

THE NETHERLANDS 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of the Netherlands, a parliamentary constitutional monarchy, consists of four semiautonomous 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. Second Chamber elections held in March were considered free and fair. Aruba, Curacao, and Sint Maarten have unicameral parliamentary systems, and each island country has one minister plenipotentiary representing them in the kingdom’s 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.”) Curacao’s March 19 and Aruba’s June 25 parliamentary elections were considered free and fair. Elections for seats in the Netherlands’ First Chamber in 2019 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 kingdom maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: violence or threats of violence against journalists; crimes and threats of violence motivated by anti-Semitism; crimes involving threats of violence against members of national, racial, and ethnic minorities; and crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons.

Authorities in the kingdom identified, investigated, prosecuted, and punished officials who committed abuses or were accused of corruption.

Section 1. Respect for the Integrity of the Person

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

There were no reports the governments or their 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 constitution and law prohibit 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. According to human rights organizations, prison conditions in some detention centers on Sint Maarten, Aruba, and Curacao did not meet minimum international standards.

Physical Conditions: In the Netherlands there were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse. In a 2015 report on its visit to the Dutch Caribbean, the most recent report available, the Council of Europe's Committee of the Prevention of Torture (CPT) noted poor physical conditions in Curacao and Aruba, in some cases serious enough to be considered inhuman and degrading treatment, and reports of inmate mistreatment and interprisoner violence in Aruba, Curacao, and Sint Maarten. Amnesty International reported during the year that migrants in detention on Curacao were subjected to harsh conditions, including overcrowding and poor food, as well as psychological and physical abuse from guards and had limited contact with the outside world.

On Aruba and Curacao, repatriation flights occurred more often to return undocumented Venezuelans who did not request asylum to Venezuela, although the schedule was not regular, and some undocumented Venezuelans remained in immigration detention longer than expected.

Amnesty International and Human Rights Watch reported that Venezuelan refugees were held in detention in Curacao for more than six months, which is a violation of local immigration policy. An August 2020 report by the independent body Council for Law Enforcement stated that at the time of their investigation, there was a lack of staff at the prison and the living conditions at the migration detention center were poor.

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

Independent Monitoring: The kingdom's governments permitted monitoring by independent governmental and 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 2015 CPT report, Sint Maarten, Aruba, and Curacao added staff, daytime activities, rehabilitation programs, and electronic

surveillance, and prompted by overcrowding due to the Venezuelan migration crisis, Dutch government-funded improvements of the Curacao detention center and prison continued during the year, based on CPT standards.

d. Arbitrary Arrest or Detention

The law throughout the kingdom 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 a 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 consistent visitation rights. On Curacao, Venezuelans faced barriers to accessing legal assistance since they must know how to call upon assistance themselves, a significant challenge as they were often uninformed regarding Curacaoan laws and regulations and since materials provided were only in Dutch. Additionally, attorney's fees must be paid by the detainee, his or her family, or nongovernmental organizations (NGOs). In the Netherlands and Curacao, in the case of a minor, the lawyer can be present during

interviews but cannot actively participate. In 2020 the Council on Law Enforcement revealed that the 30-day maximum detention rule for migrant foreign nationals was regularly exceeded on Curacao, and that foreign nationals in detention were not informed of their rights.

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 indigent, although this was not the case for deportation hearings in Curacao. 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 identities are 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 abuses 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 Seizure and Restitution

The Netherlands government has laws or mechanisms in place, and NGOs and advocacy groups reported that the government has made significant progress on resolution of Holocaust-era claims, including for foreign citizens. During the year the government revised its policies on art restitution. The new policy is comprehensive and includes, among other steps: ending the former “balancing test,” which gave weight to the existing owners in contravention of the Washington Principles on Nazi-confiscated art; establishing a help desk for survivors and heirs; and providing additional money for provenance research and opening more of the archives to the public. The World Jewish Restitution Organization noted the new policy, stating that it returned “...the Netherlands to its role as a leading country in regard to research on and restitution of artworks and other cultural property that was plundered from the Jews of the Netherlands during the Holocaust.” The government sought to meet 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 said that bureaucratic procedures and poor record keeping were barriers to restitution efforts. There were no active restitution cases on Curacao, Aruba, or Sint Maarten.

