aruba the monthly minimum wage in 2015 was 1711.15 Aruban florins (\$958). In Aruba there is no official poverty level. In Curacao the minimum hourly wage was nine Netherlands Antillean guilders (\$5.40), and the official poverty level was

2,195 guilders (\$1,230). During 2015 the official minimum hourly wage in Sint Maarten was 8.83 Netherlands Antillean guilders (\$5.04); no poverty-level income information was available.

In the Netherlands the law does not establish a specific number of hours as constituting a full workweek, but most workweeks were 36, 38, or 40 hours long. Collective bargaining agreements or individual contracts, not law, regulate overtime. The legal maximum workweek is 60 hours. During a four-week period, a worker may only work 55 hours a week on average or, during a 16-week period, an average of 48 hours a week, with some exceptions. Persons who work more than 5.5 hours a day are entitled to a 30-minute rest period. Workers are entitled to four times the number of days worked per week in annual paid leave (20 days for most full-time jobs). The relationship between government holidays and paid leave days depends on the collective bargaining agreement in each sector.

In the Netherlands the government set occupational health and safety standards across all sectors. Standards were appropriate for main industries and frequently updated. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The situation was similar in Aruba, Curacao, and Sint Maarten. In Sint Maarten the government established guidelines for acceptable conditions of work in both the public and private sectors that covered specific concerns, such as ventilation, lighting, hours, and terms of work. The Ministry of Labor reviewed and updated the guidelines and routinely visited businesses to ensure employer compliance.

The Inspectorate for Social Affairs and Employment effectively enforced the labor laws on conditions of work across all sectors, including the informal economy. Resources, inspectors, and remediation were adequate. In 2016 labor inspectors imposed an average fine of nearly 10,700 euros (\$12,840), which was sufficient to deter violations. Labor exploitation in informal sectors was uncommon; violations were prosecuted under criminal law. An interagency action team identified and shut fraudulent temporary employment agencies, which were known to be facilitators of labor exploitation.

In June labor inspectors found a Turkish bakery in violation of labor laws for underpayment of employees and hiring individuals without a work permit. Labor inspectors found similar violations in 2015.

Violations were common in temporary agencies that mainly hired workers from Eastern Europe, particularly in the construction and transportation sectors, without paying the minimum wage. The law protects workers from exploitation while penalizing fraudulent agencies, individual employers, and recruiters involved in the business. The situation was similar in Aruba, Curacao, and Sint Maarten.