

THE NETHERLANDS 2014 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. 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 are autonomous countries within the kingdom, except in foreign policy, defense, and other "kingdom issues." Ultimate responsibility for safeguarding fundamental human rights and freedoms in all kingdom territories lies with the combined kingdom government. Local and European parliamentary elections, held in the Netherlands in March and May respectively, were free and fair, as were those in Sint Maarten on August 29. Civilian authorities maintained effective control over police and security forces.

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, Turkey, and the Middle East. Anti-Semitic incidents, including physical attacks, also increased significantly during the year concurrently with Israel's July military operation in Gaza and resulted in an elevated sense of fear within the Jewish community.

Authorities prosecuted individuals during the year for violations of a law prohibiting public speech that incites hatred or discrimination. Reports existed of violence against women and children, societal discrimination and violence against some religious and ethnic minorities, as well as trafficking in persons for the purpose of sexual exploitation and forced labor.

Prison conditions in Aruba, Curacao, and Sint Maarten remained substandard in several areas. On Sint Maarten and Curacao, the government took steps to prosecute officials accused of corruption. Cases against current and former members of parliament continued.

Authorities investigated the infrequent reports officials or security forces committed violations and applied appropriate disciplinary action or punitive measures.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary or Unlawful Deprivation of Life**

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

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

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

Prison and Detention Center Conditions

In the Netherlands, prison and detention conditions generally met international standards. Prison conditions in Aruba, Curacao, and Sint Maarten remained substandard in many respects, due to limited medical care and access to water, as well as inadequate security procedures that failed to prevent the smuggling of weapons and contraband. A committee for the kingdom monitored efforts to improve the conditions of the prisons in the Dutch Caribbean.

Physical Conditions: As of the end of 2013 in the Netherlands, 11,170 adults were in detention, approximately 5 percent of whom were women. In 2013 the daily average was 545 juveniles in detention. These figures excluded 1,920 persons undergoing treatment at forensic psychiatric centers and approximately 950 persons held in alien 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 2012 authorities reported 27 persons died in penitentiary institutions, of whom 10 were suicides.

On Aruba as of October 23, there were 170 persons, including six women, in detention.

In Sint Maarten 161 persons were in detention on October 23, including eight women, 20 men at the police station in Simpson Bay, and three men at the police station in Philipsburg. A new youth rehabilitation center opened in October.

In Curacao 348 persons were in detention as of October 23, including 11 women. Curacao began constructing a separate youth detention facility with eight cells.

In Aruba, Sint Maarten, and Curacao, violence between inmates occurred. In Sint Maarten authorities failed to keep weapons and other contraband out of the prison and jails; security controls, such as daily body searches were not performed, although cell searches did take place. According to detainees, inmates used smuggled weapons to attack each other.

Medical resources at facilities in Aruba, Curacao, and Sint Maartin were limited. A nurse worked full-time at the Sint Maarten prison, and a general practitioner was present once a week or when needed. Prisoners at the Pointe Blanche prison on Sint Maarten continued to have limited access to water, despite ongoing construction to resolve water problems. The dentist office at the Detention and Correction Center Curacao (SDKK) became operational again. Curacao has a separate facility (the Forensic Observation Treatment Division) to treat inmates with mental illnesses but lacked the required programs to monitor and follow-up long-term treatment for inmates with mental illnesses.

Prisons in Aruba had inadequate infrastructure and lacked recreational or other meaningful activities. The Aruban prison workers' union raised concerns about the legal position and promotions of its members, disrepair of buildings, the lack of general maintenance, and the shortage of working keys and locks. Prisoners joined the prison workers' protest by climbing on the prison roof and reportedly burning mattresses. Police and fire department personnel were present and stabilized the situation.

In Curacao the prisoners' workspace became operational again, but prisons still lacked sufficient safety measures and sufficient training for prison guards. At the Detention and Correction Center in Curacao, authorities continued to emphasize a "do more than is required of you" approach when training prison personnel.

Administration: Throughout the kingdom, authorities monitored prison and detention center conditions. Recordkeeping was adequate.

In the Netherlands, officials commonly imposed sentences of community service or used electronic house arrest for lesser offenses. Other forms of alternative punishment included fines and community service. Authorities in Sint Maarten have the option of imposing community service and fines 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. The Curacao prison also provided in-house training programs focused on the (re)socialization of detainees.

In the Netherlands, prisoners could submit complaints without censorship through three channels: the prison supervisory committee, the prison's counselor in charge of prisoner placement, or the prison system's complaint commission. The Caribbean portions of the kingdom also had supervisory committees to receive prisoner complaints. Throughout the kingdom authorities permitted prisoners religious observance and allowed them to receive visitors.

