

THE NETHERLANDS 2018 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, and each island country has one minister plenipotentiary representing them in the Kingdom Council of Ministers. Ultimate responsibility for safeguarding fundamental human rights and freedoms in all kingdom territories lies with the combined governments of the kingdom. Elections for seats in the Netherlands’ second chamber of parliament and general elections in Aruba and Curacao in March 2017 were considered free and fair.

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

Human rights issues included anti-Semitic incidents and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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 reports regarding prison or detention center conditions in the Netherlands that raised human rights concerns. Authorities in Aruba, Curacao, and Sint Maarten took steps to improve prison conditions in response to a 2015 report by the Council of Europe's Committee for the Prevention of Torture (CPT).

In September Amnesty International reported that Venezuelan migrants detained in Curacao faced physical and psychological mistreatment, including threats and in some cases excessive use of force at the hands of immigration authorities and prison personnel.

In March 2017 in Sint Maarten, the Sint Maarten Inmates Association won a court case against the government that the lack of educational opportunities, rehabilitation, or recreational programs, poor health care, and poor living conditions were a violation of their human rights.

Administration: Agencies that make up the national preventive mechanism in the entire kingdom conducted proper investigations of credible allegations of mistreatment.

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

Improvements: In response to the CPT report, authorities on Aruba, Curacao, and Sint Maarten implemented improvements. Aruba renovated prison cells. Sint Maarten renovated facilities, put more guards on duty, and introduced several training programs for prison guards, educational programs for inmates, regular

visits to doctors and dentists, better healthcare coverage, and more access time for lawyers.

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 or 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 at the site of an alleged crime. Arrested persons have the right to appear, usually within a day, before a judge, and authorities generally respected this right. Authorities informed detainees promptly of charges against them. The kingdom's laws also allow persons to be detained on court order pending investigation.

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.

There is no bail system. Detainees can request to be released claiming there are no grounds to detain them. Authorities frequently grant such requests. In all parts of the kingdom, the law provides suspects the right to consult an attorney. In March 2017 an EU directive on the right to access a lawyer became part of national law in

the Netherlands. It grants all criminal suspects the right to have their lawyers present at police interrogation. In Aruba, Curacao, and Sint Maarten a 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.

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 defendant 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 from the government through the office of the ombudsperson.

Property Restitution

The Netherlands has laws and/or mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported that the government has made significant progress on resolution of Holocaust-era claims, including for foreign citizens. The Dutch comply with the goals of the Terezin Declaration on Holocaust Era Assets and Related Issues. 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 barriers to restitution efforts.

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 this right. 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 target 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 (\$9,300), or both. In Aruba the penalties for this offense are imprisonment for a maximum of one year or a fine of 10,000 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. The appeals process in the case of Freedom Party leader Geert Wilders, who was convicted of

inciting discrimination in 2016 for leading an anti-Moroccan chant, continued at year's end.

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 were only occasionally 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 2017 just over 90 percent of the population used the internet in the Netherlands, 94 percent in Aruba, and 87 percent in Curacao. No complete data for Sint Maarten were available.

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, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Refoulement: Ten human rights organizations including Amnesty International and Defense for Children International campaigned against the repatriation of screened-out asylum seekers (those whose asylum claims have received final denial) to Afghanistan because they regard the security situation there as too unsafe. The courts, however, backed the government's position that it is safe enough to repatriate persons to certain parts of Afghanistan.

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 is not a party to the 1951 UN Convention on Refugees or its 1967 Protocol but is required to follow the European Convention on Human Rights. The law does not provide for the granting of asylum or refugee status. Foreigners requesting asylum are processed as foreigners requesting a humanitarian residence permit. UNHCR aided authorities in asylum cases and determined whether the asylum case was justified and whether the government 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 that agreed to accept them.

Curacao is not a party to the 1951 UN Convention on Refugees or its 1967 Protocol but is required to follow the European Convention on Human Rights. In July 2017 the Curacao government took over the responsibility from UNHCR for registering asylum seekers and issuing humanitarian permits. The Curacao government reported that it had received fewer than 10 requests for asylum and was processing them in accordance with their procedures, although it had yet to

issue a permit. Curacao requested and received guidance and training from the Netherlands on asylum processing procedures.

Aruba is a party to the 1967 Protocol to the 1951 UN Convention on Refugees.

The vast majority of asylum seekers in the Dutch Caribbean were from Venezuela. In general, Aruba, Curacao, and Sint Maarten considered the majority of Venezuelan asylum seekers to be economic migrants ineligible for protection.

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.

