

THE NETHERLANDS 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of the Netherlands, which includes the Netherlands, Aruba, Curacao, and Sint Maarten, is a constitutional monarchy. The government of the Netherlands (the term used to designate the European part of the state and the Caribbean islands of Bonaire, Saba, and Sint Eustatius) has a bicameral parliament; a first chamber is elected by the country's 12 provincial councils and a second chamber by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. General elections held in the Netherlands on September 12 were free and fair. Aruba, Curacao, and Sint Maarten have unicameral parliamentary systems and are largely autonomous, except in foreign policy and defense. On October 19, the government held general elections in Curacao. They were regarded as generally free and fair. Ultimate responsibility for safeguarding fundamental human rights and freedoms in all the territories of the kingdom lies with the combined kingdom government. Security forces reported to civilian authorities.

With no widespread or systemic abuses, the most salient human rights problem in the Netherlands was societal animosity toward certain ethnic and religious groups, particularly Muslim immigrants from North Africa and the Middle East.

In the Netherlands, authorities prosecuted individuals during the year for violations of a law prohibiting public speech that incites hatred or discrimination but convictions were rare. There were reports of violence against women and children, anti-Semitic incidents, societal discrimination and violence against some religious and ethnic minorities, and trafficking in persons for sexual exploitation and forced labor. In Aruba, Curacao, and Sint Maarten prison conditions remained substandard in several areas and were at times a threat to health.

The government took steps to prosecute officials who committed abuses, and there were no indications that impunity existed.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

In the Netherlands, prison and detention conditions generally met international standards. Authorities permitted visits by independent human rights observers. In the three Caribbean territories, prison conditions remained substandard in a number of respects and were sometimes a threat to health.

Physical Conditions: In the Netherlands, as of September 2011, 11,550 adults were in detention, and approximately 6 percent of them were women. These figures excluded 2,170 persons undergoing treatment at forensic psychiatric centers and approximately 1,100 persons held in alien detention. The daily average in 2011 was 600 juveniles in detention. The occupancy rate in prisons was approximately 90 percent. The capacity of prisons and detention centers was 12,700 for adults and 790 for juveniles. In 2011 a total of 39 persons died in penitentiary institutions, including 15 suicides.

In Aruba, as of September, 235 persons, approximately 9 percent of them women, were in detention. In August prisoners in Aruba brought suit against the management of the Aruba Correctional Institute (KIA), complaining of understaffing, lack of hygiene, inadequacy of meaningful daily activities for prisoners, and a lack of maintenance in general. For example, they asserted rainwater entered their cells, creating dampness, which led to illness. The plaintiffs were successful in trial court; the court of appeal ruled in their favor only on the rainwater problem and gave authorities six months to correct the situation. The same court permitted authorities to hold three persons in one cell provided the cell was used only for sleeping.

As of November, 180 persons were in detention in Sint Maarten. Of these, 137 were detained at the Point Blanche Prison and 39 at the police station in Simpson Bay. Approximately 2 percent of them were women; the occupancy rate in Sint Maarten was 100 percent. Since there were no separate facilities for juveniles, authorities held them with adults, whether or not they were sentenced as adults. In April inmates at the Simpson Bay police substation rebelled, breaking glass and tables and fighting with guards. Prisoners complained of a

lack of medical attention, inadequate sanitation, and what they described as unprofessional behavior by guards. Authorities used pepper spray to restore order.

Inmates also complained during the year about defective toilets in the cells, the unhygienic state of the wash basins, and mildew in the areas where food was prepared. Prison personnel and members of the prison's supervisory committee confirmed the validity of such complaints.

In March two Dutch experts released a report describing similar conditions on three Caribbean territories during 2010-11. The experts were following up earlier reports by the Council of Europe's Committee for the Prevention of Torture (CPT) that indicated serious problems. In June the Sint Maarten Inmates Association demanded improvement in inmates' living conditions and in the availability of health care at the Pointe Blanche Prison. They based their demands in part on two court orders dating from 2007 requiring authorities to renovate the prison. However, there were reports that authorities did not implement the renovations, even though funds were allocated.

In Curacao, 440 persons were in detention, with women comprising 8 percent of the prison population. The occupancy rate was approximately 62 percent. The Dutch experts reported that in 2011 the cells at the Rio Canario police detention facility were unsuitable for habitation because of a permanent stench.

Throughout the kingdom, prisoners had access to potable water.

Understaffing, especially at top management and middle management levels, worsened, and a planned renovation of the Point Blanche Prison facilities had not begun by year's end.

