

# THE NETHERLANDS 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

The Netherlands has a bicameral parliament. The country’s 12 provincial councils elect the First Chamber, and the Second Chamber is elected by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. Aruba, Curacao, and Sint Maarten have unicameral parliamentary systems, and each island country has one minister plenipotentiary representing them in the Kingdom Council of Ministers. Ultimate responsibility for safeguarding fundamental human rights and freedoms in all kingdom territories lies with the kingdom’s ministerial council, which includes the Dutch government and the plenipotentiary ministers of Curacao, Aruba, and Sint Maarten. (Note: The adjective “Dutch” throughout this report refers to “the Netherlands.”) Elections for seats in the European Parliament on May 23 and the Netherlands’ First Chamber on May 27 were considered free and fair.

The national police maintain internal security in the Netherlands and report to the Ministry of Justice and Security, which oversees law enforcement organizations, as do the justice ministries in Aruba, Curacao, and Sint Maarten. The kingdom’s armed forces report to the Ministry of Defense and are responsible for external security but also have some domestic security responsibilities. The military police (Marechaussee) are responsible for border control in the Netherlands. Each country’s Border Protection Service (immigration), police, and the Dutch Caribbean Coast Guard share responsibility for border control on Sint Maarten, Aruba, and Curacao, respectively. Civilian authorities throughout the entire kingdom maintained effective control over the security forces.

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

Authorities in the kingdom investigated, prosecuted, and punished officials who committed abuses. There were no reports of impunity involving the security forces during the year.

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

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

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

#### **b. Disappearance**

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

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

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

### **Prison and Detention Center Conditions**

There were no reports regarding prison or detention center conditions in the Netherlands that raised human rights concerns. Authorities in Aruba, Curacao, and Sint Maarten continued taking steps to improve prison conditions in response to a 2015 report by the Council of Europe's Committee for the Prevention of Torture (CPT). According to human rights organizations, the prison conditions still did not meet the CPT's minimum standards.

Physical Conditions: Amnesty International observed overcrowding, a lack of privacy, poor hygiene in shower and bathroom areas, and a lack of suitable bedding for detained migrants in Curacao.

Amnesty International and Human Rights Watch reported that Curacao's immigration detention officials used excessive force against detained migrants. On one occasion, detention center guards fired rubber bullets in response to a riot and caused at least one serious injury.

Human rights organizations, including the International Organization for Migration, criticized the heads of Curacao's police and protection units for allowing the verbal and physical abuse, including sexual assault, of Venezuelans in detention.

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

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

Improvements: In response to the CPT report, authorities on Aruba, Curacao, and Sint Maarten implemented improvements. On Curacao this included a renovation of the immigrant detention center. On Sint Maarten the government upgraded all nine cells at the police station and repaired structural damage to the prison caused by hurricanes. Sint Maarten officials also recently reopened the juvenile detention center. On Aruba repairs and upgrades included those to a cell block, the solitary confinement area, and the female inmates' facility.

#### **d. Arbitrary Arrest or Detention**

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

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

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

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

There is no bail system. Detainees can request to be released claiming there are no grounds to detain them. Authorities frequently grant such requests. In all parts of the kingdom, the law provides suspects the right to consult an attorney. The Netherlands’ law grants all criminal suspects the right to have their lawyers present at police interrogation. In Aruba, Curacao, and Sint Maarten, a criminal suspect is only entitled to consult his or her lawyer prior to the first interview on the substance of the case. Immigration detainees in Curacao do not always have access to legal counsel, nor do they have visitation rights. In the case of a minor, the lawyer can be present during interviews but cannot actively participate.

#### **e. Denial of Fair Public Trial**

In all parts of the kingdom, the law provides for an independent judiciary, and the governments generally respected judicial independence and impartiality.

#### **Trial Procedures**

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

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

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees anywhere in the kingdom.