On June 3, the Dutch railway (Nederlandse Spoorwegen) published its final report on the restitution program it managed for victims of its transport of more than 100,000 Jews, Roma, Sinti, and others to transit camps during World War II. The program, which ran from 2019 to 2020, approved 5,489 applications out of 7,791 total and awarded approximately 43.9 million euros (\$50.5 million) to eligible recipients, most of whom were the descendants of victims. The report also announced the start of a historical research project into the railway’s role during the Second World War and noted its five-million-euro (\$5.75 million) donation to

four local Holocaust memorial centers in 2020 as a “collective expression of recognition” for the railway’s victims.

The 2020 Department of State Justice for Uncompensated Survivors Today (JUST) Act report to Congress can be found on the Department’s website:

<https://www.state.gov/reports/just-act-report-to-congress/>.

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

The law throughout the kingdom prohibits such actions but some human rights organizations criticized police capturing of facial photographs and storing citizens’ privacy-sensitive data.

Dutch police used photos of drivers’ faces automatically taken by automated number plate recognition (ANPR) license plate cameras for investigative purposes. The use of facial photos, however, is not permitted under the existing legal framework, under which police are only allowed to record license plates. Moreover, the data must be destroyed after 28 days, and recognizable faces must be blurred to prevent breaches of privacy. The head of the department responsible for the ANPR cameras of the National Police stated in August that he would like to see the law expanded so that in cases of serious crimes such as armed robbery, murder, or manslaughter, faces captured by ANPR cameras could be made recognizable and used in investigations. At year’s end, the Scientific Research and Documentation Center of the Ministry of Justice and Security was evaluating the relevant law to determine whether the use of the ANPR in this fashion could continue.

The Dutch National Coordinator for Security and Counterterrorism’s (NCTV) legal department confirmed in September that the government body had been unlawfully collecting, storing, and analyzing privacy-sensitive data about citizens for years, according to media outlet NRC, citing NCTV internal documents. During a parliamentary debate in June, Minister of Justice and Security Ferdinand Grapperhaus denied that NCTV acted unlawfully but nevertheless in July submitted a proposal for a draft law to provide a legal basis for the NCTV to process personal data. Parliament had yet to vote on the legislation by year’s end.

In December police announced a halt to the collection of personal data from phones and laptops of asylum seekers and the erasure of such data from police systems. The collection program, named “Athens,” began in 2016 over concerns about possible terrorists or criminals within the asylum seeker population, and cross-referenced the collected data with national databases to identify signs of human trafficking, smuggling, and terrorist threats. The practice, however, yielded no new criminal investigations, according to media. Authorities asserted this practice had been allowable under data regulations before the implementation of the EU General Data Protection Regulations in 2018. The Council of State, the highest court in the Netherlands, ruled in June there should be legal safeguards that “limit” the collection, use, and retention of data copied from asylum seekers’ phones and advocated for clearer definitions on for what purpose data could be stored and the length of storage.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, 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 members of the press.

Freedom of Expression: It is a crime to “verbally or in writing or image deliberately offend a group of persons 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 substantial fine, or both. In the Dutch Caribbean, the penalties for this offense are imprisonment for a maximum of one year or a fine. 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.

On July 6, the Dutch Supreme Court upheld Party for Freedom leader Geert Wilders' 2016 conviction for "group insult" against Moroccans at a 2014 political rally. Wilders had filed the appeal following the September 2020 appellate court's decision to uphold the original 2016 conviction. As was the case in the 2016 conviction, Wilders was not punished.

Freedom of Expression for Members of the Press and Media, Including

Online Media: Independent media in the kingdom were active and expressed a wide variety of views without restriction. Restrictions on "hate speech" applied to media outlets but were only occasionally enforced.

Nongovernmental Impact: Several crime reporters and media outlets in the Netherlands faced threats, violence, and intimidation from criminal gangs. A June report commissioned by PersVeilig, a joint initiative by the Dutch Association of Journalists, the Dutch Association of Editors in Chief, and the national police and the Public Prosecutor's Office, found that eight out of 10 journalists surveyed had experienced some form of threat, mostly verbal, compared to six out of 10 in 2017. If required by circumstances, reporters receive temporary police protection.

Veteran investigative crime reporter Peter R. de Vries died on July 15, nine days after being shot in the head outside an Amsterdam television studio. Two suspects in De Vries' killing remained in custody awaiting trial at year's end. A public prosecutor stated that De Vries was killed for advising a major witness testifying against accused drug kingpin Ridouan Taghi, rather than for his journalism. De Vries, however, had been threatened in the past for his investigative reporting. Following the July 6 shooting, television channel RTL canceled its July 10 live broadcast of its show *RTL Boulevard*, on which De Vries had been a guest just before being shot outside the studio, over threats against the show's studio in Amsterdam. An investigation by the Dutch Safety Board into whether De Vries should have been assigned personal protection, which he himself had refused, was ongoing at year's end.