In Aruba, there were personnel shortages in the women's section of the KIA prison, as well as instances of mistreatment of inmates by guards and of prisoner-on-prisoner violence.

In February police intervened in a prisoner protest at the KIA prison during which one prisoner was injured and had to be hospitalized. An investigation by the Aruba Public Prosecutor's Office determined that police officers followed standard operational procedures and did not use excessive force. In January one KIA prison inmate stabbed another. The victim was hospitalized.

In their report the Dutch experts stated that in 2011 hygiene at the Point Blanche Prison in Sint Maarten deteriorated compared to earlier visits. Staffing remained insufficient. The experts also evaluated the Philipsburg police station,

where they found that detainees, especially foreigners, remained in police cells too long, were given insufficient exposure to fresh air, did not have medical examinations, and did not have adequate access to legal support. In June prisoners at Pointe Blanche staged a demonstration to complain of mistreatment by prison authorities, discrimination, unhygienic conditions, and other problems. Understaffing worsened during the year. The experts asserted that the prison director sought to dismantle the inmates association. However, the association continued to operate and to organize demonstrations in support of prisoners during the year.

The experts' report on conditions in Curacao's facilities described persisting personnel problems, including high absenteeism, corruption, and understaffing at the Center for Detention and Correction (SDKK). The center's supervisory committee, which hears prisoners' complaints, also expressed the suspicion of large-scale staff corruption. A prisoner was shot and killed at the SDKK in July. Police arrested two fellow inmates and confiscated a firearm.

Administration: Throughout the kingdom, authorities monitored prison and detention center conditions. In Curacao, the Dutch experts reported deficiencies in recordkeeping that impeded their efforts to monitor penal facilities there.

In the Netherlands, electronic house arrest was commonly used for less serious offenses; other forms of alternative punishment included fines and community service. Authorities in Sint Maarten have the option of imposing community service and fines as punishment for nonviolent offenders, and they made use of this option during the year. In Aruba authorities employed alternative forms of punishment, such as fines, community service, or mandatory courses on subjects such as anger management. In Curacao there was a small-scale program to place selected individuals under house arrest and monitor them electronically.

In the Netherlands, prisoners could submit complaints without censorship through three channels: to the prison supervisory committee, to the penitentiary institution's official who decides on the placement of prisoners, or to the prison system's complaint commission. The Caribbean territories also all had supervisory committees to receive prisoner complaints. Throughout the kingdom authorities permitted prisoners religious observance and allowed them to receive visitors.

Monitoring: The kingdom governments permitted monitoring by independent nongovernmental observers, such as human rights groups, the media, the International Committee of the Red Cross, as well as by international bodies such as the CPT. During the year the CPT released its report on a 2011 visit to a number of police facilities, detention centers, and prisons in the Netherlands

as well as to Tilburg Prison, a facility for Belgian prisoners located on Dutch territory and largely staffed by Dutch personnel. A CPT inspector was appointed to report to the Aruban justice and education minister concerning detention conditions in the KIA prison. Two CPT experts also continued to report annually to the Aruban governor regarding progress in the implementation of the measures to improve the detention conditions in Aruba in order to meet CPT standards.

Improvements: In March the Sint Maarten and Netherlands governments signed a \$4.2 million contract for the renovation of facilities, including sanitation, at the Pointe Blanche Prison. In their report on Aruba, the two Dutch researchers noted that authorities permitted formation of a prisoners committee in the KIA, and during the year they added additional nurses to supplement the psychologist and four nurses hired in 2011. In Curacao, a \$2.5 million renovation of the SDKK prison continued. Contractors completed construction of new entry and exit facilities and separate holding facilities for undocumented foreign nationals. Construction of a workshop for prisoner activities continued.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the governments generally observed these prohibitions.

Role of the Police and Security Apparatus

In the Netherlands, the Ministry of Security and Justice oversees law enforcement organizations, as do the justice ministries in the Caribbean territories. The military police (Marechaussee) are responsible for border control. Civilian authorities maintained effective control over the regional police forces, which have responsibility in law and practice for law enforcement, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

A prosecutor or senior police officer must order the arrest of any person, other than one apprehended on the spot for alleged transgressions. Arrested persons had the right to be brought promptly before a judge, a right generally respected in practice. Authorities informed detainees promptly of charges against them. There was no bail system.

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

In the Netherlands, the law provides suspects with the right to consult an attorney. However, lawyers were not commonly present during the questioning of adult suspects. The Ministry of Justice has established pilot projects to test the practice of having an attorney present during the initial detention and questioning of an adult suspect. The right to counsel is also provided by law in Aruba. In Curacao and Sint Maarten this is not a statutory right, but in practice, as a result of rulings by the European Court on Human Rights (ECHR), suspects may consult a lawyer, if necessary by telephone.