## **Civil Judicial Procedures and Remedies**

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

## **Property Restitution**

The Netherlands has laws or mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported that the government has made significant progress on resolution of Holocaust-era claims, including for foreign citizens. The government complies with the goals of the Terezin Declaration on Holocaust Era Assets and Related Issues. A legal process exists for claimants to request the return of property looted during the Holocaust, although some advocates say that bureaucratic procedures and poor record keeping have been barriers to restitution efforts.

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

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

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

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the governments throughout the kingdom generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: It is a crime “verbally or in writing or image deliberately to offend a group of people because of their race, their religion or beliefs, their

sexual orientation, or their physical, psychological, or mental disability.” The statute in the Netherlands does not consider statements that target a philosophy or religion, as opposed to a group of persons, as criminal hate speech. The penalties for violating the law include imprisonment for a maximum of two years, a fine of up to 8,100 euros (\$8,900), or both. In Aruba the penalties for this offense are imprisonment for a maximum of one year or a fine of 10,000 Aruban florins (\$5,520). In the Netherlands there are restrictions on the sale of the book *Mein Kampf* and the display of the swastika symbol with the intent of referring to Nazism. Legislation to decriminalize defamation of the royal family came into effect in August.

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

Nongovernmental Impact: Several crime reporters and media outlets throughout the kingdom faced threats, violence, and intimidation from criminal gangs. Some reporters received permanent police protection. In June, three men were convicted for a rocket attack on the office of the weekly *Panorama* in Amsterdam in June 2018 and sentenced to three and four years of imprisonment. There was a similar attack at the office of the national newspaper *De Telegraaf*, also in June 2018. In April the prosecutor’s office, police, the Dutch Association of Journalists, and the Netherlands Society of Editors in Chief established the Safe Press registration center to facilitate journalists’ sharing their experiences of violence, threats, and intimidation with authorities. In June the Dutch Association of Journalists released a survey of 350 female journalists in which half of the respondents stated they had been exposed to violence or intimidation in their work, and 70 percent believed these conditions were a threat to freedom of the press.

## **Internet Freedom**

The governments did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the governments monitored private online communications without appropriate legal authority.

Authorities continued to pursue policies to prevent what they considered incitement to discrimination on the internet. They operated a hotline for persons to

report discriminatory phrases and hate speech with the principal aim of having them removed.

The government took the position that the online community should regulate and check itself and advocated a common European approach for dealing with online hate speech. The government added, however, that social media companies should only remove illegal content. The government supported independent legal review by the government-sponsored but editorially independent Registration Center for Discrimination on the Internet (MiND Nederland).

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The laws in the kingdom provide for the freedoms of assembly and association, and the governments generally respected these rights.

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

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

### **d. Freedom of Movement**

The laws in the kingdom provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The NGO Refugees International in April criticized the government of Curacao for failing to provide temporary status to Venezuelan refugees and other displaced Venezuelans. They found that many migrants and displaced Venezuelans without legal status ended up

living on the fringes of society, with no protection against abuse from neighbors or from employers in the informal sector. They noted that some migrant women had been forced into commercial sex.

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

Refoulement: On Curacao and Sint Maarten, there is no legal protection from returning a person to their country of origin who faces a well founded fear of persecution. Curacao and Sint Maarten may have a legal basis to prevent returning a person to a country where they would face torture, or degrading or inhuman treatment or punishment based on the European Convention on Human Rights. As of year's end, they developed corresponding national procedures but did not amend their immigration statutes.

Ten human rights organizations, including Amnesty International and Defense for Children International, campaigned against the repatriation of rejected asylum seekers to Afghanistan who had received their final denial because they regarded the security situation there as too unsafe. The courts in the Netherlands, however, backed the government's position that it was safe enough to repatriate persons to certain parts of Afghanistan. There were also disagreements between the government and human rights organizations on repatriations to countries such as Bahrain, Sudan, and Iraq, but ultimately the courts also ruled in favor of the government's repatriation of persons to those countries.

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

Sint Maarten and Curacao are required to follow the European Convention on Human Rights. The law does not provide for the granting of asylum or refugee status. Foreigners requesting asylum are processed as foreigners requesting a humanitarian residence permit. If an individual is unable to obtain a humanitarian residence permit, authorities deport the person to their country of origin or a country that agreed to accept them. Curacao requested and received guidance and training from the Netherlands on asylum-processing procedures.

