

# THE NETHERLANDS 2015 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. Elections for seats in the first chamber of parliament, held in the Netherlands in May, were considered free and fair. Civilian authorities maintained effective control over the security forces.

With no widespread or systemic abuses in the kingdom, the most significant human rights problem in the Netherlands was societal animosity and discrimination against certain ethnic and religious minority groups, particularly Muslim immigrants from North Africa, Turkey, and the Middle East. Anti-Semitic incidents, including physical attacks, also continued to pose a problem in the Netherlands.

Other human rights problems reported in the kingdom during the year included: prison overcrowding in Sint Maarten; substandard prison conditions and inter-prisoner violence and intimidation in Aruba, Curacao, and Sint Maarten; police abuse of detainees in Aruba, Curacao, and Sint Maarten; prison staff mistreatment of prisoners in Aruba and Sint Maarten; lengthy detention of failed asylum seekers pending deportation in the Netherlands; allegations of widespread official corruption in Sint Maarten and Curacao; prosecution and conviction of individuals for violating laws prohibiting public speech that incites hatred or discrimination in the Netherlands; domestic violence against women in the Netherlands; reports that girls from some immigrant communities in the Netherlands were at risk of female genital mutilation/cutting (FGM/C); child abuse in the Netherlands; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and trafficking in persons for sexual exploitation and forced labor in various parts of the kingdom.

Authorities in the kingdom investigated, prosecuted, and punished officials who committed violations, whether in the security forces or elsewhere.

## **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, abductions, or kidnappings .

### **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 during the year in the Netherlands. There were reports that police and prison staff physically abused detainees and prisoners in the Dutch Caribbean.

On August 25, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its visit to detention center and prisons in the Dutch Caribbean in May 2014. In Aruba, Curacao, and Sint Maarten, the CPT reported receiving allegations of police mistreatment of persons, including juveniles. The alleged mistreatment usually consisted of kicks and punches to the body after the individual had been handcuffed and brought under control. In Aruba the CPT discovered that police held persons for many days in the San Nicolas police station, a facility not intended for overnight stays, including a 15-year-old boy who was detained for 10 days in conditions that the CPT considered amounted to inhuman and degrading treatment. At the Correctional Institution in Aruba and the Point Blanche Prison in Sint Maarten, the CPT received a number of allegations of mistreatment and abusive language by prison staff.

In May a court in Aruba sentenced six prison guards to a two-year prison term for physical abuse of a prisoner in June 2014, the first time prison guards have been sentenced for abuses in Aruba. In the incident, authorities transferred a 22-year-

old inmate to an isolation cell after he assaulted a prison guard. During the transfer the inmate was surrounded by 12 prison guards while six of the guards physically assaulted him.

### **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 some respects due to insufficient medical care and material conditions. The CPT's August 25 report on prisons in the Dutch Caribbean documented beatings of detainees after arrest, delays in accessing legal counsel, and unsanitary conditions of detention in some facilities.

Physical Conditions: In the Netherlands occasional deaths in prison and detention centers were investigated in every case. There were no reports of deaths attributable to actions of staff members or other officials.

In Sint Maarten overcrowding was a problem due to ongoing prison renovations.

In some cases, authorities in all of the Dutch Caribbean islands kept prisoners confined in their cells without an opportunity for movement, exercise, or useful activity.

In Aruba, Sint Maarten, and Curacao, there were no reports of deaths in prison and one death in a detention center during the year, which was reportedly a suicide. This death was not attributable to actions of staff members or other official.

Medical resources at facilities in Aruba, Curacao, and Sint Maarten were limited. In Aruba authorities did not meet the dietary requirements of prisoners and prisoners with mental health problems and other vulnerable prisoners were accommodated in poor conditions. In Curacao authorities did not provide a full-time psychologist or fully staff the medical department. In Sint Maarten authorities provided only limited dental care and did not employ a dentist full time. In Sint Maarten mental health facilities were lacking.