Independent 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 Council of Europe's Committee for the Prevention of Torture (CPT) and the UN Working Group for People of African Descent.

A CPT delegation visited the Caribbean parts of the kingdom in May and examined conditions, specifically the state of adults and juveniles in police cells. On Aruba and Curacao, the delegation looked at the treatment of involuntary patients in psychiatric facilities and of undocumented residents in immigration detention centers.

Improvements: The SDKK started a 100-prison-cell renovation project in January to repair broken cells and began construction of 18 maximum-security prison cells to house the most dangerous criminals. In May a special improvement project "Mehorashon" ("improvement") began, focused on improving conditions and finding solutions in coordination with input from prison employees. In Sint Maarten, renovation and expansion projects at the Point Blanche prison added new facilities, including a kitchen, an employee office, and an open-air space for sports and recreation.

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 semi-autonomous states. The military police (Marechaussee) are responsible for border control. Civilian authorities maintained effective control over the regional police forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The Border Protection Service (immigration), police, and the Coast Guard share the responsibility for border control in Sint Maarten. In Curacao and Aruba, immigration authorities, police, and the Coast Guard do so.

Arrest Procedures and Treatment of Detainees

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

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

In all parts of the kingdom, the law provides suspects with the right to consult an attorney. Suspects may always consult an attorney of their choosing prior to initial police questioning. Attorneys must be present during police questioning of suspects if a minor is involved, or if the suspected offense carries a prison sentence of six years or more. Legal assistance is provided to suspects from the moment of initial contact with justice authorities, if necessary at government expense. In Curacao this is not a statutory right, but because of European Court of Human Rights (ECHR) rulings, suspects may consult a lawyer, if necessary by telephone. The respective constitutions and criminal codes of Sint Maarten and Aruba provide for the right to legal assistance.

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 too long before deportation and noted that lengthy detention occurred even when no clear prospect of actual deportation existed. Guidelines in the Netherlands require that authorities not detain denied asylum seekers longer than three months, but they exceeded this term in several cases. In the Caribbean portion of the kingdom, authorities did not detain asylum seekers or stateless persons.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and should take place without undue delay. The law requires that authorities fully inform defendants about the proceedings at every stage. Juries are not used. In criminal trials the law provides for prompt access to counsel at public expense for persons with low incomes, the presumption of innocence, and the right to appeal. Defendants may not be compelled to testify or confess guilt and have 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 and may present witnesses and evidence for the defense. 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.

In Aruba an injured party may initiate criminal proceedings under certain circumstances. Injured parties who intend to claim compensation from a perpetrator or who generally wish to be informed about the progress of proceedings against a perpetrator should inform authorities in their account of the incident. The police and public prosecutor have the duty to help victims obtain any assistance or support they may require. An interested party may file a complaint

with the Court of Justice if he or she believes there has been a failure to prosecute a criminal offense.

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 no government institutions are 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 or the ombudsman if the government is being accused.

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. The government was generally responsive to ECHR decisions. As of year's end, the Dutch government had not complied 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 there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the law provides for freedom of speech and press, discrimination and hate speech 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.” Statements targeted at a philosophy or religion, as opposed to a group of people, are not considered criminal hate speech under the statute. On July 14, the Amsterdam Appellate Court convicted a man for painting on an apartment building discriminatory texts offensive to Turks and Muslims and sentenced him to 50 hours of community service. In December 2013 the Dutch parliament voted to eliminate blasphemy as an offense in the Netherlands.

During a March 19 political rally following a local election, Freedom Party leader Geert Wilders provoked his supporters into chanting in favor of “fewer” Moroccans. Thousands subsequently filed a complaint with the police against Wilders on grounds of discrimination. On October 9, the Hague Prosecutor’s Office announced it would call Wilders in for official questioning after finding sufficient evidence his March statements against Moroccans violated hate speech laws. Wilders defended his statement on the grounds of free speech. Wilders continued to make derogatory comments about Islam on his social media site. On December 18, The Hague Prosecutor’s Office announced it would prosecute Wilders for his March statements.

Press Freedoms: An active, independent media in the kingdom expressed a wide variety of views without restriction. The law’s restrictions on “hate speech” applied to the print media as well but were never applied. Disputes occasionally arose over journalists’ right to protect their sources. As of year’s end, the government of the Netherlands had not complied with a 2010 ECHR ruling that it should strengthen the legal protections of journalistic sources.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The internet is widely available in the country and used by citizens. Some media reports alleged intelligence agencies overstepped legal boundaries through “untargeted” gathering of data from members of web forums with a jihadist or extremist intent. The minister of interior responded that the law explicitly allows intelligence agencies to monitor websites of a suspect nature.