Most asylum seekers in the Dutch Caribbean were from Venezuela. In general authorities in Aruba, Curacao, and Sint Maarten considered most Venezuelan asylum seekers to be economic migrants ineligible for protection. Aruba, Bonaire, and Curacao deported undocumented displaced Venezuelans throughout the year. Local and international human rights organizations urged the governments of Aruba and Curacao to refrain from deporting refugees and other displaced Venezuelans back to their home country. There were no reports that refugees and other displaced Venezuelans faced persecution if returned to Venezuela.

In March the government of Aruba asked UNHCR for support with processing political asylum requests by Venezuelan migrants.

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

Under the EU's Dublin III Regulation, the Netherlands did not return third country asylum seekers arriving from Hungary back to Hungary, due to discrepancies between Hungary's asylum laws and EU migration law.

Freedom of Movement: Government guidelines require that authorities not detain denied asylum seekers longer than three months, but they exceeded this term in several cases. In the Netherlands the national ombudsperson, Amnesty International, and other NGOs asserted that persons denied asylum and irregular migrants were regularly subjected to lengthy detention before deportation even when no clear prospect of actual deportation existed.

Durable Solutions: In the Netherlands the government accepted up to 500 refugees per year for resettlement through UNHCR, and the governments of the Dutch Caribbean accepted up to 250. These refugees came from UN refugee camps in Jordan, Lebanon, Egypt, Niger, and Uganda. The government also relocated up to 1,750 Syrians from refugee camps in Turkey under the terms of the EU agreement with Turkey. Most of the persons granted residency permits on Curacao and Aruba were from Venezuela. The government provided financial and in-kind assistance to refugees who sought to return to their home country voluntarily. The laws in all parts of the kingdom provide the opportunity for non-Dutch persons to gain citizenship.

Temporary Protection: The government of the Netherlands provided temporary protection to individuals who did not qualify as refugees. According to Eurostat data, in 2018 it provided subsidiary protection to 2,110 persons and humanitarian status to 530 others.

### **g. Stateless Persons**

Statistics Netherlands reported the registration of 12,869 stateless persons and 42,752 persons under “nationality unknown,” which also includes stateless persons as of January. Two-thirds of these stateless persons were Palestinians born in Syria. Stateless persons in the Netherlands also included Romani immigrants, and some Moluccans, who declined both Dutch and Indonesian citizenship.

Some newborns of undocumented Venezuelan parents on Curacao risked becoming stateless, because the local government does not issue birth certificates to undocumented persons, while the Venezuelan consulate will not issue them either.

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

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

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

### **Elections and Political Participation**

Recent Elections: Observers considered the May 20 elections of the provincial councils, whose newly elected council members elected the First Chamber of parliament on May 27, and the May 23 European Parliament elections to be free and fair.

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

## **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: On Sint Maarten two members of parliament were arrested on suspicion of accepting bribes.

In November 2018 the High Court in the Netherlands upheld the conviction of a former Curacao prime minister on charges of corruption and money laundering.

In February in Aruba, a minister was sentenced to four years' imprisonment and a nine-year prohibition to be elected for issuing work permits without following proper procedures.

Financial Disclosure: The laws throughout the kingdom do not require income and asset disclosure by officials. The evaluation of the Council of Europe's Group of States against Corruption (GRECO) noted that prospective cabinet ministers are expected to discuss potential conflicts of interest with their future prime minister during the formation of a new government, but these declarations are not made public and do not cover holdings or offices held by the candidate minister's family members. For most senior government positions, each ministry has its own regulations governing conflicts of interest.

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

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

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

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

## Women

Rape and Domestic Violence: The law in all parts of the kingdom criminalizes rape, including spousal rape, and domestic violence. The penalty in the Netherlands for rape is imprisonment not exceeding 12 years or a fine not exceeding 83,000 euros (\$91,300). In case of violence against a spouse, the penalty for various forms of abuse can be increased by one-third. In Aruba the penalty for rape is imprisonment not exceeding 12 years or a fine of 100,000 Aruban florins (\$55,250). Authorities effectively prosecuted such crimes.