Detention of Rejected Asylum Seekers or Stateless Persons: The national ombudsman, Amnesty International, and other nongovernmental organizations (NGOs) asserted that rejected asylum seekers were being detained for too long before being deported and noted that lengthy detention occurred even when there was no clear prospect of actual deportation.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial without undue delay, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that authorities fully inform defendants about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively for persons with low incomes), the presumption of innocence, and the right to appeal. 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 have access to government-held evidence relevant to their cases. In certain cases involving national security, special procedures permit an examining judge to assess the reliability of official intelligence reports without exposing the identities of intelligence officers or releasing confidential intelligence information to the public or the defendant. In such cases the defense has the right to submit written questions to these witnesses through the examining judge. The law extends these rights to all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits for damages related to a possible human rights violation before the regular court system or specific appeal boards. Although there are no government institutions explicitly mandated to oversee human rights in the islands, citizens of Aruba, Sint Maarten, and Curacao can seek redress for alleged human rights violations through the existing court system.

Regional Human Rights Court Decisions

The kingdom is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. As of year's end, the Netherlands government was not in compliance with a 2010 ECHR ruling that it should strengthen the legal protection of journalistic sources (see section 2.a.).

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, except for instances of discrimination and hate speech that constitute a criminal offense. The government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and of the press.

Freedom of Speech: While the government generally respected freedom of expression, it is a crime to “verbally or in writing or image deliberately offend a group of people because of their race, their religion or beliefs, their sexual orientation, or their physical, psychological or mental handicap.” Convictions were rare because courts were reluctant to restrict freedom of expression, especially when it took place within the context of a public debate. However, a significant increase during the year in intemperate speech, including anti-Semitic speech, on the Internet led authorities to increase their referrals of such cases to courts for possible prosecution (see section 6, Anti-Semitism). On

January 19, a court convicted a man for making offensive statements and harassing Jews via e-mail and sentenced him to community service. In Curacao, a court ruled that efforts by a government minister to silence his critics were counter to freedom of speech. Blasphemy is also illegal, but authorities had not invoked the prohibition for fifty years.

Freedom of Press: There was an active independent media that expressed a wide variety of views. Disputes occasionally arose over journalists' right to protect their sources. As of year's end, the government was not in compliance with a 2010 ECHR ruling that it should strengthen the legal protections of journalistic sources. Such included requiring that before police or the public prosecutor could compel journalists to reveal their sources, the matter be reviewed by a judge or other independent and impartial decision-making authority, rather than by a less independent examining magistrate.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. However, authorities continued to pursue policies to prevent what they considered to be incitement to discrimination on the Internet. There were a number of convictions on these grounds. For example, a court in Maya convicted the manager of the Holland Hardcore Forum for publishing texts that were anti-Semitic and anti-Muslim or discriminated against these groups. Held responsible for allowing these statements on the Web site, the court sentenced the manager to 36 hours of community service.

Police maintained a list of Web sites they judged to be purveyors of child pornography and reviewed the list periodically. All major domestic Internet service providers agreed not to permit access to those sites.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

On June 27, at the request of the prosecutor's office, the Assen district court ordered the dissolution and banning of the Martijn association, a group that advocated the acceptance of pedophilia and the legalization of sexual

relationships between adults and children, on the basis that its objectives violated public order and contravened the rule of law.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The Netherlands government 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, and other persons of concern.

Protection of Refugees

Access to Asylum: The law in the Netherlands provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: Netherlands authorities 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. The government did not return asylum seekers to Greece under the Dublin Regulation, consistent with a January 2011 ruling by the ECHR against Belgium regarding return of asylum seekers to Greece. Instead, these applications were processed individually under the asylum procedures of the Netherlands.

Refoulement: Decisions on deportation to countries or localities where, in the opinion of some specialists in refugee matters, safety from prosecution was not assured, were made in close consultation with the Foreign Ministry and international human rights organizations. However, involuntary deportation to Afghanistan occurred despite UNHCR objections. The government relied upon a memorandum of understanding with Afghanistan that permitted involuntary deportation provided relevant humanitarian factors were taken into consideration. Authorities indicated they did not deport anyone who they believed would be incarcerated upon return. The UNHCR and NGOs, including Amnesty International, at times objected to government efforts to return persons

to countries such as Iraq, Afghanistan, and Somalia, where, in the opinion of those organizations, they might be at risk. In response to objections, authorities imposed a moratorium on deportations to some parts of Somalia. On July 12, the Council of State, the country's highest administrative court, ruled that deportation to south and central Somalia via Mogadishu also posed risks, a ruling that effectively extended the moratorium on deportation to these regions.