Administration: The National Preventive Mechanism (NPM) in the Netherlands investigated credible allegations of inhuman conditions. The NPM includes the security and justice inspectorate, health care inspectorate, youth care inspectorate, the council for the administration for criminal justice, the youth protection board, and national ombudsman.

Independent Monitoring: The kingdom governments permitted monitoring by independent nongovernmental observers, such as human rights groups, the media, and the International Committee of the Red Cross, as well as by international bodies such as the CPT, the UN Subcommittee on Prevention of Torture, and the UN Working Group for People of African Descent.

Improvements: In January the Detention and Correctional Center Curacao (SDKK) started a project to repair 100 prison cells and began construction of 18 maximum-security prison cells to hold the most dangerous criminals. In Sint Maarten, renovation and expansion projects at the Point Blanche prison were completed, adding new facilities that meet national standards, including a kitchen, and an open-air space for sports and recreation. In Curacao renovation of holding cells at the police station continued. Renovation of the SDKK prison was partially completed, and new segregation cells, or single occupancy cells with maximum security conditions, became operational. Curacao added a separate youth detention facility with eight cells, which allows the government to separate youth from adult prisoners and lessened overcrowding.

#### **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. The Border Protection Service (immigration), police, and the Coast Guard share the responsibility for border control in Sint Maarten. In Aruba and Curacao, immigration authorities, police, and the Coast Guard are responsible.

Civilian authorities in the entire kingdom 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.

#### **Arrest Procedures and Treatment of Detainees**

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

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

In all parts of the kingdom, the law provides suspects the right to consult an attorney. Suspects may 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 alleged offense carries a prison sentence of six years or more. In the Dutch Caribbean, any criminal suspect is entitled to consult his/her own lawyer prior to the first interview on the substance of the case; in the case of a minor, the lawyer can be present during interviews but cannot actively interview during questioning.

Detention of Rejected Asylum Seekers or Stateless Persons: The national ombudsman, Amnesty International, and other nongovernmental organizations (NGOs) asserted that failed asylum seekers and illegal immigrants were being detained too long before deportation and noted that lengthy detention occurred even when no clear prospect of actual deportation existed. Government guidelines 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 do not grant asylum and do 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. They had adequate time and facilities to prepare a 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 the 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 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. Police and the public prosecutor have the duty to help victims obtain any assistance or support they 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. Citizens of Aruba, Sint Maarten, and Curacao can also seek redress for alleged human rights violations through the ombudsman if the government is being accused.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

While the law provides for freedom of speech and press, speech that promotes discrimination and “hate speech” constitutes a criminal offense. The government generally respected these rights in other areas. 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 and Expression: While the government mostly 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 that targeted a philosophy or religion, as opposed to a group of people, are not considered criminal hate speech under the statute. The penalties for violating the law against offensive language include imprisonment for a maximum of two years, a fine of up to 8,100 euros (\$8,910), or both. There are no restrictions on symbolic speech, such as flags, political buttons and symbols, music lyrics, and theatrical performances.

During the year authorities prosecuted and convicted several persons for speech that promoted discrimination or hatred. On January 26, a court convicted Hosni el Asadi, a rapper, of violating hate speech laws for posting a video on YouTube in which two Muslims put a gun to the head of a look-alike of Freedom Party leader Geert Wilders. He was sentenced to 80 hours of community service and a suspended prison sentence of two months. On April 20, authorities prosecuted and convicted a 14-year-old girl who had offended and threatened another girl in her class because she was Jewish; the court sentenced her to 50 hours of community service.

During the year authorities held several preliminary court sessions in the case of Freedom Party leader Geert Wilders, who was accused of inciting discrimination and hatred at a March 2014 political rally during which he provoked his supporters into chanting in favor of “fewer” Moroccans. Thousands of persons subsequently filed a complaint with police against Wilders on grounds of discrimination.

Wilders defended his statement on the grounds of free speech. His trial was scheduled to begin in 2016.

