

THE NETHERLANDS 2020 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. Second Chamber elections in 2017 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.”) Sint Maarten’s January 9 parliamentary elections were considered free and fair. Elections for seats in the Netherlands’ First Chamber in May 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 entire kingdom maintained effective control over the security forces. Members of the security forces committed few abuses.

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

Authorities in the kingdom identified, investigated, prosecuted, and punished officials who committed abuses.

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 governments or their agents committed arbitrary or unlawful killings. In the Netherlands, separate bodies investigate whether security force killings were justifiable and pursue prosecutions when found not to be so. The Military Chamber of the Gelderland Provincial Court in Arnhem dispenses military justice to members of the Dutch armed forces. The National Police Investigative Department, under the Ministry of Justice and Security, and the Public Prosecutor's Office perform these functions regarding possible crimes committed by police. In the Dutch Caribbean, the islands' Public Prosecutor's Office and the Court of Justice perform these functions.

The Netherlands does not allow involuntary euthanasia, but has statutory rules and procedures for the termination of life upon request by a patient. By law approval of a patient's request for euthanasia requires all of the following conditions be met: the patient's suffering must be unbearable with no prospect of improvement; the patient's request must be voluntary and persistent over time; the patient must be fully aware of his or her condition, prospects, and options; at least one other independent doctor must confirm the condition; and the patient must be at least 12 years old (those between 12 and 16 years of age require consent of their parents) and suffering from a terminal illness.

On October 13, Minister of Health Hugo de Jonge announced the government had approved plans to allow euthanasia for terminally ill children between the ages of one and 12 with mandatory parental consent, in addition to the standard euthanasia requirements. He stated the government would draft new regulations for this practice.

Some organizations expressed concern regarding possible problems with the procedures in place based on a 2017 government report, which outlined 18 cases in 2015 in which the patient's "explicit consent" was not obtained. The report found that in these 18 cases, other additional procedures were taken and the euthanasia was carried out properly under the law. An independent review committee monitored cases for compliance and occasionally presented complicated cases for

review by the Prosecutor's Office. Prosecutor's Office reviews found all the procedures were followed correctly.

Euthanasia is punishable by law in Aruba, Curacao, and Sint Maarten.

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, but there was one report that asserted government officials employed them.

The nongovernmental organization (NGO) Amnesty International in its 2019 report criticized the Netherlands' use of special high-security detention units for persons arrested on terrorism charges and awaiting trial or convicted of terrorism, based on findings in a 2017 joint report with the Open Society Initiative. The NGO specifically noted that persons were detained in these units without individual assessments, and claimed that some security measures employed in these units, such as invasive body searches, isolation, and constant monitoring, could be considered cruel, inhuman, or degrading treatment. Amnesty International acknowledged the government had implemented reforms for the improved treatment of such detainees since 2017, including establishing a personalized regimen for a detainee based on a risk-based assessment of the individual. The NGO, however, maintained this assessment should occur before the detainee's placement in these detention units, not afterward.

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 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.

On Aruba and Curacao, some undocumented Venezuelans who were scheduled to be deported remained in immigration detention longer than expected in a location that is intended for short stay only, because Venezuela only infrequently allowed repatriation flights from Aruba and Curacao.

The Sint Maarten Public Prosecutor reported that some suspects were in custody for longer than the permitted 10 days at the Sint Maarten police station because of a lack of prison cells elsewhere. Such practices ceased after a European Court for Human Rights ruling in December 2019. 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. During the year, a criminal investigation of this matter continued in Curacao.

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 2015 CPT report, Sint Maarten added staff, daytime activities, rehabilitation programs, and electronic surveillance. On Curacao, improvements included Dutch government-funded renovations of the detention center and prison, 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 visitation rights. In the Netherlands and Curacao, 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 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 Restitution

The Netherlands 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. The government seeks 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 say that bureaucratic procedures and poor record keeping have been barriers to restitution efforts. There are no active restitution cases on Curacao, Aruba, or Sint Maarten.

The Department of State's Justice for Uncompensated Survivors Today Act report to Congress, released on July 29, 2020, 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 there was one report raising concern regarding the government's respect for these prohibitions. In a

September 29 report, Amnesty International criticized a predictive policing pilot project in the city of Roermond. Using cameras and other sensors, police monitored persons driving around the city, collecting information about vehicles and movement patterns. An algorithm then calculated a risk score for each vehicle to assess whether the driver and passengers were likely to commit a property crime. Amnesty charged that one indicator used was whether persons in the vehicle were from Eastern Europe. Amnesty criticized both the mass surveillance used in such projects and the fact that the systems discriminated specifically against East Europeans. On October 1 and 2, members of parliament from opposition parties submitted parliamentary questions to the government based on Amnesty's report. As of December the minister of justice had not responded other than to inform parliament the government's responses would be delayed.