Since November 2011 the Iraqi government has refused to cooperate on the involuntary repatriation of at least 500 failed asylum seekers from Iraq. High-level bilateral consultations failed to resolve the issue. In July the immigration minister announced a liberal asylum policy towards lesbian, gay, bisexual, and transgender (LGBT) persons from Iraq. During the year a similar liberal policy was announced with respect to LGBT persons from Iran and Afghanistan, as well as Christians and Ahmadi from Egypt and Pakistan. The minister further announced a moratorium on involuntary deportations to Eritrea.

Durable Solutions: The Netherlands accepts up to 500 refugees from third countries each year for permanent settlement. The number of such refugees accepted during the year was not available.

Temporary Protection: Following criticism by NGOs and the UNHCR, the government has made exceptions to its 2010 decision not to grant protection to categories of aliens based on country conditions, gender, and other factors. For example, the ministry observed a de facto moratorium on deportations to Somalia and Eritrea.

Stateless Persons

According to UNHCR statistics, there were 2,005 stateless persons in the Netherlands at the beginning of the year, including approximately 1,000 immigrant Roma and an unspecified number of Malaccans, who declined both Dutch and Indonesian citizenship for historical and political reasons.

Citizenship is based primarily on the mother's citizenship. The laws in all territories of the kingdom provide the opportunity for stateless persons to gain Dutch citizenship. Stateless persons have no access to public services except emergency health care.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens in all parts of the kingdom exercised this right in practice through periodic free and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In the Netherlands, observers considered September 12 elections for the second chamber of the parliament to be free and fair, as were the most recent governmental elections in the Caribbean territories, including those in Curacao on October 19.

Participation of Women and Minorities: There were 58 women in the 150-seat second chamber of the Netherlands parliament and 25 in the 75-seat first chamber. Of the 20 cabinet members, seven were women. Eight members of the second chamber of parliament and one in the first chamber were of immigrant descent.

Women also held positions in the parliaments and cabinets of the Caribbean territories, including the position of prime minister of Sint Maarten, where 20 percent of parliamentary representatives were women. In Curacao women held approximately 30 percent of the seats in parliament. In Aruba women held one-third of the seats in the parliament.

Section 4. Corruption and Lack of Transparency in Government

The laws provide criminal penalties for corruption by officials, and the government generally implemented the laws effectively. There were isolated reports of government corruption during the year. There are no laws requiring income and asset disclosure by officials. For most senior government positions, every organization has its own regulations to avoid conflicts of interest.

In the Netherlands, several agencies combat corruption. The National Integrity Office serves as a knowledge center, develops new instruments for tracking problems, and identifies trends on matters of integrity. The independent Commission for Integrity in Government is a body for appeals by whistleblowers in government and law enforcement agencies.

In Curacao, the Public Prosecutor initiated an official investigation into possible attempts to bribe parliamentarians in that territory. One member of the parliament, Gilmar Pisas, stated that he was approached three times with proposals that he withdraw his support for the existing cabinet in exchange for financial benefits. Pisas was the only parliamentarian to make these charges publicly. This investigation followed a 2011 report by a special investigator

that suggested involvement of several cabinet members in corrupt activities. The Netherlands government suggested an investigation, which the government of Curacao declined to pursue.

There were no authoritative reports of corruption on the other Dutch Caribbean islands, although unsubstantiated claims and presumptions of corruption persisted in some instances.

The law provides for public access to government information, and the law was effectively implemented. Requests for information must be answered within four weeks, with a possible extension of another four weeks. When authorities denied information requests, they provided reasons based on the law. Persons and organizations seeking information could appeal refusals to the regular courts. Disputes occasionally arose in court over the scope of the government's right to withhold information in the public interest.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: A citizen may bring any complaint before the national ombudsman, the Equal Opportunity Commission (CGB), the Commercial Code Council, or the Council of Journalism, depending on the circumstances. A human rights institute intended to act as an independent primary contact between government and domestic and international human rights organizations became operational during the year.

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

The constitution and laws prohibit discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the governments generally enforced these prohibitions.

Women

Rape and Domestic Violence: The law in all territories criminalizes rape, including spousal rape, and domestic violence. The penalty for rape, including spousal rape, in the Netherlands, Curacao, and Aruba is imprisonment not exceeding 12 years, a fine, or both. In case of violence against a spouse, the

penalty for various forms of abuse can be increased by one-third. The Netherlands effectively prosecuted such crimes. In Sint Maarten the law criminalizes rape, including spousal rape, domestic violence, and sexual harassment, and the government effectively prosecuted such crimes.