On July 19, a court in London charged Mohammed Gohir Khan, a United Kingdom citizen, with plotting to kill Pakistani blogger Ahmad Waqass Goraya. Goraya resided in Rotterdam and was the victim of an assault and threats in 2020.

Internet Freedom

Kingdom 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, however, 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.

It is Dutch government policy to allow the online community to regulate and check itself, except for the removal of illegal content. The government supported independent legal review by the government-sponsored but editorially independent Registration Center for Discrimination on the Internet.

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 peaceful assembly and association, and the governments generally respected these rights.

Amid the eviction of demonstrators at a March 15 anticoronavirus pandemic-related lockdown protest in The Hague, two police officers, while making an arrest, beat a demonstrator who appeared to be lying defenseless on the ground. A police dog also attacked the demonstrator during the arrest. Police reported the arrested demonstrator had thrown a jumper cable at an officer before the arrest and grabbed the dog's ears while on the ground. The Hague police chief Paal van Musscher stated that during the protest, "significant violence [had] been used against the police." The Public Prosecutor's Office announced in December the involved officers would be prosecuted for their actions which it deemed were at a disproportionate level of violence. Chair of the Dutch Police Association Jan Struijs expressed his support for the two officers, who he alleged were confronted with "a lot of aggressive violence" during the incident.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

Citizenship: Since 2017 Dutch law has allowed revocation of Dutch citizenship for dual nationals suspected of joining a terrorist organization. During the year the government did not revoke any dual citizen's citizenship on the basis of terrorism but affirmed in April that the revocation of citizenship for six nationals in 2017 was conducted on a lawful basis. In December the government stated that since the law's inception, it had revoked the citizenships of 17 persons. Several human rights bodies, including the Council of Europe's Commissioner for Human Rights, and Netherlands-based human rights advocates and migration law experts, criticized the practice as being racially discriminatory. They noted those that have had their Dutch citizenship revoked were all of non-Western origin while those of Western origin who had committed similar crimes but only had one citizenship could not lose it or else they become stateless. On December 14, parliament voted to extend the law, set to expire in March 2022, until March 2027. Dutch intelligence and the Public Prosecutor's Office opposed the extension, asserting that citizenship revocation did not reduce the threat to national security.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The governments of the Netherlands, Sint Maarten, 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, or asylum seekers, and other persons of concern. Curacao expelled UNHCR in 2017 but allowed UNHCR to re-establish an office in 2020.

In the meanwhile, it cooperated with the UNHCR office on Aruba.

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

The laws in Sint Maarten and Curacao do 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 and established an asylum policy based on Article 3 of the European Convention on Human Rights. Amnesty International, however, found that Curacao's new international protection procedure did not comply with international standards. Curacaoan immigration police routinely pressured Venezuelans in their custody to sign deportation orders irrespective of whether they needed international protection. On Aruba the law generally provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. Additionally, Aruba received capacity-building support and training from the Netherlands that further supports the development of an asylum-processing system and its relevant procedures.

Most asylum seekers in the Dutch Caribbean were from Venezuela. Authorities in Aruba, Curacao, and Sint Maarten generally considered most Venezuelan asylum seekers to be economic migrants ineligible for protection. There were an estimated 10,000 to 15,000 Venezuelan migrants on Aruba and a similar number on Curacao, and another 1,000 on Sint Maarten. Approximately 25 percent of the migrants on Aruba requested asylum. 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 or repatriating Venezuelan asylum seekers back to their home country. Local human rights organizations reported that Aruba and Curacao deported asylum seekers who had presented credible evidence suggesting that they would face abuse for their political beliefs if returned to Venezuela. Local authorities on

Aruba denied the allegation, noting that all deportations were coordinated with international organizations. On Curacao, Venezuelans who have asked for protection were not deported and remained in detention, although those who decided not to proceed with the process under the European Convention on Human Rights (see Refoulement, below) were deported.

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.

The highest court in the Netherlands, the Council of State, ruled July 28 that the government could not automatically deport two Syrian asylum seekers with Greek residence permits to Greece without examining the merits of their case. The council found that Greece was unable to provide for their basic needs. This ruling overturned the council's 2018 verdict which found at the time the living conditions in Greece were suitable enough to allow for the automatic deportation of status holders.