The Dutch government continued funding for Safe Home, a knowledge hub and reporting center for domestic abuse with 26 regional branches, as the national platform to prevent domestic violence and support victims. The center operated a national 24/7 hotline for persons affected by domestic violence. The government supported the organization Movisie, which assisted survivors of domestic and sexual violence, trained police and first responders, and maintained a website on preventing domestic violence.

Other Harmful Traditional Practices: Honor-related violence is treated as regular violence for the purposes of prosecution and does not constitute a separate offense category. Laws against violence were enforced effectively in honor-related violence cases, and victims were permitted to enter a specialized shelter.

Sexual Harassment: The law penalizes acts of sexual harassment throughout the kingdom and was enforced effectively. The penalty in the Netherlands is imprisonment not exceeding eight years or a fine not exceeding 83,000 euros (\$91,300). The law requires employers to protect employees against aggression, violence, and sexual intimidation. In the Netherlands complaints against employers who failed to provide sufficient protection can be submitted to the NIHR. Victims of sexual assault or rape in the workplace can report the incidents to police as criminal offenses.

In Curacao the Stichting Slachtofferhulp (Victims Assistance Foundation) assists the victims.

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

## **Children**

Birth Registration: Citizenship can be derived from either the mother or the father, but not through birth on the country's territory. Births are registered promptly.

Child Abuse: There are laws against child abuse. The penalties depend on the details and context of the case and can reach up to 12 years in prison. A multidisciplinary task force in the Netherlands acts as a knowledge hub and facilitates interagency cooperation in combatting child abuse and sexual violence. The children's ombudsman headed an independent bureau that safeguards children's rights and calls attention to abuse. Physicians are required to report child abuse to authorities. In February the Dutch government started a public awareness campaign on child abuse which encouraged witnesses to report suspicious cases to police.

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

Early and Forced Marriage: The legal minimum age of marriage is 18 in all parts of the kingdom. In the Netherlands and Aruba, there are two exceptions: if the persons concerned are older than 16 and the girl is pregnant or has given birth, or if

the minister of justice and security in the Netherlands or the minister of justice in Aruba grants a dispensation based on the parties' request.

Sexual Exploitation of Children: Throughout the kingdom, the law prohibits commercial sexual exploitation of children as well as production, possession, and distribution of child pornography, and authorities enforced the law. The minimum age of consent is 16 in the Netherlands, Curacao, and Aruba and 15 in Sint Maarten. The Netherlands is a source country of child sex tourists. The government ran campaigns to encourage travelers to report suspicions of child sex tourism. An offender can be tried in the Netherlands even if the offense takes place abroad.

International Child Abductions: The kingdom is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Liberal Jewish Community, the largest Jewish community in the country, estimated the Jewish population in the Netherlands at 40,000 to 50,000.

In March the NGO Center for Information and Documentation on Israel (CIDI), the main chronicler of anti-Semitism in the Netherlands, reported 135 anti-Semitic incidents in 2018, an increase of 19 percent over 2017, as well as 95 incidents online. Of these cases, 67 percent occurred within the victims' regular life routine, such as at school or work or in the company of the people the victims knew. Common incidents included vandalism, physical abuse, verbal abuse, and hate emails. The most common form of vandalism was swastikas scratched or painted on cars, walls, or buildings, sometimes in combination with a Star of David or texts such as "Heil Hitler." People recognized as Jewish because of their religious attire were targeted occasionally in direct confrontations. A significant percentage of anti-Semitic incidents concerned calling somebody a "Jew" as a common derogatory term. CIDI reported half a dozen anti-Semitic statements by politicians by the pro-Muslim DENK party and the local The Hague Islamic Unity Party in particular.