According to a 2010 study by the Research and Documentation Center of the Ministry of Security and Justice, there were approximately 200,000 victims of domestic violence annually in the Netherlands, 60 percent of whom were women, and 100,000 to 110,000 perpetrators, 17 percent of whom were women. In 2011, according to a joint report on crime and law enforcement published by the Research and Documentation Center of the Ministry of Security and Justice and the governmental organization Statistics Netherlands (CBS), there were 9,122 registered cases of sexual crimes. During the same year, courts reached verdicts in 1,265 cases, of which 1,039 were convictions. The average prison sentence for a convicted rapist was 20 months.

The Netherlands government continued to give significant attention to combating domestic violence. On August 27, the government began a nationwide public campaign to raise awareness of domestic violence and the abuse of children and the elderly and to make citizens more active in seeking help or advice. The government provided support to the national organization Movisie, which assisted victims of domestic and sexual violence and trained police and prosecutors in investigating and prosecuting related crimes. The government also subsidized shelters for battered women. Mayors may impose temporary restraining orders on perpetrators of household violence; local government statistics indicated that mayors nationwide issued 2,987 restraining orders in 2011. There was a national hotline for persons directly or indirectly affected by domestic violence.

No official statistics were available regarding the incidence of rape, domestic violence, or sexual harassment in Sint Maarten, Aruba, or Curacao.

In Curacao, the NGO Alliance against Child Abuse and Domestic Violence held a national dialogue during the year in which government officials, policy advisors, and other government workers participated. The prime minister and other ministers (of social development, justice, health, and education) agreed to participate in a committee to work on a national plan to combat violence against children and women. In Sint Maarten, the foundation Safe Haven, a shelter for battered women and their children, received government support. A billboard campaign was underway during the year in several areas of the island.

Harmful Traditional Practices: The Netherlands government continued to combat honor-related violence vigorously. A government center dealing with

honor violence was accessible 24 hours a day, seven days a week. The center developed a checklist to help police and other professionals identify honor violence cases. Data on convictions and sentences were unavailable as authorities did not record honor-related crimes separately.

Sexual Harassment: The laws penalize acts of sexual harassment. The law commits employers to protect employees against aggression, violence, and sexual intimidation. Complaints against employers who fail to provide sufficient protection can be submitted to the CGB. Victims of sexual assault or rape in the workplace must report the incidents to police, since they are criminal offenses. The Curacao government initiated a policy against sexual harassment and a complaints procedure to report violations. Sexual harassment is also illegal in Sint Martin, but there were no indications that the Sint Maarten government took any measures specifically designed to discourage it. In Aruba no laws explicitly forbid sexual harassment, but prosecution could be based on stalking or “insult.”

Reproductive Rights: The kingdom’s governments recognized the basic right of couples and individuals to decide the number, spacing, and timing of their children, and to have the information and means to do so. There were no restrictions on the right to access contraceptives. The governments provided skilled attendance during childbirth, including obstetric and postpartum care.

Discrimination: Under the law, women throughout the kingdom have the same rights as men, including rights under family law, labor law, property law, inheritance law and in the judicial system. The government actively worked to combat discrimination.

In the Netherlands female and male unemployment rates in 2011 were 5.6 and 5.2 percent, respectively. The Ministry of Social Affairs and Employment reported that the higher rate of unemployment among women, as well as their reduced chances for promotion and their generally lower-ranking jobs, resulted primarily from their more frequent engagement in part-time employment. In 2011, according to the CBS, the average hourly wage of female employees was 81 percent of their male colleagues’ wages for similar work. The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women.

In Sint Maarten, 2009 data indicated that the unemployment rate was 10.5 percent for men and 13 percent for women. In Curacao, the female unemployment rate during the year was 11 percent, and the male unemployment rate was 8.4 percent.

Children

Birth Registration: Citizenship is derived primarily from the mother. Births are reported to authorities promptly.

Child Abuse: A 2010 government study estimated that approximately 119,000 children are abused annually in the Netherlands, but professional organizations had specific information concerning only half that number. Experts estimated that 50 to 80 children die each year from some form of abuse.

During the year the government established a multidisciplinary task force to monitor and combat child abuse. The government also initiated an action plan, Children Safe 2012-2016, to improve victim care (including prevention), confront perpetrators, and stop intergenerational violence. Children Safe is part of a broader campaign, Safe Home, which also targets domestic violence and elderly abuse. The children's ombudsman headed up an independent bureau that safeguards children's rights and calls attention to abuse. Physicians are required to report child abuse to authorities.