Press and Media Freedoms: Independent media in the kingdom were active and expressed a wide variety of views without restriction. The law's restrictions on "hate speech" applied to the print media but were not enforced. Disputes occasionally arose over journalists' right to protect their 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. According to statistics compiled by the International Telecommunication Union, in 2014 just over 93 percent of the country's population used the internet.

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 and hate speech with the principal aim of having them removed. During the year courts convicted a number of persons on these grounds. On January 6, a man was convicted for denying the Holocaust and saying hateful things about Jews on a website, and he was sentenced to 50 hours of community service. Courts decide the penalty for each case depending on the circumstances.

### **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.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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. In general the Netherlands provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees.

There were known cases of refugees in Aruba and Curacao. During the year the government of Curacao issued residency permits to an unknown number of Cubans who had arrived by boat without valid immigration documents several years ago. Sint Maarten does not recognize asylum seekers and is not a signatory to the 1951 UN Convention relating to the Status of Refugees. Foreigners requesting asylum were processed as foreigners requesting a humanitarian permit. UNHCR aided authorities in those cases and determined whether the asylum case was justified and whether Sint Maarten needed to provide protection. If so, the asylum seeker received a humanitarian residence permit; if not, authorities deported them to their country of origin or a country where they would be accepted.

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 European Court of Human Rights, the government processed the applications of third-country applicants arriving from Greece under the asylum procedures of the Netherlands, instead of sending them back to Greece. The government stated such applicants would only be returned to Greece once the Greek asylum system meets European human rights standards.

Durable Solutions: Authorities manage a directed program of integration, resettlement, and return under which the Netherlands accepted up to 500 refugees

from foreign countries each year for permanent resettlement. 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. The government provided assistance, financial and in kind, to refugees who return to their country voluntarily. In 2014 approximately 2,270 migrants left the country voluntarily with assistance from the International Organization for Migration.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. According to Eurostat data, it provided subsidiary protection to approximately 4,975 persons and humanitarian status to 390 in the first nine months of the year.

### **Stateless Persons**

According to UNHCR statistics, 1,951 persons in the Netherlands fell under UNHCR's statelessness mandate at the end of 2014. This figure included Palestinians from Syria, Romani immigrants, and some Malaccans, who declined both Dutch and Indonesian citizenship for historical and political reasons. UNHCR acknowledged the 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 parts of the kingdom provide the opportunity for non-Dutch or stateless persons to gain Dutch citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and laws in the entire kingdom provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens in all parts of the kingdom exercised that ability.

### **Elections and Political Participation**

Recent Elections: Observers considered the May elections for seats in the first chamber of parliament to be free and fair, as were the most recent governmental elections in the Caribbean semi-autonomous states.

### **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.

Corruption: In July the Public Prosecutor's Office announced it was pressing charges against four employees of the Ministry of Defense and two from the police force on allegations of bribery in procuring vehicles.

Several investigations of government corruption in the Dutch Caribbean continued at year's end. 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 into allegations and suspicions of public corruption.

In March a court in Sint Maarten convicted a government official for taking bribes from a brothel owner. The court sentenced the official to 18 months' imprisonment (six months suspended) and two years' probation for bribery.

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

Public Access to Information: The law provides for public access to government information, and authorities generally implemented it effectively. 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

circumstances. The NIHR acts as an independent primary contact between the 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 race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity; age, language, HIV-positive status or other communicable diseases, and the governments in the kingdom 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 (\$85,800), 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 a 2011 government-commissioned study, more than 200,000 persons per year were victims of some sort of domestic violence, including abuse and honor-related violence. The majority of cases involved psychological abuse. The police registered more than 95,000 reports of domestic violence in 2014. Approximately 90 percent of the perpetrators, but less than 25 percent of the victims, were men. The average prison sentence for a convicted rapist was 19.5 months.