Following the European Commission's positive reassessment of the asylum situation in Greece in the spring, the Netherlands started sending third country asylum seekers back to Greece, despite protests by human rights organizations.

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 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, and the governments of the Dutch Caribbean accepted up to 250. These refugees came mainly from UN refugee camps, and many were Syrians arriving from camps in Lebanon and Jordan. The government also relocated several hundred Syrians from refugee camps in Turkey under the terms of the EU agreement with Turkey. It provided financial and in-kind assistance to refugees who sought to return to their home country voluntarily. Most of the migrants granted residency permits on Curacao and Aruba are from Venezuela. The laws in all parts of the kingdom provide the opportunity for non-Dutch persons to gain citizenship.

Temporary Protection: The government of the Netherlands provided temporary protection to individuals who may not qualify as refugees. According to Eurostat data, in 2017 it provided subsidiary protection to 4,135 persons and humanitarian

status to 365 others. In the Dutch Caribbean, individuals deemed to be economic migrants were returned to their country of origin.

Stateless Persons

According to the most recent available UNHCR statistics (2017), 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 Moluccans, who declined both Dutch and Indonesian citizenship.

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 2017 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 in April 2017, on Aruba in September 2017, and on Sint Maarten in February 2018.

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 laws in the entire kingdom provide criminal penalties for corruption by officials, and the governments generally implemented the laws effectively. There were isolated reports of corruption in the kingdom's governments during the year.

Corruption: On February 19, a district court in Den Bosch, the Netherlands, convicted a former police officer of violating confidentiality, unlawfully accessing police systems, bribery, money laundering, participating in a criminal organization, and possession of two fraudulent passports. The court sentenced him to five years

in prison and a 10-year ban on working in the public sector. Three accomplices were also convicted.

One former member of parliament of Sint Maarten received a two year prison sentence for bribery in an effort to obtain a permit for an adult entertainment worker. He was also banned from running for public office for five years.

In July 2017 the appeals court in Curacao upheld the conviction of a former prime minister on charges of corruption and money laundering. He appealed to the Curacao High Court and his case was pending.

In Aruba a minister and a civil servant were arrested for allegedly issuing work permits without following proper procedures.

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 or a fine not exceeding 83,000 euros (\$95,000). 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 100,000 Aruban florins (\$56,000). Authorities effectively prosecuted such crimes.

On July 21, a man committed a violent rape on a 20-year-old Indonesian exchange student on a street in Rotterdam. The woman was seriously injured. Police arrested a suspect three days later and he remained in custody. Hundreds of people participated in a silent march in the community where the victim lived, protesting sexual violence and intimidation.

The government continued funding for Safe Home, a knowledge hub and reporting center for domestic abuse with 26 regional branches, as the national platform to prevent domestic violence and support victims. The center operated a national 24/7 hotline for persons affected by domestic violence. The government supported the organization Movisie, which assisted survivors of domestic and sexual violence, trained police and first 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 Royal Dutch Medical Association has recommendations for doctors on how to report FGM/C cases to Safe Home and how to provide care to the victim. 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, a FGM/C knowledge hub for aid workers, law enforcement agencies, policy advisors, and others.

Other Harmful Traditional Practices: 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 throughout the kingdom and was enforced effectively. The penalty is imprisonment not exceeding eight years or a fine not exceeding 83,000 euros (\$95,000). It requires employers to protect employees against aggression, violence, and sexual intimidation. In the Netherlands complaints against employers who failed 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. In Curacao the Stichting Slachtofferhulp (Victims Assistance Foundation) assists the victims.

In Sint Maarten no central institution handles 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 or involuntary sterilization.

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: There are laws against child abuse. The penalties depend on the details and context of the case, and can range up to 12 years in prison. 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 to authorities instances of abuse they encounter, 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.

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 ran campaigns to encourage travelers to report suspicions of child sex tourism. A Dutch offender can be tried in the Netherlands even if the offense takes place abroad.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish population in the Netherlands is approximately 30,000 persons.

In April the NGO Center for Information and Documentation on Israel (CIDI), the country's main chronicler of anti-Semitism, reported approximately as many incidents (113) in 2017 (the most recent available figures) as in 2016 (109). Common incidents included vandalism, physical abuse, verbal abuse, and hate emails. The most common form of vandalism was swastikas scratched or painted on cars, walls, or buildings, sometimes in combination with a Star of David or texts such as "Heil Hitler." People recognized as Jewish because of their religious attire were targets of direct confrontations. A significant percentage of anti-Semitic incidents concerned calling somebody a "Jew" as a common derogatory term. CIDI reported half a dozen anti-Semitic statements by politicians by the pro-Muslim DENK party and the local Hague Unity Party in particular. In May CIDI

filed a complaint with the police against a tweet by Hague Unity Party council member Arnoud van Doorn saying, “May Allah destroy the Zionists.”