Authorities continued to pursue policies to prevent what they considered to be incitement to discrimination on the internet. They introduced a hotline for persons to report discriminatory phrases with the principal aim of having them removed. A number of convictions took place on these grounds.

Police also monitored the internet for child pornography and swiftly took down websites based in the Netherlands containing pornographic images of children. Police maintained a database with pornographic images of children (linked to Interpol and EU databases) and swept the internet daily to find new offending websites that might post them. A majority of companies hosting websites applied a voluntary notice-and-take-down procedure, in which illegal content was quickly removed from a server after a person or organization filed a notification. Late in the year, the government announced the implementation of a pilot project to address hosting companies that do not follow this voluntary procedure.

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 the freedoms of assembly and association, and the government generally respected these rights.

On April 18, the Supreme Court ordered the dissolution of and banned the Martijn Association, a group that advocated the acceptance of pedophilia and the legalization of sexual relationships between adults and children. The court ruled the association's activities violated public order. Although the court acknowledged the need to observe restraint when it comes to prohibiting and dissolving an association, in this case it believed an exception was warranted in the interest of protecting the health, rights, and freedoms of children. The Martijn Association filed an appeal against this decision with the ECHR on the basis that the decision violated freedom of expression and freedom of association.

c. Freedom of Religion

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

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. The 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 laws vary in different parts of the kingdom. The Netherlands provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. Sint Maarten does not recognize asylum seekers, since the 1951 UN Convention Relating to the Status of Refugees is not applicable to Sint Maarten. Foreigners requesting asylum were processed as foreigners requesting a humanitarian permit. The UNHCR aided Sint Maarten in those cases and determined whether the asylum case was justified and whether Sint Maarten needed to provide protection. If so, the asylum seeker received a humanitarian residence permit; if not, authorities deported them to their country of origin or a country where they would be accepted. There were known cases of refugees in Curacao, mainly Cuban nationals who were unable to obtain legal residency in 2013 and arrived illegally by boat. Media reports indicated they numbered between 40 and 70; the government announced it would process residency applications for the Cuban refugees living in Curacao if they comply with certain conditions.

Safe Country of Origin/Transit: 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. Consistent with a 2011 ruling by the ECHR against Belgium for returning asylum seekers to Greece, the government processed the applications of third-country applicants arriving from Greece under the asylum procedures of the Netherlands, instead of sending them to Greece. The government stated such applicants would only be returned to Greece once the Greek asylum system meets European human rights standards.

On October 28, it was announced the Netherlands would send 70 experts to participate in Operation Triton that would help the Italian government determine if refugees are entitled to a residency permit.

Refoulement: Decisions on deportation to countries or localities, where, in the opinion of refugee experts, safety from prosecution was not assured, were made in close consultation with the foreign ministry and international human rights organizations. Authorities indicated they did not deport anyone whom they believed would be incarcerated upon return. The UNHCR and NGOs, including Amnesty International, at times objected to government efforts to return particular persons to countries where they might be at risk, such as Iraq, Afghanistan, Somalia, and China (in cases involving Uighurs). A liberal asylum policy applied to lesbian, gay, bisexual, and transgender (LGBT) persons from countries such as Iraq, Iran, Afghanistan, and Russia, as well as Christians, Yezidi, Ahmadi, and other minorities from Iraq, Egypt, and Pakistan. Officials announced in January a moratorium on involuntary deportations to Eritrea and parts of Somalia and of Tutsi to the Democratic Republic of Congo. In October the government announced a moratorium on processing asylum requests and deportations of those coming from areas seized by ISIL.

High-level bilateral consultations with Iraq failed to reach agreement on the involuntary repatriation of at least 1,300 failed asylum seekers. The government involuntarily deported denied asylum seekers to Afghanistan despite UNHCR objections, relying on a memorandum of understanding with the Afghan government that permitted involuntary deportation so long as relevant humanitarian factors were taken into consideration.

Access to Basic Services: The government provides basic services to asylum seekers who are awaiting a decision, including shelter, health insurance, pocket money, education of children of school age, and optional courses for adults. Six months after filing an application, they may seek employment. It also provides them legal counsel and access to appeal procedures, including access to courts. Once granted asylum, they are entitled to the same public services as other legal residents, including subsidized housing, allowances, and educational opportunities.