The Court of Guardianship stated that five cases of child abuse involving sexual, physical, or emotional trauma during the year resulted in children's removal from their homes.

During the year, the Web site Digibewust (digital awareness); a joint initiative of the government, the business sector, and various social organizations; opened a registration center where youth could report inappropriate Internet behavior, such as bullying, discrimination, hacking, stalking, Web cam abuse, and violations of privacy.

In Aruba, child abuse was a problem, and there was legislation specifically relating to it. Penalties for abusing a child could be increased by one-third if the abuser was a parent of the child. The government and NGOs conducted campaigns to focus attention on the problem. The second National Congress on the Prevention of Child Abuse and Neglect took place in November.

In Curacao there were cases of child abuse, but information on its scope was unavailable; physicians are not required to report instances that they encounter to authorities. In Sint Maarten five cases were reported during the year ending November 30. Authorities indicated they initiated an effort to heighten awareness of the problem of child abuse during the year.

Child Marriage: The legal minimum age of marriage is 18 in the all parts of the kingdom. In the Netherlands, there are two exceptions: if the persons

concerned are older than 16 and the woman is pregnant or has given birth; or if they request dispensation from the Minister of Justice. Underage marriages were rare.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C) and provides a maximum penalty of 12 years in prison. The prevalence of FGM/C was high in the Netherlands among women and girls from high-risk countries of origin. A study published by the Ministry of Health indicated that in 2008, 470 of the 1,200 pregnant women and girls from Somalia, Ethiopia, and Egypt examined by midwives had undergone FGM/C. Most FGM/C procedures take place in the native countries of the parents of victims. Ministry of Health funding for outreach continued as part of efforts to prevent domestic violence, while new attention was focused on victim care, with 300,000 euros (\$396,000) in additional annual funding. There were no laws explicitly prohibiting FGM/C in Sint Maarten or Curacao and no reports that the practice occurred.

Sexual Exploitation of Children: In the Netherlands, the penalty for commercial sexual exploitation of a minor is imprisonment for up to eight years or up to 12 years if the victim is under 16. There was a national reporting center for sexual exploitation. The penalty for statutory rape is imprisonment not exceeding 15 years, a fine, or both. The minimum age of consent is 16 in the Netherlands, Curacao, and Aruba, and 15 in Sint Maarten.

In Curacao, the penalty for an adult who entices minors into meeting with the intention of committing lewd acts with them is a prison sentence of up to 9 years. The penalty for statutory rape is 12-15 years.

Throughout the kingdom, the law prohibits production, possession, and distribution of child pornography. In the Netherlands, the maximum penalty for these offenses is eight years' imprisonment, while the penalty for accessing child pornography on the Internet is four years in prison.

International Child Abductions: The Netherlands is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but the convention does not apply to Aruba, Sint Maarten, or Curacao. For country-specific information see: travel.state.gov/abduction/country/country_5785.html.

Anti-Semitism

The Jewish population in the Netherlands numbers approximately 50,000 persons.

Anti-Semitic incidents, including threats, verbal abuse, and the desecration of monuments and cemeteries, continued to occur during the year. The Hague-based NGO Center for Information and Documentation on Israel reported 113 incidents in 2011. They included spraying of swastikas and public insults directed toward Jews wearing a yarmulke. Serious incidents remained rare. The frequency of incidents appeared to be correlated partly with the political situation in the Middle East, but some anti-Semitism was endemic.

In its report covering 2011, the government-sponsored, but editorially independent, Registration Center for Discrimination on the Internet (MDI) stated that it received 252 reports of anti-Semitism on the Internet, of which it considered 165 to be punishable, including 56 instances of Holocaust denial. The MDI forwarded the most egregious cases to the prosecutor's office. Authorities prosecuted a number of cases during the year. The MDI noted that, although the Web sites of right-wing extremists were well represented, the majority of instances of punishable anti-Semitic expressions were on mainstream interactive sites. The Web sites were located both in the country and abroad.

In March a Dutch public broadcasting network offered its viewers a board game featuring Israeli settlers who use "Jewish stinginess" and "the Anne Frank card" to colonize the West Bank, first appearing on the network's Web site for young viewers. After an exposé by the *Jerusalem Post* and protests by the Simon Wiesenthal Center, the game was withdrawn.