In 2014 the Ministry of Health, Welfare, and Sport increased funding to counter domestic violence and support victims. The main national project was Safe Home, a knowledge and reporting center for domestic abuse. Since 2012 Safe Home has run a national multimedia campaign to raise awareness of domestic violence and direct survivors to the proper institutions for assistance. The center has a national 24/7 hotline for persons affected by domestic violence. In June the government published a manual for field workers and local government employees on implementing temporary restraining orders in domestic violence cases. The government supported the organization Movisie, which assisted domestic and sexual violence survivors, trained police and first-line responders, and maintained a website on preventing domestic violence.

No official statistics were available regarding the incidence of rape, domestic violence, or sexual harassment in 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. In Sint Maarten the Safe Haven foundation collaborated with government agencies in cases pertaining to women and children, especially in abuse cases. In Curacao the Victims Assistance Bureau continued a “stop abuse” public information campaign and published articles in its free newspaper, *Tasina*, to raise awareness of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls, and the maximum penalty for FGM/C is 12 years in prison. According to a 2013 government-funded study conducted by the Pharos Center of Expertise on Health for Migrants and Refugees, based on 2012 data, an estimated 40 to 50 girls residing in the Netherlands are at risk of FGM/C annually. Approximately 80 percent of the girls who are at risk originated in Egypt, Somalia, Ethiopia/Eritrea, and Kurdish Iraq. The study noted that, for a number of these girls, the risk of FGM/C was real only when they visited their home countries.

Doctors have a protocol on how to assist a victim and how to report threats of FGM/C to Safe Home, a knowledge and reporting center for domestic violence and child abuse. Safe Home has the legal obligation to investigate reports of child abuse and can refer cases to law enforcement. The Ministry of Health, Welfare, and Sport continued funding for the Pharos Center to run a project to prevent and counter FGM/C that included conducting research, improving medical procedures for victims, and training professionals on how to deal with the problem. Pharos also operated Focal Point, which functioned as a FGM/C knowledge hub for aid workers, law enforcement agencies, policy advisors, and others.

Other Harmful Traditional Practices: The National Expertise Center for Honor-Related Violence, part of the police force, received 460 reports of honor-related violence in 2014. A 2014 study by several NGOs and a university concluded that each year, hundreds of forced marriages and related marital abuses take place among immigrant communities in the Netherlands. Honor-related violence is treated as “regular violence” for the purposes of prosecution, and there is no separate offense category or penalty for this type of violence. Laws against honor-based violence were enforced effectively, and victims were permitted to enter a specialized shelter. In January the government began implementing an action program, *Self Determination 2015-17*, under which authorities were allocated one

million euros (\$1.1 million) annually to counter forced marriage and honor-related violence.

Sexual Harassment: The laws penalize acts of sexual harassment. The law was enforced effectively. 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 Netherlands Institute for Human Rights. Victims of sexual assault or rape in the workplace must report the incidents to police as criminal offenses. The Curacao government has a policy against sexual harassment and a procedure to report violations. Sexual harassment is illegal in Sint Maarten, but there were no indications that the Sint Maarten government took measures specifically designed to discourage it. Aruba has a law explicitly forbidding 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, manage their reproductive health, and to have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Under the law, women throughout the kingdom have the same legal status and rights as men, including rights under family, labor, property, nationality, and inheritance law and in the judicial system. The government actively worked to combat discrimination. The law requires equal pay for equal work. There were reports of discrimination in employment (see section 7.d.).

## **Children**

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

Child Abuse: A 2010 government study estimated that 119,000 children were abused annually in the Netherlands. Experts estimated that 50 to 80 children died each year from some form of abuse.

In 2012 the government established a multidisciplinary task force to monitor and combat child abuse and sexual violence. The national rapporteur on human trafficking and sexual violence against children independently investigated government efforts and made policy recommendations. The government also continued the action plan, *Children Safe 2012-2016*, part of Safe Home (see above paragraph on domestic violence against women), 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 the law prohibits child abuse. 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 public information campaigns to focus attention on the problem. In Curacao physicians are not required to report instances of abuse they encounter to authorities, but hospital officials reported indications of child abuse to authorities.

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 began implementing an action program, *Self Determination 2015--2017*, under which authorities were allocated one million euros (\$1.1 million) annually to counter forced marriage and honor-related violence.