Refoulement: On Curacao and Sint Maarten, there is no legal protection against returning a person who faces a well-founded fear of persecution to their country of origin. Curacao and Sint Maarten are, however, bound by the European Convention on Human Rights, which prohibits in absolute terms torture or inhuman or degrading treatment or punishment. Accordingly, persons may not be expelled if they face a real risk of abuse contrary to the convention in their country of origin. Both governments developed corresponding national procedures but did not amend their immigration statutes. Both the Netherlands and Aruba have legal protections to prevent refoulement. In Aruba, however, human rights organizations, including UNCHR, reported that Aruban authorities deported Venezuelans who claimed they would face abuse if returned to Venezuela without adjudicating their asylum claims. Authorities on Aruba dismissed these claims and stated that due process was followed.

In an August 11 letter to parliament, the Dutch government stated that all decisions on forced deportations and asylum applications of Afghan asylum seekers would be postponed for six months, due to the deteriorating situation in Afghanistan. The

letter followed criticism from coalition and opposition political parties regarding the Netherlands signing an August 5 letter with five other EU member states appealing to the European Commission to continue allowing deportations to Afghanistan.

Abuse of Migrants and Refugees: During the year Amnesty International reported that authorities in Curacao used excessive force against some detainees and criticized conditions in facilities for detainees (see section 1.c.). Human rights organizations criticized the government of Curacao for failing to provide a robust system for temporary status to Venezuelan refugees and other displaced Venezuelans. During the year Curacao implemented a new policy to arrange the integration of migrants under strict conditions. Most migrants, however, did not meet the stringent conditions and remained without legal status, living on the fringes of society.

Freedom of Movement: Government guidelines allow those whose asylum application has been denied and are to be deported to be detained for up to six months, during which a judge monthly examines the legitimacy of the detention. If authorities cannot deport the detained individual within this time period, the individual is released. Authorities can, however, detain the individual for up to a maximum of 18 months on exceptional grounds, such as security concerns, with approval from the court. Detainees have access to a lawyer and can appeal the detention at any time. The Ministry of Justice and Security estimated the average detention span is two months. In the Netherlands Amnesty International, the Dutch Refugee Council, 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 for resettlement through UNHCR, and the governments of the Dutch Caribbean accepted up to 250 each. Most of the persons granted residency permits or requested asylum on Curacao and Aruba were from Venezuela. The governments of Aruba and Curacao provided assistance to migrants, refugees, or asylum seekers who sought to return to their home country voluntarily. Sint Maarten does not receive a significant number of applications from refugees or asylum seekers for residency permits; of those, most were from the northern

Caribbean, not Venezuela. The laws in all parts of the kingdom provide the opportunity for non-Dutch persons to gain citizenship.

Temporary Protection: The government of the Netherlands provided temporary protection to individuals who did not qualify as refugees. According to Eurostat data, in 2019 it provided subsidiary protection to 2,355 persons and humanitarian status to 680 others.

g. Stateless Persons

In 2020 Statistics Netherlands reported the registration of 45,947 persons under “nationality unknown,” which also included stateless persons. According to provisional UNHCR statistics, there were 2,006 stateless persons, including forcibly displaced stateless, in the Netherlands at the end of 2020. The laws in all parts of the kingdom provide the opportunity for stateless persons to gain citizenship.

Some newborns of undocumented Venezuelan parents on Curacao and Aruba risked becoming stateless, because neither the local government nor the Venezuelan consulate issues birth certificates to undocumented persons.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: Observers considered the March parliamentary elections for seats in the Second Chamber of the Netherlands free and fair.

Observers considered the 2020 parliamentary elections on Sint Maarten, the March 19 parliamentary elections on Curacao, and the June 25 parliamentary elections on Aruba all free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized groups, including

persons with disabilities, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons, and indigenous persons, in the political process in the kingdom, 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: Investigations started against several former and sitting members of parliament on Aruba, Curacao, and Sint Maarten, and in some cases resulted in convictions and sentencing by the courts. In January former parliamentarian Chanel Brownbill lost his appeal to his conviction for tax fraud. In March 2020 a court sentenced him to 18 months in prison.

In 2020 a large-scale investigation of 23 million intercepted messages among criminals on the encrypted Encrochat chat service brought to light corruption among police in the Netherlands, such as officers allegedly leaking police information to organized criminals through the chat service. In April media outlets reported that at least seven police officers were arrested on suspicion of corruption.

Section 5. Governmental Posture Towards 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 Dutch government and domestic and international human rights organizations.