Durable Solutions: The Netherlands accepts up to 500 refugees from foreign countries each year for permanent settlement. During the year this included 250 Syrians from refugee camps in Lebanon and Jordan. The exact number of such refugees accepted during the year was not available.

Stateless Persons

According to 2013 UNHCR statistics, 1,951 stateless persons were in the Netherlands at the end of the year, including Romani immigrants and Malaccans, who declined both Dutch and Indonesian citizenship for historical and political reasons. The UNHCR acknowledged this figure was inaccurate because not every stateless person was properly registered.

Citizenship is based primarily on the citizenship of the parents. The laws in all Caribbean parts 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 the ability to change their government through free and fair elections, and citizens in all parts of the kingdom exercised this right through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the March municipal elections in the Netherlands as well as the May elections for the European Parliament to be free and fair, as were the most recent governmental elections in the Caribbean semi-autonomous states.

Participation of Women and Minorities: During the year, 61 women participated in the 150-seat second chamber of the Netherlands parliament and 27 in the 75-seat first chamber. Eight of the 20 cabinet members 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 semi-autonomous states, including the position of the outgoing Sint Maarten prime minister, where four out of 15 parliamentary representatives were women. On Curacao women held approximately 30 percent of parliamentary seats. The governor and the acting governor were women. On Aruba women held 38 percent of the seats in parliament. Aruba had one female cabinet member.

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. Isolated reports of government corruption took place during the year.

Corruption: In April a provincial representative from the state of North Holland was found guilty of fraud, bribery, and money laundering related to the preferential issuance of government construction contracts in exchange for money. Several investigations of government corruption on the Caribbean islands continued at year's end, but authorities did not announce any indictments. In Sint Maarten and Curacao, former ministers, current and former members of parliament, and other public figures were publicly accused of corruption, illegal activities, ties to human trafficking and forced prostitution, and other abuses of power. Official sources indicated serious investigations continued, and in October a court found a former police officer guilty in a human trafficking case.

Several agencies combated corruption. The National Integrity Office served as a knowledge center, developed new instruments for tracking problems, and identified trends on matters of integrity. The independent Commission for Integrity in Government was an appeals board for whistleblowers in government and law enforcement agencies. In response to demands from civil groups for more transparency in government-owned enterprises, the government hired a consulting company to formulate recommendations for increased citizen access to its courts. The Curacao authorities also invited the NGO Transparency International to conduct an assessment.

Financial Disclosure: No laws require income and asset disclosure by officials. For most senior government positions, each ministry has its own regulations to avoid conflicts of interest.

Public Access to Information: The law provides for public access to government information, and authorities generally implemented it effectively. 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 Netherlands Institute for Human Rights (NIHR), the Commercial Code Council, or the Council of Journalism, depending on the circumstances. The NIHR acts as an independent primary contact between government and domestic and international human rights organizations.

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 parts of the kingdom criminalizes rape, including spousal rape, and domestic violence. The penalty in the kingdom is imprisonment not exceeding 12 years, a fine not exceeding 78,000 euros (\$98,000), or both. In case of violence against a spouse, the penalty for various forms of abuse can be increased by one-third. Authorities effectively prosecuted such crimes.

According to 2013 National Police statistics, 95,541 reported incidents of domestic violence occurred in 2012, compared with 91,869 cases in 2011. The majority (57.5 percent) were mental abuse cases, while 23 percent involved physical abuse. Ninety percent of the perpetrators were men, and less than 25 percent of the victims were men. According to a report by the Ministry of Security and Justice and Statistics Netherlands (CBS), 8,596 registered cases of sexual crimes took place in 2013. In 2013 courts reached verdicts in 1,196 cases, of which 980 were convictions. The average prison sentence for a convicted rapist was 23 months. In 2012, the latest year statistics were available, localities imposed 3,529 temporary restraining orders on perpetrators of household violence.

The government of the Netherlands continued to devote attention to combating domestic violence. In May the Ministry of Health, Welfare, and Sport announced

it would raise the annual budget for countering domestic violence by 10 million euros (\$12.5 million). Safe Home, a national awareness-raising campaign to combat domestic violence and the elderly begun by the government in 2012 also continued. A national hotline existed for persons directly or indirectly affected by domestic violence. The government supported the organization Movisie, which assisted domestic and sexual violence victims, trained police and first line responders; and maintained a website dedicated to preventing domestic violence.

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

Aruban law recognizes domestic violence as a specific offense. A person convicted of stalking may be sentenced or fined. A judge may impose a restraining order if a person is found guilty of stalking or assault.