In May concerns arose when the city of Vorden planned to commemorate soldiers who died fighting for Nazi Germany as part of its official memorial ceremony. In September a Dutch businessman planned to erect an anti-Semitic, "Holocaust-themed" gate in Zandvoort municipality, featuring two smoking chimneys as pillars and a sign whose slogan, *Jedem das Seine* ("to each his own"), was reminiscent of the Buchenwald concentration camp. The Hague-based Center for Documentation and Information Israel protested the gate's construction, and the municipality stated that it would prevent its construction because the gate violated building regulations.

Authorities continued to implement an action plan, adopted in 2010, to combat discrimination in general and anti-Semitism in particular by promoting cooperation between authorities and Jewish and non-Jewish organizations at the local level. The government continued to sponsor the Jewish Moroccan Network Amsterdam, which sought to reduce tensions between Jews and Moroccans.

The Jewish populations in the country's Caribbean territories were small and well established. 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.

Persons with Disabilities

There are antidiscrimination laws throughout the kingdom. In the Netherlands, discrimination against persons with physical, sensory, intellectual, and mental disabilities is illegal. The law requires equal access to employment, education, health care and other state services. The law also requires that persons with disabilities have access to public buildings, information, and communications, but, despite continued progress, public buildings and public transport were not always easily accessible in practice. Children with disabilities attended school (primary, secondary, and higher education) and were provided with specialized schools if needed. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. Government enforcement of rules governing access was inadequate. The CGB processed some 136 cases during the year related to persons with disabilities, many of which dealt with workplace problems. Although CGB rulings are not binding, authorities usually implemented them.

In Sint Maarten and Aruba, a wide-ranging law prohibiting discrimination does not specifically mention, but is in practice applied to, persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, air travel and other transportation, and the provision of other state services. Children with disabilities attended primary, secondary, and university-level schools on all three islands.

In Aruba, there were special schools for children up to age 12. "Foundations," subsidized by the government, were responsible providing free transportation to persons with disabilities.

Although discrimination was illegal in Curacao, human rights observers asserted there was a continuing need for more specific laws, since persons with disabilities had to rely on ad hoc measures by government and other employers to access buildings, parking spots, and information. Not all public buildings and public transport was easily accessible. The law does not make specific reference to access to air travel.

According to the Education Ministry in Sint Maarten, children with physical disabilities had access to public primary and secondary schools “if they are able to participate fully in their academic programs.” However, not all schools were equipped for children of all degrees of physical disability.

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 Caribbean territories there were also some instances of discrimination.

In the Netherlands, the Muslim community of approximately 850,000 persons faced frequent discrimination. Members of immigrant groups also faced discrimination, particularly in housing and employment. According to the Forum Institute for Multicultural Questions, the minority unemployment rate during the year (15 percent) was roughly 2.5 times that of the ethnic Dutch workforce (6.2 percent), while the unemployment rate among minority youths was 29 percent compared to 9 percent for native Dutch youths.

The government’s campaign to increase public awareness of racism included a special Web site to improve the reporting of hate crimes, including hate speech.

Both the government and NGOs actively documented instances of discrimination, and the National Diversity Expertise Center, a unit of the police department, worked to register, evaluate, and prosecute discrimination cases. Organizations involved in combating discrimination voiced concern about the reluctance of victims to report incidents. During 2010 the center registered 170 offenses of discrimination. Race was the motivation for 43 percent of these offenses and religion for 43 percent (36 percent against Jews and 7 percent against Muslims). During the same year, officials dealt with 171 offenses, brought 121 indictments, obtained 90 convictions, and entered into 17 out-of-court settlements.

The MDI recorded 651 instances of punishable discrimination on the Internet in 2011. Of these, 167 qualified as racial, ethnic or both. Those responsible removed most (79 percent) of the offending sites voluntarily when asked by the MDI to do so. The MDI reported 14 cases to the prosecutor’s office; prosecutors obtained several convictions.

Most court lawsuits charging defamation involved race. Persons who were not ethnically Dutch also filed civil lawsuits alleging discrimination in the supply of such services as mobile telephones and access to clubs. The CGB focused on discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

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

During the year the Ministry of Justice reported a rise in harassment, mostly verbal abuse, of LGBT persons. The Pink in Blue unit of the Amsterdam police, which is dedicated to protecting the rights of LGBT individuals, recorded 564 nonviolent and 176 violent incidents in 2011, compared to 487 nonviolent and 182 violent incidents in 2010. It was impossible to determine whether the increase in reported incidents was real or a result of government campaigns urging victims to report harassment. Police placed a high priority on combating antigay violence.

Although laws in the Caribbean territories also prohibit discrimination against LGBT persons, Caribbean society has remained much less tolerant of LGBT individuals than the Netherlands. No cases of abuse or violence against LGBT persons were recorded by authorities or described in press accounts.