Female Genital Mutilation/Cutting (FMG/C): See information for girls under 18 in women's section above.

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. The country has 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 for committing lewd acts 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.

In January the government began implementing the *2015-18 National Program against Vice, Child Pornography, and Child Sex Tourism*. The prosecutor's office and police worked closely together to develop improved digital tools and methods to counter child pornography and child sex tourism, while securing cooperation of the private sector. Law enforcement agencies cooperated internationally in the European Financial Coalition against Child Sexual Abuse Online, the Global Alliance Coalition against Child Sexual Abuse Online, and the Virtual Global Taskforce.

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](http://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](http://travel.state.gov/content/childabduction/english/country/netherlands.html).

### **Anti-Semitism**

The Jewish population in the Netherlands numbered approximately 30,000 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 e-mails, Twitter, and on the internet.

In April the NGO Center for Information and Documentation on Israel (CIDI), the country's main chronicler of anti-Semitism, reported a sharp rise (71 percent) in incidents (to 171) in 2014 (the most recent available figures) largely due to a peak of incidents during the July 2014 Israel-Gaza conflict. It also registered a sharp increase in physical confrontations with unknown persons, which enhanced a sense of insecurity within the Jewish community. Persons who were recognizable as Jewish because of dress or outward appearance, for instance wearing a yarmulke, were targets of direct confrontations. CIDI expressed particularly concern about the increase of incidents at schools. In response to the CIDI report release, Deputy

Prime Minister Asscher stated, "...we must combat anti-Semitism in neighborhoods, in the classroom, and anywhere it is necessary."

In April fans chanted anti-Semitic slogans during a soccer game. According to press reports, dozens could be seen and heard chanting: " Hamas, Hamas, Jews to the gas" among other things.

In 2014 the government-sponsored, editorially independent Registration Center for Discrimination on the Internet (MDI) also reported an increase in anti-Semitic expression. The center received 328 reports of anti-Semitism on the internet (24 percent of the total discrimination incidents it recorded), of which it considered 188 to be illegal, including 55 instances of Holocaust denial. The MDI also noted that anti-Semitic material appeared not only on websites of right-wing extremists but also among the ultra-left and pockets of the Muslim community. The center noted that criticism of Israel's policies and appeals to boycott the country readily turned into anti-Semitism, Holocaust denial, and expressions of wishing Jews dead. It forwarded what it considered the five most egregious cases to the prosecutor's office.

The National Discrimination Expertise Center (LECD) coordinates the prosecution of cases of discrimination and hate speech, including inciting religious hatred. In 2014, the most recent year for which figures were available, the LECD registered 174 incidents, including 52 anti-Semitic ones. Indictments were issued in 59 percent of all cases, resulting in convictions in 90 percent of the cases. The most common sentences were fines and community service.

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. For example, on February 28 in Amstelveen a mother and her 10-year-old son, who wore a yarmulke, were spat at and called names by two boys on a scooter; a few minutes later, the boys yelled profanities at other Jewish boys.

In response to the rise of these incidents, government ministers repeatedly issued firm statements during the year rejecting anti-Semitism and any form of discrimination. On March 23, Deputy Prime Minister Asscher noted there is "no place for that [discrimination] in the Netherlands." Local governments provided supplemental security resources to protect Jewish institutions. On April 25, Prime Minister Rutte said, "we should stay alert and vigilant because anti-Semitism is

around us, never far away, and that is unacceptable.” On July 16, Foreign Minister Koenders stated, “we should never give up the fight against racism and anti-Semitism,” and “we should not yield to the terror of intolerance and tackle anti-Jewish aggression hard.”

Government ministers regularly met with the Jewish community to discuss appropriate measures to counter anti-Semitism. The government worked with youth and other relevant NGOs on several projects, including making anti-Semitism a subject of discussion within the Turkish community, organizing roundtables with teachers on anti-Semitic prejudice and Holocaust denial, holding discussions with social media organizations on countering anti-Semitism among Islamic youth, promoting an interreligious dialogue, and renewing a public information campaign against discrimination and anti-Semitism. The MDI also completed a “counterspeech” campaign on the internet to repudiate online anti-Semitic allegations and Holocaust denial.