The Safe Haven foundation in Sint Maarten collaborated with government agencies in cases pertaining to women and children, especially in abuse cases.

In Curacao the Victims Assistance Bureau conducted a “stop abuse” campaign and published articles in its free newspaper, *Tasina*, to raise public awareness about domestic violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, and the maximum penalty for FGM/C is 12 years in prison. According to a 2013 government-funded study, almost 28,000 women in the Netherlands have suffered FMG/C, most of them first-generation immigrants between the ages of 20 and 49. A campaign focused on FGM/C prevention began in 2010-11 and funded the training of professionals to counter FMG/C. The Netherlands supported the UN Trust Fund to End Violence against Women and several NGOs that focus on the problem.

Aruban law has provisions against FGM/C. It regulates the prosecution of nationals in Aruba who commit FGM/C in a foreign country. No laws explicitly prohibit FGM/C in Sint Maarten or Curacao. There were no reports that the practice occurred.

Sexual Harassment: The laws penalize acts of sexual harassment. The law requires employers to protect employees against aggression, violence, and sexual intimidation. Complaints against employers who fail to provide sufficient protection can be submitted to the NIHR. Victims of sexual assault or rape in the

workplace must report the incidents to police, as criminal offenses. The Curacao government initiated a policy against sexual harassment and a procedure to report violations. Sexual harassment is illegal in Sint Maarten, but there were no indications the Sint Maarten government took any measures specifically designed to discourage it. In Aruba a new law explicitly forbids sexual harassment in the workplace.

Reproductive Rights: The kingdom's governments recognized the 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. They have the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence.

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. The law requires equal pay for equal work.

In the Netherlands male and female unemployment rates in 2013 were 8.2 and 8.4 percent, respectively. The Ministry of Social Affairs and Employment reported women's higher unemployment rate, as well as their reduced chances for promotion and their generally lower-ranking jobs, resulted among other things from their more frequent engagement in part-time employment. In 2012, according to the CBS, the average hourly wage of female employees was 82 percent of their male counterparts' wages for similar work. CBS noted that the size of the salary gap was decreasing. The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women.

On Sint Maarten 2009 data indicated the unemployment rate was 10.5 percent for men and 14 percent for women. On Curacao the female unemployment rate in 2013 was 15.4 percent, and the male unemployment rate was 10.5 percent. In Aruba 2012 data indicated the unemployment rate was 10.5 percent for men and 8.8 percent for women.

Children

Birth Registration: Citizenship can be derived from both the mother and the father. Births are reported to authorities promptly.

Child Abuse: In the Netherlands a 2010 government study estimated 119,000 children were abused annually. Experts estimated 50 to 80 children died each year from some form of abuse. In a report during the year, the national rapporteur on sexual violence against children estimated 62,000 children on average a year became victims of sexual violence.

The government established a multidisciplinary task force in 2012 to monitor and combat child abuse and sexual violence. The government also continued the action plan, *Children Safe 2012-2016*, part of a broader Safe Home campaign, to improve victim care (including prevention), confront perpetrators, and stop intergenerational 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.

The website Digibewust (Digital Awareness), a joint initiative of the government, the business sector, and various social organizations, continued to run a registration center where youth could report inappropriate internet behavior, such as bullying, discrimination, hacking, stalking, webcam abuse, and violations of privacy.

In Aruba child abuse legislation exists, and violations were reported. 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.

In Curacao there were prosecutions for child abuse, but information on its scope was unavailable. Although physicians are not required to report instances they encounter to authorities, hospital officials reported indications of child abuse to authorities.

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 woman is pregnant or has given birth or the Minister of Security and Justice grants a dispensation based on their request. Underage marriages were rare. The government continued its action plan, *Preventing Forced Marriage 2012-2014*, which included a public awareness campaign and training opportunities for professionals.

Female Genital Mutilation/Cutting (FMG/C): According to a 2013 study, 4,000 of the reportedly 28,000 girls who suffered FMG/C in the Netherlands were under the age of 19. The law prohibits FGM/C and provides a maximum penalty of 12 years

in prison. Most FGM/C victims were first generation immigrant girls from high-risk countries of origin. The majority of procedures took place in the native countries of the victims' parents.

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. A national reporting center for sexual exploitation exists. 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 for the purpose of committing lewd acts with them is a prison sentence of up to nine years. The penalty for statutory rape is 12 to 15 years' imprisonment.

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 country 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 information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/english/country/netherlands.html.

Anti-Semitism

The Jewish population in the Netherlands numbered approximately 40,000 persons.