In December 2017 a Palestinian refugee from Syria smashed the windows of an Israeli restaurant in Amsterdam and stole an Israeli flag. The perpetrator, diagnosed with post-traumatic syndrome disorder, was convicted on July 12 for vandalism and theft. He was sentenced to six week’s imprisonment and ordered to receive treatment for his mental condition.

The bulk of anti-Semitic expressions reviewed by the prosecutor’s office National Expertise Center for Discrimination in 2017 related to anti-Semitic statements and chants by soccer fans, mostly about the Amsterdam soccer team AJAX, whose fans and players are nicknamed “Jews.”

In 2017 the government-sponsored but editorially independent Registration Center for Internet Discrimination on the Internet reported 236 anti-Semitic expressions on the internet. The center maintained 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 offensive language on the internet, including anti-Semitic statements. The government also established measures to counter harassing and anti-Semitic chanting during soccer matches in consultations with stakeholders. 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 assisted local projects to combat anti-Semitism by providing information and encouraging exchange of best practices among key figures from the Jewish and Muslim communities.

Government ministers regularly met with the Jewish community to discuss appropriate measures to counter anti-Semitism. Government efforts included making anti-Semitism a subject of discussion within the Turkish-Dutch community, setting up a help desk, organizing roundtables with teachers, reaching out to social media groups, promoting an interreligious dialogue, and a public information campaign against discrimination and anti-Semitism.

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

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. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. Government enforcement of rules governing access was inadequate. Despite continued progress, public buildings and public transport were not always easily accessible, lacking access ramps.

The NIHR acts as supervisor of the country's compliance with the UN Convention on the Rights of Persons with Disabilities. In 2017 it ruled on 124 cases (30 percent of total number of cases) in which plaintiffs requested an opinion on alleged discrimination on grounds of disability.

In the Dutch Caribbean, a wide-ranging law prohibiting discrimination 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 to persons with physical disabilities.

Human rights observers from UNICEF noted that in Curacao persons with disabilities had to rely on improvised measures to access buildings, and parking areas, and to obtain 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.

Various monitoring bodies in the Netherlands reported that the largest percentage (41 percent in police statistics) of registered incidents of discrimination in 2017 had to do with a person's origin, which includes color and ethnicity. According to the NIHR, discrimination on racial and ethnic grounds occurred in virtually every sphere.

There were reports of discrimination against minorities with regard to 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.

Police received training on avoiding ethnic or racial profiling, and the government put into place more effective procedures to process reports of discrimination and assist victims.

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

In the Netherlands the law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex persons (LGBTI) in housing, employment, nationality laws, and access to government services such as health care. The government generally enforced those laws.

On July 3, the parliament adopted legislation that explicitly prohibits discrimination on grounds of sex characteristics, gender identity, and gender expression. The law previously only prohibited discrimination on grounds of gender and sexual orientation.

Dutch law allows for higher penalties for violence motivated by anti-LGBTI bias. There were hundreds of reports of anti-LGBTI violence. On March 9, two men were convicted for attempted manslaughter and severe mistreatment of two gay men in Amsterdam and sentenced to 40 and 28 months imprisonment respectively. On August 15, a third person was convicted for the same offense and sentenced to 24 months' imprisonment.

The main national LGBTI organization, COC Netherlands, reported an increase of incidents of anti-LGBTI violence during the year but stated this could have been due to a greater willingness among LGBTI persons to report such incidents.

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.

Police had a nationwide network of units dedicated to protecting the rights of LGBTI persons. The city of Amsterdam's informational call center dedicated to addressing LGBTI issues aimed at increasing safety and acceptance of homosexuality. The Ministry of Security and Justice sponsored a campaign in LGBTI-oriented media to encourage victims to report incidents and file complaints with police. Education Minister Van Engelshoven tightened adherence to the mandatory curriculum to promote respect for sexual diversity.

Other Societal Violence or Discrimination

In the Netherlands the Muslim community of approximately 900,000 persons faced frequent physical and verbal attacks, acts of vandalism, discrimination, and racism, as did members of other minority and immigrant groups.

On January 8, a local PVV politician said in a radio interview about a mosque in Utrecht, "We prefer if it was burned down. We are truly against mosques. We do not recognize Islam as a religion. It is an ideology."

In March 2017 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.

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 provides for 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.

The law provides for penalties, including fines. Such 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.