On February 22, approximately 200 Jews and Muslims took part in a march from a synagogue to a mosque to express solidarity against attacks on houses of prayer and against anti-Semitism and Islamophobia.

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

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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, air travel and other transportation, health care, housing, and other government services. The law also requires that persons with disabilities have access to public buildings, information, and communications, and it prohibits making a distinction in supplying goods and services. The latter implies that shops, movie theaters, museums, and sports clubs may not refuse persons because of a handicap and must provide adequate adaptations. 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. For information on discrimination in employment, see section 7.d.

In the Dutch Caribbean, 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. Some public buildings and public transport were not easily accessible in the Dutch Caribbean.

Although discrimination is illegal in Curacao, UN Children's Fund human rights observers asserted that there was a continuing need for more specific laws prohibiting it, since persons with disabilities had to rely on ad hoc measures by government and other employers to access buildings, parking spots, and information.

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 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 900,000 persons faced frequent discrimination, intolerance, and racism, as did members of other minority/immigrant groups, particularly in public venues and with regard to housing and employment (also see section 7.d.). According to the Central Bureau of Statistics, the minority unemployment rate during the year was approximately two times that of the native Dutch workforce, while the unemployment rate among minority youths was almost three times as high as among native Dutch youth.

According to the Netherlands Institute for Human Rights, discrimination on racial and ethnic grounds occurred in virtually every sphere. For example, many gyms and sports associations required participants to speak only Dutch or prohibited headscarves. Members of minorities were also checked more often in public transportation and by police.

The Netherlands Institute for Social Research (SCP) reported the existence of “ethnic discomfort” and “tension among population groups.” At the same time, it noted there was growing awareness and visibility of discrimination and exclusion on racial and ethnic grounds. The SCP also reported that up to half of individuals belonging to an ethnic minority said they had experienced discrimination in a public venue, employment, contacts with official institutions, or education. Muslims often linked the discrimination they experienced to their religion.

On August 28, following a visit to the Netherlands, the Committee on the Elimination of Racial Discrimination (CERD) presented its observations on the situation of minorities in the Netherlands. CERD expressed concern about racist hate speech in political discourse and the media and discrimination against members of the Jewish and Muslim communities. It criticized racial profiling, stereotyping, and stigmatization, as well as racial discrimination, racist bullying, and other discriminatory practices.

Both the government and NGOs, including the Registration Center for Discrimination on the Internet, actively documented instances of discrimination. The National Discrimination Expertise Center, a unit of the prosecutor’s department, registered, evaluated, and prosecuted discrimination cases. 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. On March 9, authorities fined three persons for putting offensive material on Facebook in response to a photograph of the black players of the Dutch national soccer team. The government discussed how to counter online discrimination with social media companies, including Twitter and Facebook.

Racial discomfort was symbolized by the continued debate over “Black Pete,” the black-faced helper in the popular St. Nicholas tradition. For example, CERD noted that the features of the Black Pete character “reflect negative stereotypes that are experienced by many people of African descent as a vestige of slavery.” Prime Minister Rutte responded that it was not up to the government to change the Black Pete tradition but conceded that it had become “a symbol of discrimination.”

Deputy Prime Minister Asscher observed that many black citizens viewed Black Pete as a symbol of common prejudice and racism in Dutch society.

The government gave high priority to combating discrimination, racism, and unequal treatment. It enhanced its 2013 *National Action Plan on Human Rights*, adding measures to encourage victims to report discrimination, improve registration, investigation and prosecution of discrimination, enhance law enforcement, and use education to counter discrimination. In September authorities renewed a public information campaign against discrimination that included television advertisements and creation of a special website to improve the reporting of hate crime, including hate speech. In addition, police received training on avoiding ethnic or racial profiling.