Anti-Semitic incidents, including threats, verbal abuse, and the desecration of monuments and cemeteries, increased during the year. The most common incidents took place in emails, Twitter, and on the internet.

The NGO Center for Information and Documentation on Israel (CIDI), the country's main chronicler of anti-Semitism, reported a sharp rise in incidents in the summer. CIDI registered 105 incidents between June 15 and September 20,

including a high number of physical confrontations with unknown persons. In the two weeks of the Gaza conflict alone, the government-sponsored, editorially independent Registration Center for Discrimination on the Internet (MDI) received the highest number of anti-Semitic incidents in its 17-year history, recording 122 complaints with 412 expressions of anti-Semitism (its average was four or five per week). While the majority of offenders were typically native Dutch, according to CIDI, during the summer peak, individuals of Middle Eastern descent made up most of the perpetrators of anti-Semitic incidents.

Prior to the summer peak, annual reports from 2013 showed a slight rise in anti-Semitic incidents. CIDI found 147 anti-Semitic incidents, 33 more than in 2012. In 2013 the MDI received 250 reports of anti-Semitism on the internet (27 percent of the total discrimination incidents it recorded), of which it considered 175 to be punishable, including 74 instances of Holocaust denial. The MDI noted incidents took place both on websites of right-wing extremists and on mainstream interactive websites, located both domestically and abroad. It forwarded the two most egregious cases to the prosecutor's office.

During the Israeli military operation in the Occupied Territories in July, the number of incidents rose sharply. Incidents included physical attacks, such as one reported on a rabbi's house in Amersfoort, a Molotov cocktail thrown at an apartment showing an Israeli flag, and the beating of a Jewish woman in Amsterdam. Jewish leaders and other political contacts reported an increased, palpable sense of fear among many in the Jewish community and relayed anecdotes of Jews, including schoolchildren, facing harassment and intimidation when wearing religious symbols in public areas in Amsterdam and elsewhere.

In response to the rise of these incidents, the Dutch government issued a firm statement "rejecting anti-Semitism and any form of discrimination," since there is "no place for that in the Netherlands." It pledged to "take all available measures" to counter anti-Semitism and to protect minorities. Local governments provided supplemental security resources to protect Jewish institutions. On May 27, Foreign Minister Timmermans condemned the rise of anti-Semitism and xenophobia in Europe, calling anti-Semitism "one of the darkest corners of the European soul."

In light of the rising incidents, government ministers also met with the Jewish community to discuss supplemental measures to counter anti-Semitism. The government organized several roundtables at the regional and local level, including in Amsterdam and Rotterdam, focusing on combating prejudice and anti-Semitism among youth.

At the same time, Dutch authorities continued to fine-tune the implementation of a 2010 action plan 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. It focused particularly on working with youth and relevant NGOs. Other initiatives include the Jewish Moroccan Network Amsterdam and the Salaam-Shalom project both of which sought to reduce tensions between Jews and Moroccans/Muslims. The MDI started a “counter-speech” campaign on the internet to repudiate online anti-Semitic allegations and Holocaust denial.

The Jewish populations in the country’s Caribbean islands 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/rls/tiprpt/.

Persons with Disabilities

Antidiscrimination laws exist 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 government 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, since some continued to lack access ramps. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. Government enforcement of rules governing access was inadequate.

Children with disabilities attended school (primary, secondary, and higher education) including specialized schools if needed. In 2011 a total of 324 of the 6,849 primary schools were specially designed for impaired children, although children with disabilities were also “mainstreamed” into regular schools.

The NIHR reported 17 percent of its verdicts in 2013 related to persons with disabilities--many of which dealt with workplace problems, including discrimination in hiring, failure to provide reasonable accommodation, lack of

promotion and other problems (also see Section 7.d.) Although NIHR rulings are not binding, authorities usually implemented them. The government worked to improve the position of persons with disabilities on the labor market.

In Sint Maarten and Aruba, a wide-ranging law prohibiting discrimination does not specifically mention, but was 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 government services. Children with disabilities attended primary, secondary, and university-level schools on all three islands.

In Aruba children with disabilities were able to participate in “regular” schools, but there were also various types of special schools for them. Various foundations, subsidized by the government, provided adequate and free transportation for their clients, including citizens with disabilities.

Although discrimination is illegal in Curacao, human rights observers asserted a continuing need for more specific laws banning it, 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 were easily accessible. The law does not make specific reference to access to air travel.

According to the Ministry of Education 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.” Not all schools were equipped for children with a range of physical disabilities. One government-run school for special needs children with various disabilities existed.