Citizens of Curacao and Sint Maarten may bring any complaint before their national ombudsperson. All citizens of the Dutch Caribbean islands can direct complaints to their public prosecutors or to NGOs.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law in all parts of the kingdom criminalizes rape for both men and women, including spousal rape, and domestic violence. The penalty in the Netherlands for rape is imprisonment not exceeding 12 years, a substantial fine, or both. In the case of violence against a spouse, the penalty for various forms of abuse can be increased by one-third. On Aruba, Curacao, and Sint Maarten, the penalty for rape is imprisonment not exceeding 15 years, a substantial fine, or both. Authorities effectively prosecuted such crimes.

The government estimated that each year, approximately 200,000 persons are confronted with serious and repeated domestic violence. Authorities used various tools to tackle and prevent domestic violence, including providing information, restraining orders for offenders, and protection of victims. Reliable crime statistics were not available for the islands.

The governmental Central Bureau of Statistics reported in September that one in five young persons between the ages of 16 and 24 had been a victim of domestic violence between March 2019 and April 2020. The bureau report identified girls were more vulnerable than boys and men were more likely to commit domestic violence, included physical and verbal attacks.

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

preventing domestic violence.

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 survivors 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, a substantial fine, or both. 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.

On Curacao the Victims Assistance Foundation assists survivors. On Sint Maarten there was no central institution handling sexual harassment cases. According to the law, substantive civil servant law integrity counselors must be appointed for each ministry. These integrity counselors advise civil servants on integrity matters, and 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.

The Sint Maarten government established a victim support unit. Sexual harassment also qualifies as a criminal offense, in which case prosecution is possible and persons are eligible to receive support.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Some religious and cultural communities discouraged premarital sex, the use of contraception, or both. Although no government policies or legal, social, or cultural barriers adversely affect access to skilled health attendance during pregnancy and childbirth in the Dutch Caribbean islands, there are barriers on

Aruba and Curacao for the large population of undocumented migrants that do not have access to the public health insurance system. Migrants, however, do have access to generalized medical care. Hospitals provided medical emergency assistance, including regarding birth and accidents, to all.

On July 28, an Arnhem court ruled that the in vitro fertilization (IVF) tax benefit should also be available to same-sex couples and called upon politicians to adjust the law, which only allows the benefit on the grounds of a medical issue. The case involved the tax authority's denial of a request from a same-sex male couple – both of whom were found fertile – for the IVF tax benefit for their surrogate's treatment outside the country. The court stated that the law was discriminatory as same-sex male couples required additional services, such as surrogacy and IVF, for biological reproduction.

The government provides access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of clinical management of rape.

Discrimination: Under the law women throughout the kingdom have the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The governments enforced the law effectively, although there were some reports of discrimination in employment (see section 7.d., Discrimination with Respect to Employment and Occupation).

Systemic Racial or Ethnic Violence and Discrimination

The laws throughout the kingdom prohibit racial, national, or ethnic discrimination, and the government enforced these prohibitions effectively.

Various monitoring bodies in the Netherlands reported that in 2020 there were more reports of discrimination than in 2019. In total, various organizations received more than 17,000 complaints, an increase of 6,000 compared to 2019. Police registered 6,141 discrimination incidents in 2020, 12 percent more than in 2019. According to various monitoring bodies, the largest percentage (43 percent) of incidents of discrimination registered with police in 2020 had to do with a

person's origin, including color and ethnicity. Almost all these incidents concerned persons of non-Western backgrounds, including Turkish, Moroccan, and East Asian persons. Police reported that, of these incidents, 14 percent involved physical violence, although in most cases this did not go beyond pushing and shoving. Approximately 20 percent of the reports received by antidiscrimination agencies concerned the labor market. Examples include discrimination experienced during the recruitment process or by colleagues or clients.

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). On September 28, Minister for Interior Affairs and Kingdom Relations Kajsa Ollongren appointed Rabin Baldewsingh as the Netherlands' first national coordinator on racism and discrimination. In this role, Baldewsingh is expected to work with the cabinet to create a multiyear national program against discrimination and coordinate with stakeholders including the national coordinator for countering anti-Semitism.