CIDI claimed the registered incidents were likely only a small portion of the number of all incidents and pointed to research by the EU Fundamental Rights

Agency (EU-FRA) that concluded only 25 percent of Jews who were victims of anti-Semitism in the past five years reported incidents or filed complaints to police.

The bulk of anti-Semitic expressions reviewed by the prosecutor's office National Expertise Center for Discrimination and police in 2018 related to anti-Semitic statements and chants by soccer fans, mostly about the Amsterdam soccer team Ajax, whose fans and players are nicknamed "Jews."

In 2018 MiND Nederland reported 145 anti-Semitic expressions on the internet, a quarter of all reported discriminatory expressions.

In December 2018 the EU-FRA released its second survey of Jewish experiences and perceptions of anti-Semitism. The EU-FRA targeted Jewish populations through community organizations, Jewish media, and social networks; 1,202 individuals who identified themselves as Jewish residents of the Netherlands responded to the online survey. Of the respondents, 43 percent said they occasionally avoided Jewish events for security reasons, while 33 percent said they avoided the public display of Jewish symbols. Eighty percent said they believed the government response and security measures were inefficient and inadequate.

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

In May the government of the Netherlands acknowledged the growing need to combat anti-Semitism more effectively by appropriating three million euros (\$3.3 million) in supplemental funding, which included improved training on anti-Semitism, as well as Holocaust and World War II remembrance for teachers. In August the Netherlands national railway announced a compensation program for Holocaust victims, who were transported by the railways to a transit camp en route to concentration camps. The program also offered compensation to surviving spouses and children of Holocaust victims.

The Dutch government entered into agreements with major social media networks, such as Twitter, Facebook, and YouTube, to counter offensive language on the internet, including anti-Semitic statements. The government also established measures to counter harassing and anti-Semitic chanting during soccer matches in

consultations with stakeholders. The Anne Frank Foundation continued to manage government-sponsored projects, such as the “Fan Coach” project to counter anti-Semitic chanting and the “Fair Play” project to promote discussion on discrimination.

The government of the Netherlands assisted local projects to combat anti-Semitism by providing information and encouraging exchange of best practices among key figures from the Jewish and Muslim communities.

The government adopted the International Holocaust Remembrance Alliance’s working definition of anti-Semitism as nonlegally binding and shared indicators from this definition with authorities as aids to define policy, identify anti-Semitism, and enforce local law.

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

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

Laws throughout the kingdom ban discrimination against persons with physical, sensory, intellectual, and mental disabilities. In the Netherlands the law requires equal access to employment, education, transportation, housing, and goods and services. It requires that persons with disabilities have access to public buildings, information, and communications, and it prohibits making a distinction in supplying goods and services. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access.

Government enforcement of rules governing access was inadequate. Despite continued progress, public buildings and public transport were not always easily accessible, lacking access ramps.

In the Dutch Caribbean, a wide-ranging law prohibiting discrimination was applied to persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, transportation, and the provision of other

government services. Some public buildings and public transport were not easily accessible to persons with physical disabilities.

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

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

### **National/Racial/Ethnic Minorities**

The laws of the kingdom's constituent territories prohibit racial, national, or ethnic discrimination.

Various monitoring bodies in the Netherlands reported that the largest percentage (43 percent in police statistics) of registered incidents of discrimination in 2018 had to do with a person's origin, including color and ethnicity. Almost all of these incidents concerned persons of non-Western backgrounds, including Turks, Moroccans, Roma, and Sinti. According to the NIHR, discrimination on racial and ethnic grounds occurred in virtually every sphere (see also Other Societal Violence or Discrimination in this section).

In the Netherlands police received training on avoiding ethnic or racial profiling, although Amnesty International in 2018 criticized the lack of monitoring to assess the training's effectiveness. The government put into place more effective procedures to process reports of discrimination and assist victims, including an independent complaints committee.

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

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

The law explicitly prohibits discrimination on grounds of sex characteristics, gender identity, and gender expression. In April the Netherlands amended the law to make it easier for transgender persons to change their gender on their birth

certificate. The government urged institutions and companies to stop unnecessary registration of gender.