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 regions, some instances of discrimination occurred.

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 (also see section 7.d.). According to the

Central Bureau of Statistics, the minority unemployment rate during the year (18.6percent) was approximately two times that of the native Dutch workforce (8.3 percent), while the unemployment rate among minority youths was 32.4 percent compared with 12.9 percent for native Dutch youth.

Both the government and NGOs actively documented instances of discrimination. The National Discrimination Expertise Center, a unit of the prosecutor's department, registered, evaluated, and prosecuted discrimination cases. During 2013 the center registered 88 reports of discrimination. Race was the motivation for 45 percent of the reports and religion for 39 percent (39 percent against Jews and 0 percent against Muslims). During 2013 officials dealt with 89 alleged offenses, brought 48 indictments, obtained 64 convictions, and entered into four out-of-court settlements.

The MDI recorded 489 instances of punishable discrimination on the internet in 2013. Of these, 228 qualified as racial, ethnic, or both. Those responsible removed most (86 percent) of the offending sites voluntarily upon the MDI's request. The MDI reported two cases to the prosecutor's office, which obtained several convictions.

In early 2014 a coalition formed by the Dutch Center for Folk Culture began informal talks with other civic organizations to discuss the future of "Black Pete," the black-faced helper in the country's popular St. Nicholas tradition whom some believed reflects racial stereotypes. Separately, a group of private citizens filed a lawsuit against the City of Amsterdam for the inclusion of Black Pete in the city's large St. Nicholas parade. On July 2, a court found Black Pete did contain negative stereotypes and instructed the city to assess the role of Black Pete in the future. On November 12, the Council of State overturned the decision, finding the city of Amsterdam had no authority to review the actual content of the parade when determining whether to grant a permit.

In its first *National Action Plan on Human Rights* (December 2103), the government described a campaign to increase public awareness of racism. A component of the campaign was a special website to improve the reporting of hate crime, including hate speech. Police were trained to avoid ethnic or racial profiling.

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 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. Approximately 56 percent of cases reported to this institute in 2013 concerned discrimination on the labor market.

In May the government presented a comprehensive plan of action to address discrimination on the labor market that included tailored policies for specific groups, such as non-Western immigrants, persons with disabilities, LGBT persons, women, and older persons. Discrimination on the labor market was by far the most commonly experienced form of discrimination, according to the Netherlands Institute for Social Research. The NIHR initiated the “at work you may wear a headscarf” campaign to highlight discrimination at the workplace.

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

The law prohibits discrimination based on sexual orientation. Laws have been revised to eliminate any discrimination on problems such as taxes and allowances, pensions, inheritance, or access to health care.

The government gave high priority to combating anti-LGBT violence. The police had “pink in blue” units dedicated to protecting the rights of LGBT persons. When courts find acts of violence against LGBT persons to be motivated by bias, they can provide higher penalties to perpetrators.

In January the Sexual Diversity Awareness Act came into effect obliging all elementary and secondary schools to pay attention to diversity and LGBT problems. The Expreszo youth website set up a hotline for complaints on schools that did not comply. The government supported Christian LGBT groups and Muslim community changers as well as “gay-straight” alliances to counter bullying. Government programs to counter prejudice in immigrant and orthodox religious communities where social acceptance of homosexuality was low also continued.

Laws in the Caribbean semi-autonomous states prohibit discrimination against LGBT persons. No cases of abuse or violence against LGBT individuals were recorded by authorities or described in press accounts. The Caribbean parts of the kingdom extended equal rights to, and foster tolerance and acceptance of, LGBT persons.

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. Workers may engage in collective bargaining and conduct legal strikes, and 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 rehired. The law restricts striking by some public-sector workers, if a strike threatens the public welfare or safety. For example, judges often prohibited police strikes because of the essential services police perform. Striking workers also must report their intention to strike to the employer at least two days in advance.

Authorities effectively enforced applicable laws related to the right to organize and strike, and workers exercised them. Resources, inspections, and remediation efforts were adequate. Information regarding the number of fines or average fines was not available. Government, political parties, and employers generally did not interfere with union activities, attempts to form unions, the freedom of association, or the right to collectively bargain.

b. Prohibition of Forced or Compulsory Labor

The laws prohibit all forms of forced or compulsory labor, and the government enforced them. Such practices occurred nevertheless.

The Netherlands Labor Inspectorate conducted nearly 14,500 inspections at many high-risk workplaces in 2013. A tiered system of maximum penalties for forced labor exists: 12 years for routine cases, 18 years for cases in which the victim incurred serious physical injury, and life imprisonment in cases that resulted in the victim's death. This was comparable to other serious offenses. Resources and inspections were adequate to deter violations.