The ad hoc national Advisory Board on Slavery History (Advisory Board) presented recommendations for Minister Ollongren's consideration, including recognizing *Keti Koti* (break the chains) as a national holiday and issuing a national apology during its July 1 celebrations, which commemorate the emancipation of slaves in the Dutch Caribbean and Suriname. On the same day, Mayor Femke Halsema issued her own apology on behalf of Amsterdam, the first of several cities considering such a move after studying their own slavery histories. Societal and political divisions, however, abound regarding the sensitive issue of a national apology, with many citizens believing an apology is unnecessary. The city of Utrecht published its report on June 30 outlining how the city was directly involved in and benefited from slavery. On June 28, the city of The Hague announced it would begin an investigation into its own slavery history to be completed in 2022. The cities of Amsterdam and Rotterdam identified their links to slavery, respectively, in September and October 2020.

Another source of debate on racism was the traditional figure of Black Pete, the assistant to St. Nicholas during the annual celebration for children on December 5. For years antiracism campaigners protested the Black Pete tradition of blackface as an offensive relic of colonial times. Meanwhile, more communities discontinued

blackface Black Pete in the traditional St. Nicholas parades; major department stores and online retailers stopped selling products showing the blackface Black Pete image. Media noted that “sooty” Petes had replaced blackface Petes in most municipalities, citing a survey of more than 210 municipalities, in which 123 chose “sooty” Petes and 10 reported choosing to keep traditional Black Petes. A 2017 survey found 239 municipalities chose the traditional Black Pete compared to 19 “sooty” Petes. YouTube announced in November it would not ban portrayals of Black Pete in blackface but would continue its policy of prohibiting monetization via advertising of this type of portrayal.

On September 22, a municipal court in The Hague ruled that the use of a travelers’ ethnicity to make screening determinations by the Royal Marechaussee, the military police responsible for border control, was not discriminatory if other risk indicators were present. The lawyer of the coalition of plaintiffs, including Amnesty International, characterized the ruling as a “missed opportunity for the Netherlands” and filed an appeal. In November the Royal Marechaussee stated it would end this practice.

In the Netherlands police received training on avoiding ethnic or racial profiling, although Amnesty International stated ethnic profiling by police continued to be a concern. The government put into place more effective procedures to process reports of discrimination and assist victims, including an independent complaints committee.

Children

Birth Registration: Throughout the kingdom 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 throughout the kingdom. 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.

Aruba has a child abuse reporting center. On Curacao, while physicians were not required to report to authorities instances of abuse they encountered, hospital officials reported indications of child abuse to authorities. On Sint Maarten the law addresses serious offenses against public morality, abandonment of dependent persons, serious offenses against human life, and assault that apply to child abuse cases.

The Public Prosecutor Offices in the Dutch Caribbean provide information to victims of child abuse concerning their rights and obligations in the juvenile criminal law system.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 in all parts of the kingdom. In the Netherlands and on 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 on 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 age of consent is 16 throughout the kingdom.

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 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 Netherlands, estimated the Jewish population in the Netherlands at 40,000 to 50,000.

In April 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 2020, lower than in 2019 when a spike of 182 incidents was registered. CIDI posited that the statistics were somewhat distorted due to the impact of

pandemic-related lockdowns and the lack of large public gatherings, which decreased the total number of all types of physical interactions. CIDI explained that most anti-Semitic incidents occurred in public when individuals were recognized as being Jewish. CIDI stated the number of anti-Semitic incidents online rose during the pandemic.

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 slogans such as “Heil Hitler.” Persons 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 no violent confrontations in 2020, as compared to one incident in 2019. CIDI also noted that 2020 saw a steep rise in the number of conspiracy theories and theorists, both on social media and in public, which portrayed members of the Jewish community as the cause or beneficiaries of the coronavirus pandemic. In one case, a Dutch-run website referred to the conspiracy theory that the Jewish community maintained control over the world through the pandemic.

CIDI claimed registered incidents were likely only a small portion of the number of all incidents and pointed to research by the EU Fundamental Rights Agency in 2018 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.

Acts of anti-Semitism accounted for 19 percent of all discrimination incidents reported to the Public Prosecutor’s Office in 2020, compared to 40 percent in 2019. CIDI and police stated that one explanation for the decrease was that soccer games were played without an audience due to the COVID-19 measures. In 2019, three-quarters of anti-Semitic incidents reviewed by the Prosecutor’s Office’s National Expertise Center for Discrimination and police involved anti-Semitic statements and chants by soccer fans, mostly concerning the Amsterdam soccer team Ajax, whose fans and players were nicknamed “Jews.”

In 2020 the government-sponsored but editorially independent Registration Center for Discrimination on the Internet reported that it received 40 complaints of Dutch-

language anti-Semitic expressions on the internet, which constituted 5 percent of all reported discriminatory expressions it received that year but were fewer than in the previous year. The organization gave no explanation for the decrease. CIDI did not report complaints of anti-Semitic expressions on the internet.