The law allows for higher penalties for violence motivated by anti-LGBTI bias. There were hundreds of reports of anti-LGBTI violence. A quarter of incidents of discrimination registered by police in 2018 concerned sexual orientation. Of the 847 complaints registered by police in 2018, 95 percent concerned gay men; 65 percent involved verbal abuse, and 22 percent physical abuse. Prosecutions were rare; many incidents were not reported because victims often believed that nothing would be done with their complaint.

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

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

### **Other Societal Violence or Discrimination**

In the Netherlands the Muslim community of approximately 900,000 persons faced frequent physical and verbal attacks, acts of vandalism, discrimination, and racism, as did members of other minority and immigrant groups. In 2018 police registered 137 incidents against Muslims out of a total of 3,299 discriminatory incidents. Multiple incidents concerned harassment of women on the street because they were wearing a headscarf, as well as incidents involving anti-Muslim stickers and posters. Violent incidents, however, were rare.

The Dutch government, the National Coordinator for Counterterrorism and Security, as well as local authorities closely monitored threats directed at Islamic institutions, including about 500 mosques. In 2018, 26 incidents at mosques were reported. The authorities supported mosques in enhancing security and provided ad hoc security if required.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The laws in all parts of the kingdom provide for public- and private-sector workers to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements. The law provides for collective bargaining. Unions may conduct their activities without interference.

The law prohibits antiunion discrimination and retaliation against legal strikers. It requires workers fired for union activity to be reinstated. The law restricts striking by some public-sector workers if a strike threatens the public welfare or safety. Workers must report their intention to strike to their employer at least two days in advance.

The government effectively enforced applicable laws. Penalties, including fines, were sufficient to deter violations. Throughout the kingdom, the government, political parties, and employers respected the freedom of association and the right to bargain collectively. Authorities effectively enforced applicable laws related to the right to organize and collective bargaining.

The Netherlands' Trade Union Confederation alleged temporary workers were used to break strikes.

### b. Prohibition of Forced or Compulsory Labor

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

Enforcement mechanisms and effectiveness varied across the kingdom. In the Netherlands the Inspectorate for Social Affairs and Employment investigated cases of forced or compulsory labor. The inspectorate worked with various agencies, such as police, and NGOs to identify possible cases. After completion of the investigation, cases were referred to the prosecutor's office. On the islands of the Dutch Caribbean, labor inspectors together with representatives of the Department for Immigration inspected worksites and locations for vulnerable migrants and

indicators of trafficking. In Sint Maarten the lack of standard procedures for front-line responders to identify forced labor victims hindered the government's ability to assist such persons. Following an investigation into the possible exploitation of three Filipina women hired as domestic servants, the public prosecutor's office determined in September that the case did not amount to forced labor, despite claims from the Filipino community alleging unfair labor practices and exploitation.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

In the Netherlands the law prohibits the worst forms of child labor, and there were no reports of child labor. The government categorizes children into three age groups for purposes of employment: 13 to 14, 15, and 16 to 17. Children in the youngest group are allowed to work only in a few light, nonindustrial jobs and only on nonschool days. As children become older, the scope of permissible jobs and hours of work increases, and fewer restrictions apply. The law prohibits persons younger than 18 from working overtime, at night, or in hazardous situations. Hazardous work differs by age category. For example, children younger than 18 are not allowed to work with toxic materials, and children younger than 16 are not allowed to work in factories. Holiday work and employment after school are subject to very strict rules set by law. The government effectively enforced child labor laws. Offenders faced fines, which were sufficient to deter violations.

Aruba's law prohibits the worst forms of child labor. In Aruba the minimum age for employment is 15. The rules differentiate between "children" and "youngsters." Children are boys and girls younger than 15, and youngsters are persons between the ages of 15 and 18. Children age 13 or older who have finished elementary school may work, if doing so is necessary for learning a trade or profession (apprenticeship), not physically or mentally taxing, and not dangerous. Penalties range from fines to imprisonment, which were adequate to

deter violations. The government enforced child labor laws and policies with adequate inspections of possible child labor violations.