Other Societal Violence or Discrimination

There were no reports of societal violence against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The laws in all parts of the kingdom allow workers to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements. They may conduct legal strikes and engage in collective bargaining, and unions may conduct their activities without interference. The law prohibits antiunion discrimination, and regulations prohibit retaliation against legal strikers. Public-sector workers generally have the right to strike, but a magistrate may forbid a strike that threatens the public welfare or safety. For example, magistrates have often prohibited police strikes because of the essential services police perform. Authorities effectively enforced the rights to organize and strike, and workers exercised them in practice. There were no reports that employers frequently refused to bargain.

Worker organizations are independent of the government and political parties. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

b. Prohibition of Forced or Compulsory Labor

The laws prohibit all forms of forced or compulsory labor, and the government enforced such laws. However, there were reports that such practices occurred. The Netherlands Labor Inspectorate conducted approximately 14,000 inspections at many high-risk workplaces in 2011. In the Netherlands, men and boys from abroad were forced to work in agriculture, horticulture, catering, food processing, cleaning, and illegal narcotics trafficking. In Curacao, authorities believed that migrant laborers may have been forced to work in construction, landscaping, and shops. In Aruba, forced laborers included men and women working in supermarkets, Indian men in the jewelry sector, and Caribbean and South American women in domestic service. Customs and police on the islands periodically went to work sites where such abuses have occurred, such as construction sites and the shipyard, and checked permits and identity documents to ensure that workers are documented and not forced

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c. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace and to encourage them to stay in school. For purposes of employment, children are separated into the following age categories: 13-14, 15, and 16-17. The youngest group is allowed to work only in a very few light, nonindustrial jobs and only on nonschool days. The scope of allowed jobs and hours of work increases as children get older, and fewer restrictions apply. Some rules apply to all schoolchildren. For example, the law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being. A tripartite labor commission composed of representatives from the government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively. Holiday work and employment after school are subject to very strict rules set by law.

In Sint Maarten the law prohibits children under the age of 14 from working for wages. Special rules apply to schoolchildren 16 and 17 years of age. The law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being.

In Curacao the minimum age for employment is 15 years. The rules differentiate between children and youngsters. Children are boys and girls under the age of 15 years and youngsters are persons between 15 and 18 years. Inspectors of the Ministry of Education Sport and Culture enforce laws and policies to protect children. There were no registered cases of child labor in Curacao. Children who have reached the age of 12 and finished elementary school may work if doing so is necessary for learning a trade or profession (apprenticeship), is not physically or mentally taxing, and is not dangerous. The laws were generally enforced.

d. Acceptable Conditions of Work

In the Netherlands, the minimum wage for an adult was 1,456.20 euros (\$1,922) a month. The official poverty level in 2011 was 1,770 euros (\$2,336) a month for a family of four. In Aruba, the monthly minimum wage was 1,604 Aruba florins (\$891). In Aruba, there is no official poverty level. In Curacao, the minimum wage was 1,304 Antillean florins (\$733), and the official poverty level was 2,195 Antillean florins (\$1,233). The official minimum wage in Sint Maarten was 1,378 Antillean florins (\$774); no poverty-rate information was available. In Sint Maarten, the government provides guidelines for acceptable conditions of work in both the public and private sector that cover specific concerns, such as ventilation, lighting, hours, and terms of work. The Department of Labor reviews and updates the guidelines and also routinely visits businesses to ensure that employers are adhering to them. In the Netherlands, the law requires equal pay for equal work.

The law does not establish a specific number of hours as constituting a full workweek, but most workweeks are 36, 38 or 40 hours long. 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 (i.e., 20 days for most full-time jobs). There are seven government holidays. The interaction between government holidays and paid leave days depends on the collective bargaining agreement in each sector. Overtime is not regulated by law but by collective bargaining agreement or individual contract.

The Inspectorate for Social Affairs and Employment effectively enforced the labor laws with 657 inspectors in 2011. Combating labor exploitation was a key priority for the government.

In the Netherlands, labor exploitation occurred primarily in the horticultural and agricultural sectors, and the victims were mostly undocumented workers from Eastern Europe. There were no official statistics on the number of exploited workers. Estimates ranged up to 20,000 but the accuracy of this figure was questioned. Victims of exploitation were also found in the sex industry. Separately, there was a significant informal economy, which included mostly cleaners and maids. Workers in this sector were not considered to be exploited in terms of compensation, but they received little to no legal, administrative, or safety protections compared to workers in the formal sector.