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

The government's first national coordinator on countering anti-Semitism, Eddo Verdoner, began his duties on April 1. The national coordinator reports directly to the minister of justice and security and works to strengthen cooperation between government and civil society stakeholders in combating anti-Semitism. Following parliamentary motions calling for the extension of the coordinator's original mandate, the government announced in December it would fund the position for the coming five years.

The government, in consultation with stakeholders, also established measures to counter harassing and anti-Semitic chanting during soccer matches. 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 assisted local organizations with projects to combat anti-Semitism by providing information and encouraging exchange of best practices among key figures from the Jewish and Muslim communities.

The Jewish populations in the Dutch Caribbean are 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

In the Netherlands the law requires equal access to employment, education, health services, 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.

The government generally enforced the law effectively, although government enforcement of rules governing access was inadequate. Public buildings and public transport were not always accessible, sometimes lacking access ramps.

Laws throughout the kingdom ban discrimination against persons with physical, sensory, intellectual, and mental disabilities. The NIHR reported that in 2020 it received 715 cases of discrimination on the grounds of disability or chronic illness – 36 percent of all cases it received that year – compared to 914 such cases in 2019. During the March general elections, authorities received 139 reports of discrimination on the ground of disability, including regarding inaccessible voting booths for some individuals with certain disabilities.

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 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 to obtain 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.

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

There were hundreds of reports of discrimination against LGBTQI+ persons. In 2020, 32 percent of incidents of discrimination registered by police concerned sexual orientation. Of those incidents, 67 percent concerned verbal abuse, 14 percent physical abuse, and 14 percent threats of violence. It continued to be common practice for police to be insulted with the use of LGBTQI+ slurs. Prosecutions were rare; many incidents were not reported, allegedly because victims often believed that nothing would be done with their complaint.

According to a survey of 3,800 members of the LGBTQI+ community in the Netherlands by a television program, most respondents reported it was difficult to be openly gay in the Netherlands. In addition, many respondents stated that they did not believe they were free to walk hand-in-hand with their partner (50 percent) or to exchange a kiss in public (54 percent). In one case of physical violence, a group of boys attacked a gender-neutral teenager at a playground in the city of Amstelveen on July 27, resulting in the victim's hospitalization for severe injuries, including a broken nose, fractured jaw, and dislodged teeth. The victim's father reported to authorities and media that the victim was assaulted after the teenager refused to respond whether they were a boy or a girl. Police investigated the attack; they arrested a boy age 14 who was awaiting trial at year's end, and continued to search for other perpetrators.

The Dutch government told parliament June 1 that it would not prohibit the practice of LGBTQI+ "conversion therapy" without additional research to understand how the government could enforce such a prohibition while balancing "freedom of choice" to undergo the practice. On June 26, hundreds of persons demonstrated in Amsterdam against the alleged outsized role of psychologists in determining whether a transgender individual may qualify for hormone treatments and surgery in response to media reports regarding the difficulties faced by several patients of the Amsterdam University Medical Center.

An Amsterdam court ruled July 21 that a plaintiff assigned female gender at birth may retroactively change the gender field on their birth certification from "F" for female to "X" for nonbinary, for the first time in the country. The Prosecutor's

Office argued that there were no legal provisions allowing for the nonbinary option, but the court disagreed, citing the Gender Equal Treatment Act. In 2018 a nonbinary person received a passport with “X” as the gender marker for the first time, but their birth certificate noted that the gender could not be determined, an interim solution that the courts had adopted until the July 21 ruling.

Throughout the kingdom the law prohibits discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services such as health care. The governments generally enforced the law.

The law explicitly prohibits discrimination on grounds of sex characteristics, gender identity, and gender expression. The government urged institutions and companies to stop unnecessary registration of gender. The law allows for higher penalties for violence motivated by anti-LGBTQI+ bias.

Police had a Netherlands-wide network of units dedicated to protecting the rights of LGBTQI+ persons. The city of Amsterdam’s informational call center was dedicated to increasing safety for LGBTQI+ persons. The Ministry of Justice and Security sponsored a campaign in LGBTQI+-oriented media to encourage victims to report incidents and file complaints with police.