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

The law prohibits discrimination based on sexual orientation and gender identity. Laws have been revised to eliminate discrimination in such areas as taxes and allowances, pensions, inheritance, and access to health care. In May the parliament amended the General Act on Equal Treatment to prohibit educational institutions operating on a religious or ideological basis from engaging in discrimination on the basis of homosexuality.

The Netherlands Institute for Human Rights observed that transgender individuals experienced discrimination relatively often. During the year the institute ruled on several complaints of transgender discrimination and for the first time in a discrimination case involving a person with an intersex condition. Although the institute's rulings are not binding, authorities usually implemented them.

The government gave high priority to combating anti-LGBTI violence. Police had "pink in blue" units dedicated to protecting the rights of LGBTI persons. In May the city of Amsterdam opened a safety information call center for LGBTI persons as part of its "pink agenda" aimed at increasing safety and acceptance of homosexuality. When courts find acts of violence against LGBTI persons to be motivated by bias, they can provide higher penalties to perpetrators.

The law obliges elementary and secondary schools to address diversity and LGBTI problems. The *Expreszo* youth website set up a hotline for complaints involving schools that did not comply. The government supported Christian LGBTI groups and Muslim community activists as well as "gay-straight" alliances to counter

bullying. The government also continued programs to counter prejudice in immigrant and orthodox religious communities where social acceptance of homosexuality was low. Authorities worked with five gay-straight alliances, consisting of NGOs, unions, sports associations and other experts, to work with organizations involved with senior citizens, education, sports, employment, and the environment with the aim of helping LGBTI persons feel at ease and accepted. While the government initiated the establishment of these alliances, it did not fund them.

Laws in the Caribbean semi-autonomous states prohibit discrimination against LGBTI persons. The Caribbean parts of the kingdom extended equal rights to, and fostered tolerance and acceptance of, LGBTI 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 prohibited police strikes because of the essential services police perform. Workers must report their intention to strike to their 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 collective bargaining.

### **b. Prohibition of Forced or Compulsory Labor**

In the Netherlands the laws prohibit all forms of forced or compulsory labor, and the government enforced them. Such practices occurred nevertheless. In July the Tackling Fake Firms Law entered into force to prohibit fraudulent temporary

agencies that circumvent labor laws. These agencies mainly hired workers from Eastern Europe, particularly in the construction and transportation sectors, without paying the Dutch minimum wage. The new law protects workers from exploitation while penalizing fraudulent agencies, individual employers, and recruiters involved in the business.

The penalty for violating the law against forced labor runs from 12 years' imprisonment in routine cases to 18 years' imprisonment in cases where the victim incurs serious physical injury and life imprisonment in cases where the victim dies. These penalties and government resources and inspections to combat forced labor 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, domestic servitude and cleaning, the inland shipping sector, and forced criminality (including illegal narcotics trafficking).

In Aruba forced laborers included Indian men and women working in retail stores, Caribbean and South American women working in domestic service, and Caribbean and South American men working in construction. Labor inspectors reportedly inspected work sites where vulnerable migrants were present without specifically screening the sites for indications of trafficking.

In Curacao authorities believed migrant laborers from Asia, the Caribbean, and South America were forced to work in construction, landscaping, and retail services. Some migrants, such as Indian and Chinese nationals working in restaurants, mini-marts, or as domestic workers were vulnerable to debt bondage. During the year the Curacao Dry Dock Company settled out of court with three Cuban plaintiffs, who sued the company and the Cuban government nearly a decade previously for physical and psychological abuse arising from a slave labor arrangement between the two parties.

The Curacao government continued with the "road show" launched by the Department of Social Welfare and Labor to educate the general public and vulnerable communities about human trafficking. Labor inspectors reportedly inspected work sites where vulnerable migrants were present without specifically screening the sites for indications of trafficking.