For the Kingdom of the Netherlands, the Netherlands Trade Union Confederation (FNV) alleged temporary workers were used to break strikes. The FNV also raised concerns some employers refused to acknowledge the collective bargaining rights of self-employed workers who work side by side with regular employees.

b. Prohibition of Forced or Compulsory Labor

Throughout the kingdom the law prohibits all forms of forced or compulsory labor, and the government enforced it. 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.

Enforcement mechanisms and effectiveness varied across the kingdom. In the Netherlands, the Inspectorate for Social Affairs and Employment investigated cases of forced or compulsory labor. The Inspectorate works with various agencies, such as police, and NGOs to identify possible cases. After completion of the investigation, cases are referred to the prosecutor's office. On the islands of the Dutch Caribbean, labor inspectors together with representatives of the Department for Immigration inspected worksites and locations for vulnerable migrants and to screen for indicators of trafficking. In Sint Maarten front-line responders did not have standard procedures for identifying forced labor victims, which hindered the government's ability to assist such persons. Authorities investigated the possible exploitation of three Filipino women hired as domestic servants. In September the public prosecutor's office determined that the case did

not amount to forced labor, despite ongoing claims from the Filipino community alleging unfair labor practices and exploitation.

Isolated incidents of 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).

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 law prohibits the worst forms of child labor. No reports of child labor occurred 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. As children become older, the scope of permissible jobs and hours of work increase, and fewer restrictions apply. The law prohibits persons younger than 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 younger than 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.

Aruba's law prohibits the worst forms of child labor. In Aruba the minimum age for employment is 15. The rules differentiate between children and youngsters. Children are boys and girls younger than 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.

Curacao's law prohibits the worst forms of child labor. In Curacao the minimum age for employment is 15. The rules differentiate between children and

youngsters. Children are those younger than 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.

Sint Maarten's law prohibits the worst forms of child labor. In Sint Maarten the law prohibits children younger than 14 from working for wages. Special rules apply to schoolchildren who are 16 and 17 years of age. The law prohibits persons younger than 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 Kingdom of the Netherlands, labor laws and regulations prohibit discrimination in employment and occupation. The law applies to all refugees with residency status. Throughout the kingdom, the government effectively enforced the laws. Penalties took the form of fines and were adequate to deter violations.

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. On average, it addressed around 100 labor discrimination cases per year; although its rulings are not binding, they were usually followed. On August 30, for example, the NIHR ruled that a physical therapy office discriminated a female employee by changing her work hours and work location after she returned from maternity leave. Plaintiffs can also take their case to court, but NIHR is often preferred because of a lower threshold. The Inspectorate for Social Affairs and Employment conducted inspections to investigate whether policies are in place on the prevention of discrimination in the workplace. Several companies that were visited in the past, were revisited in 2017. In almost all cases, companies made improvements. In one instance, the Inspectorate handed out a fine for failure to implement new policy. 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 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 occurred in the Netherlands, including on the basis of sex. The Netherlands Human Rights Institute undertook a campaign to counter discrimination in the workplace against pregnant women and women who may become pregnant. Female unemployment was higher than male, and female incomes lagged behind male counterparts. Discrimination in employment and occupation also occurred with respect to race, religion, and disability. Migrant workers also faced discrimination in employment. The International Labor Organization noted, for example, in the Netherlands, non-Western persons with a migration background were more likely to work under flexible contracts, had higher rates of youth unemployment, and continued to encounter discrimination in recruitment against people with a non-Dutch sounding last name.

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. The government effectively enforced wage laws.

In Aruba there is no official poverty level, and the monthly minimum wage in 2015 was 1,711 Aruban florins (\$958). In Curacao the minimum hourly wage was nine Netherlands Antillean guilders (\$5.40), and the official poverty level was 2,195 guilders (\$1,230). 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.

In the Netherlands the government set occupational health and safety standards across all sectors. Standards were appropriate for main industries and frequently updated. The situation was similar in Aruba, Curacao, and Sint Maarten. In Sint Maarten government established guidelines for acceptable conditions of work in both the public and private sectors 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. The government announced an annual budget increase of 50 million euros (\$57.5 million) for additional resources for the Inspectorate. In 2017 labor inspectors imposed an average fine of nearly 10,500 euros (\$12,100), which was sufficient to deter violations. The Inspectorate can shut down fraudulent temporary employment agencies, which facilitate labor exploitation.

Most violations in the Netherlands were in temporary employment agencies that mainly hired workers from Eastern Europe, particularly in the construction and transportation sectors, without paying the minimum wage. The situation was similar in Aruba, Curacao, and Sint Maarten, although the underpaid workers were generally from Latin America.