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 2020 police registered 180 incidents on the grounds of religion, mainly against Muslims, out of a total of 6,141 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, including the Office of the National Coordinator for Counterterrorism and Security as well as city authorities, closely monitored threats directed at Islamic institutions, including approximately 500 mosques. In 2020, eight incidents at mosques were reported to have been painted on or graffitied. 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 governments effectively enforced applicable laws. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. 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.

b. Prohibition of Forced or Compulsory Labor

Throughout the kingdom the law prohibits all forms of forced or compulsory labor, and the governments 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 commensurate with those for other analogous serious crimes, such as kidnapping.

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 an investigation, cases were referred to the Public 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. On Sint Maarten the lack of standard procedures for frontline responders to identify forced labor victims hindered the government's ability to assist such persons.

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). Refugees and asylum seekers, including unaccompanied children, were vulnerable to labor 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 groups children into three age categories for purposes of employment: 13 to 14; 15; and 16 to 17. Children in the youngest group are only allowed to work 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. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

Aruba's law prohibits the worst forms of child labor. On Aruba the minimum age for employment is 15. The rules differentiate between "children," who are younger than 15, and "youngsters" who are between the ages of 15 and 18. Children who are 13 or older and who have finished elementary school may work,

if doing so is necessary for learning a trade or profession (apprenticeship), is not physically or mentally taxing, and is not dangerous. 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" who are younger than 15 and "youngsters" who are between the ages of 15 and 18. Children who are 12 or older and who have finished elementary school may work, if doing so is necessary for learning a trade or profession (apprenticeship), is not physically or mentally taxing, and is not dangerous. The 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. On 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 governments effectively enforced the laws. The law applies to all refugees with residency status. Penalties were commensurate to laws related to civil rights, such as election interference.

The NIHR, which covers the Netherlands, Bonaire, Saba, and Sint Eustatius, 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. The NIHR noted in its yearly report that in 2020, the coronavirus pandemic profoundly affected the Dutch labor force but disproportionately impacted persons with lower levels of education, youths, migrants, and persons with disabilities or physical or mental health conditions that

do not allow them to work. In 2020, 51 percent of the 638 cases addressed by the NIHR were cases of possible labor discrimination. For example, NIHR judged that a judicial bailiff company discriminated on the grounds of religion by not employing a woman because she wore a headscarf. It also found the national postal services guilty of discrimination for not considering the chronic illness of an employee during its structural reorganization. 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 requirements for 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, sex, religion, and disability. The country's residents 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 unemployment rate of persons of other than of West European background during 2020 was more than twice that of ethnic Dutch (8.2 percent vs 3 percent) and the unemployment rate among youths with a non-West European background was also twice as high compared to the rate among ethnic Dutch youth. The government completed implementing a pilot program, "Further Integration on the Labor Market," to improve the competitiveness of persons with a migrant background who are seeking work in the Netherlands.

In 2019 the NIHR reported there were at least 37 claims of discrimination in employment related to pregnancy. Unemployment among women was higher than for men, and women's incomes lagged behind those of their male counterparts.

There were no reports of labor discrimination cases on Curacao, Aruba, or Sint Maarten.

e. Acceptable Conditions of Work

Wage and Hour Laws: In the Netherlands the minimum wage for an adult older than 21 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. Penalties were commensurate with those for similar crimes, such as fraud.

On Aruba, Curacao, and Sint Maarten, the monthly minimum wage was considered sufficient to ensure a decent living for workers, according to the three governments.

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.

Occupational Safety and Health: In the Netherlands the government set occupational safety and health (OSH) standards across all sectors. OSH standards were appropriate for primary industries and frequently updated. The situation was similar in Aruba, Curacao, and Sint Maarten. On Sint Maarten the government established guidelines for acceptable conditions of work in both the public and private sectors that cover specific concerns, such as ventilation, lighting, hours, and terms of work. The Ministries of Labor in 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. Penalties for violations of OSH laws were commensurate with those for crimes like negligence. The inspectorate can order companies to cease operations due to safety violations or shut down fraudulent temporary employment agencies that facilitate labor exploitation. The number of labor inspectors, who have the authority to make unannounced inspections and initiate sanctions, was sufficient to enforce compliance. In 2020 the government set up a special team to draft a report and provide recommendations to structurally improve the working and living conditions of migrant workers. Government and civil society stakeholders asserted the pandemic made exploitation and mistreatment of migrant

workers more visible. The government implemented several recommendations throughout the year to prevent violations, including ensuring registration of labor migrants, improving their medical position, and launching a multilanguage website where labor migrant can learn more concerning their rights.

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 on Aruba, Curacao, and Sint Maarten, although the underpaid workers were generally from Latin America.