In Sint Maarten, authorities reported that workers from India, China, Haiti, Jamaica, and other Caribbean islands were subjected to forced labor like

conditions. Experts reported irregular migrant workers were vulnerable to forced labor in construction, mini-marts, retail shops, security, landscaping, and domestic servitude. Sint Maarten's government continued to educate business owners about relevant antitrafficking laws. Labor inspectors reportedly inspected work sites where vulnerable migrants were present without specifically screening the sites for indications of trafficking.

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 persons. 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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

In the Netherlands 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. The government effectively enforced child labor laws.

In Aruba the minimum age for employment is 15. The rules differentiate between children and youngsters. Children are boys and girls under the age of 15, and youngsters are persons between the ages of 15 and 18. The government enforces laws and policies to protect children. No registered cases of child labor violations existed in Aruba. Children age 13 or older who have finished elementary school may work if doing so is necessary for learning a trade or profession (apprenticeship), not physically or mentally taxing and not dangerous. The government effectively enforced the minimum-wage laws and conducted adequate inspections.

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-wage 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).

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.

#### **d. Discrimination with Respect to Employment or Occupation**

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

In the Netherlands male and female unemployment rates in 2014 were 7.2 and 7.8 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. According to the Central Bureau of Statistics, the average hourly wage of female employees in 2012 was 82 percent that of their male counterparts for similar work. The Central Bureau of Statistics 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.

In Sint Maarten the unemployment rate in 2013 was 9.9 percent for men and 8.4 percent for women. In Curacao the unemployment rate in 2013 was 15.4 percent for women and 10.5 percent for men. In Aruba the unemployment rate in 2010 was 10.8 percent for men and 10.4 percent for women.

Discrimination on the labor market was by far the most commonly experienced form of discrimination, according to the Netherlands Institute for Social Research. The Netherlands Institute for Human Rights (NIHR) focused on discrimination in

the labor market, such as discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees. The institute also initiated the “at work you may wear a headscarf” campaign to highlight discrimination in the workplace. Discrimination in employment and occupation occurred with respect to race, religion, and disability. Migrant workers also faced discrimination in employment. The NIHR addressed several discrimination cases, and although its rulings are not binding, they were usually complied with. Discrimination cases were occasionally addressed by the courts.

In May 2014 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, LGBTI persons, women, and older persons. The plan contained 42 policy measures to counter discrimination in the labor market, to which eight additional measures were added in September.

The law addresses adaptations that employers may be required to make to accommodate employees with disabilities, and the government worked to improve the position of persons with disabilities on the labor market.

The situation is similar in Aruba, Curacao, and Sint Maarten, where labor laws and regulations prohibit discrimination. There were reports of discrimination in all three territories.

#### **e. Acceptable Conditions of Work**

In the Netherlands the minimum wage for an adult (23 and older) was 1,507.80 euros (\$1,660) a month. The 2013 poverty level for a single person was set between 1,010 and 1,060 euros (\$1,110 and \$1,170) by the Social and Cultural Planning Bureau (SCP) and the Central Bureau of Statistics.

In Aruba the monthly minimum wage is 1,637 Aruban florins (\$914). In Aruba there is no official poverty level.

In Curacao the minimum monthly wage was 1,375 Netherlands Antillean guilders (\$772), and the official poverty level was 2,195 guilders (\$1,233).

During the year the official minimum monthly wage in Sint Maarten was increased to 1,517 Netherlands Antillean guilders (\$852); 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 Ministry of Labor reviewed and updated the guidelines, and routinely visited businesses to ensure employers were adhering to them.

In the Netherlands the law does not establish a specific number of hours as constituting a full workweek, but most workweeks were 36, 38, or 40 hours long. 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 725 inspectors in 2014. An interagency action team identified and shut fraudulent temporary employment agencies, which were known to be facilitators of labor exploitation. Resources, inspections, and remediation were adequate. In 2014 labor inspectors imposed an average fine of nearly 12,500 euros (\$13,800), which was sufficient to deter violations.

The situation was similar in Aruba, Curacao, and Sint Maarten.

In the Netherlands the government sets occupational health and safety standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

The situation is similar in Aruba, Curacao, and Sint Maarten.