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

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

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

Labor laws and regulations throughout the kingdom prohibit discrimination in employment and occupation, and the government effectively enforced the laws. The law applies to all refugees with residency status. Penalties took the form of fines and were adequate to deter violations.

The NIHR focused on discrimination in the labor market, such as discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees. Although the NIHR's rulings are not binding, they were usually adhered to by parties. In 2018 the NIHR addressed 277 cases of possible labor discrimination. In November 2018, for example, the NIHR ruled that a software company discriminated against a female employee when it notified her that women were required to wear dresses as part of appropriate work attire. Plaintiffs may also take their cases to court, but the NIHR was often preferred because of a lower threshold to start a case. The Inspectorate for Social Affairs and Employment conducted inspections to investigate whether policies were in place to prevent discrimination in the workplace. The law addresses adaptations that require employers to accommodate employees with disabilities, and the government worked to improve the position of persons with disabilities in the labor market (see section 6).

Discrimination occurred in the Netherlands, including on the basis of race and sex. The country's nationals with migrant backgrounds faced numerous barriers when looking for work, including lack of education, lack of Dutch language skills, and racial discrimination. According to Statistics Netherlands, the minority unemployment rate of non-Western migrants during 2018 was more than twice that of the native workforce, while the unemployment rate among youths with a non-Western migrant background was almost three times higher than among native youth. The government implemented a program called "Further Integration on the Labor Market" to improve the competitiveness of those with a migrant background seeking work in the Netherlands. The program set up eight different pilot projects to identify which interventions would better increase labor market participation among these populations.

Discrimination in employment and occupation also occurred with respect to race, religion, and disability. Migrant workers also faced discrimination in employment. The International Labor Organization noted, for example, in the Netherlands, non-Western persons were more likely to work under flexible contracts, had higher rates of youth unemployment, and continued to encounter discrimination in recruitment. The NIHR reported in 2018 that 61 percent of the discrimination in employment claims it received were related to pregnancy. Female unemployment was higher than male, and female incomes lagged behind male counterparts.

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

In the Netherlands the minimum wage for an adult older than 21 was 1,635 euros (\$1,800) per month, which was sufficient for a single-person household but inadequate for a couple with two children, according to the government. The government effectively enforced wage laws.

In Aruba there was no official poverty level, and the monthly minimum wage in 2019 was 1,762 Aruban florins (\$974). In Curacao the minimum hourly wage was nine Netherlands Antillean guilders (five dollars), and the official poverty level was 2,195 guilders (\$1,230) per month. The official minimum hourly wage in Sint Maarten was 8.83 Netherlands Antillean guilders (\$4.93); no poverty-level income information was available.

In the Netherlands the law does not establish a specific number of hours as constituting a full workweek, but most workweeks were 36, 38, or 40 hours long. Collective bargaining agreements or individual contracts, not law, regulate

overtime. The legal maximum workweek is 60 hours. During a four-week period, a worker may only work 55 hours a week on average or, during a 16-week period, an average of 48 hours a week, with some exceptions. Persons who work more than 5.5 hours a day are entitled to a 30-minute rest period.

In the Netherlands the government set occupational health and safety standards across all sectors. Standards were appropriate for main industries and frequently updated. The situation was similar in Aruba, Curacao, and Sint Maarten. In Sint Maarten the government established guidelines for acceptable conditions of work in both the public and private sectors covered specific concerns, such as ventilation, lighting, hours, and terms of work. The ministries of labor within the kingdom reviewed and updated the guidelines and routinely visited businesses to ensure employer compliance.

In the Netherlands the Inspectorate for Social Affairs and Employment effectively enforced the labor laws on conditions of work across all sectors, including the informal economy. Resources, inspectors, and remediation were adequate. In 2018 labor inspectors imposed an average fine of nearly 9,800 euros (\$10,800), which was sufficient to deter violations. The inspectorate can order companies to cease operations due to safety violations or shut down fraudulent temporary employment agencies that facilitate labor exploitation.

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