In the kingdom victims of coerced labor included women and men, both domestic and foreign, as well as boys and girls (see section 7.c.) forced to work in agriculture, horticulture, catering, cleaning, the inland Rhine River shipping sector, and illegal narcotics trafficking.

In Curacao authorities believed migrant laborers were forced to work in construction, landscaping, and retail services. Some migrants, such as Indian and Chinese nationals working in restaurants and local businesses, were vulnerable to debt bondage.

In Sint Maarten authorities reported workers from India, Haiti, Jamaica, and other Caribbean islands were subjected to exploitive conditions that had characteristics of forced labor. Experts reported illegal migrant workers were vulnerable to forced labor in construction, Chinese supermarkets, retail shops, and security, landscaping, and domestic servitude. Sint Maarten's government started a human smuggling and trafficking awareness campaign in 2013. The campaign included training for frontline workers and presentations for immigrant community groups and the local business community. In 2013 and 2014, an interdisciplinary team consisting of various government agencies executed several inspections of businesses deemed vulnerable to forced or compulsory labor.

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. Labor inspectors reportedly inspected work sites where vulnerable migrants were present without specifically screening for trafficking indicators. Authorities provided labor inspectors, health inspectors, and police with a list of the 10 most common indicators of human trafficking in order to identify possible victims.

In Sint Maarten and Curacao, front-line responders did not have standard procedures for identifying forced labor victims, which hindered the government's ability to assist such victims. Authorities on the islands appeared mainly concerned with violations of local immigration and labor laws.

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

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

in activities dangerous to their physical or mental well-being. 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 who are 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. The rules differentiate between children and youngsters. Children are boys and girls under the age of 15, and youngsters are persons between the ages of 15 and 18. Inspectors of the Ministry of Education, Sport, and Culture enforce laws and policies to protect children. No registered cases of child labor violations existed in Curacao. 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 government and a tripartite labor commission effectively enforced the minimum-age laws and conducted adequate inspections. The penalty for violations is a maximum four-year prison sentence and/or a fine of 100,000 Netherlands Antillean guilders (\$56,000).

Some incidents of forced child labor were documented in agriculture, horticulture, catering, food processing, cleaning, the maritime sector, construction industries, and illegal narcotics trafficking.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination in employment or occupation regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations.

Discrimination in employment and occupation occurred with respect to race, religious minorities, and disability (see section 6). Migrant workers also faced discrimination in employment (see section 6).

e. Acceptable Conditions of Work

In the Netherlands the minimum wage for an adult (23 and older) was 1,495.20 euros (\$1,869) a month. The official poverty level in 2012 was 1,960 euros (\$2,450) a month for a family of four. In Aruba the monthly minimum wage was

1,637 Aruban florins (\$909). In Aruba there is no official poverty level. In Curacao the minimum monthly wage was 1,304 Netherlands Antillean guilders (\$733), and the official poverty level was 2,195 guilders (\$1,233). The official minimum monthly wage on Sint Maarten was \$845; no poverty-rate information was available.

In Sint Maarten, the government provided guidelines for acceptable conditions of work in both the public and private sectors that covered specific concerns, such as ventilation, lighting, hours, and terms of work. The Department of Labor reviewed and updated the guidelines, and routinely visited businesses to ensure employers were adhering to them.

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. 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. Collective bargaining agreements or individual contracts, not law, regulate overtime.

The Inspectorate for Social Affairs and Employment effectively enforced the labor laws with 658 inspectors in 2013, which equaled approximately one inspector per 13,000 workers. An interagency action team identified and shut so-called fraudulent temporary employment agencies, which are known to be facilitators of labor exploitation. Resources, inspections, and remediation were adequate. In 2013 labor inspectors imposed an average fine of nearly 12,000 euros (\$15,000), which appeared sufficient to deter violations.

The government sets occupational health and safety standards. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Information regarding workplace accidents and fatalities was not available.

In the Netherlands labor exploitation occurred primarily in the horticultural and agricultural sectors, with victims largely undocumented workers from Eastern

Europe. One NGO for trafficking victims registered 142 victims of labor exploitation. Estimates of the total number of exploited laborers ranged up to 20,000, although the accuracy of this figure was questioned. Victims of exploitation were also found in the sex industry. Workers within the significant “informal” economy, including cleaners and maids, were not considered exploited in terms of compensation, but received little to no legal, administrative, or safety protections compared with workers in the formal sector.