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 Speech: It is a crime to “verbally or in writing or image deliberately offend a group of people because of their race, their religion or beliefs, their sexual orientation, or their physical, psychological, or mental 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 monetary fine, or both. In the Dutch Caribbean, the penalties for this offense are imprisonment for a maximum of one year or a monetary 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 September 4, an appellate court upheld Party for Freedom leader Geert Wilders' 2016 conviction for “group insult” against Moroccans at a 2014 political rally. The appeals court threw out the charges of inciting hatred and discrimination, finding that Wilders made the remarks for political purposes, rather than to inspire discrimination. The court upheld his conviction, however, for “group insult,” a crime of deliberately insulting a group of persons because of their race, religion, or conviction. As was the case in the original 2016 conviction,

Wilders did not receive a punishment. Wilders asserted the conviction violated his right to freedom of expression and stated he would appeal the conviction to the Supreme Court.

Freedom of 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. Disputes occasionally arose over journalists’ right to protect their sources.

Nongovernmental Impact: Several crime reporters and media outlets in the Netherlands faced threats, violence, and intimidation from criminal gangs. If required by circumstances, reporters receive temporary police protection. On February 2, two assailants punched and threatened to kill Pakistani blogger Ahmad Waqass Goraya outside his Rotterdam home.

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 advocated a common European approach for dealing with online hate speech. 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 peaceful 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 governments generally respected these rights.

Beginning in March kingdom authorities established temporary restrictions on internal movement and foreign travel to limit the spread of COVID-19.

Citizenship: Some human rights organizations questioned the law which allows revocation of the Dutch citizenship of dual nationals suspected of being a foreign terrorist fighter. During the year the government did not revoke any dual citizen's citizenship on the basis of terrorism.

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, asylum seekers, stateless persons, and other persons of concern. Curacao expelled UNHCR in 2017 and has allowed UNHCR neither to establish an office nor to interview refugees.

Abuse of Migrants, Refugees, and Stateless Persons: Human rights organizations 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.

The LGBT Asylum Support Foundation reported more than 60 cases of violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in asylum centers in the Netherlands between June and August and urged for the creation of separate living quarters in asylum centers for LGBTI asylum seekers. Most of the violence was instigated by asylum seekers who discriminated against LGBTI individuals.

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 there. Curacao and Sint Maarten may have a legal basis, however, 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. Both governments developed corresponding national procedures but did not amend their immigration statutes. The Netherlands and Aruba have legal protections to prevent refoulement. In Aruba, however, authorities deported Venezuelans, who had stated to human rights organizations that they would face abuse if returned to Venezuela, without adjudicating their asylum claim.

There were disagreements between the government of the Netherlands and human rights organizations on the deportation of rejected asylum seekers to countries such as Afghanistan, Iraq, Sudan, and Bahrain. The courts agreed with the government that conditions in these countries were safe enough to deport these individuals. One case concerned the 2018 deportation of Ali Mohamed al-Showaikh, a rejected asylum seeker from Bahrain, who was immediately arrested upon his deportation to his home country. The government was reproached by human rights organizations for ignoring pertinent information that al-Showaikh would be at risk if deported.

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.

Curacao established an asylum policy based on Article 3 of the European Convention on Human Rights.

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 asylum seekers each in Aruba and Curacao and another 1,000 in Sint Maarten. 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 Venezuelan asylum seekers back to their home country. Local human rights organizations reported that Aruba and Curacao deported asylum seekers who had presented credible facts suggesting that they would face abuse for their political beliefs if returned to Venezuela.

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 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 the authorities cannot deport the detained individual within this time period, he or she 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 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 per year for resettlement through UNHCR, and the governments of the Dutch Caribbean accepted up to 250 each. In 2019 the government also relocated

up to 350 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 governments provided financial and in-kind assistance to 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

During the year, Statistics Netherlands reported the registration of 45,947 persons under “nationality unknown,” which also included stateless persons. 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 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 January 9 parliamentary elections on Sint Maarten free and fair. Observers also considered the 2017 parliamentary elections for seats in the Second Chamber of the Netherlands free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minorities 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: On May 15, Theo Heyliger, a former member of Sint Maarten's parliament, was sentenced to five years' imprisonment for accepting bribes related to construction projects. Two other defendants received lesser sentences in the same case.

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 via the chat service. The chief of the National Police announced September 16 the establishment of a special team in the National Investigation Service to investigate the matter. He anticipated this would result in criminal investigations and stated that, if necessary, police would intensify efforts to combat internal corruption.

Financial Disclosure: The laws throughout the kingdom do not require income and asset disclosure by officials. In 2019 the evaluation of the Council of Europe's Group of States against Corruption 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 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, Societal Abuses, and Trafficking in Persons

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 monetary fine, or both. In the 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, a substantial monetary fine, or both. Authorities effectively prosecuted such crimes.

The government estimated that every year approximately 200,000 persons are confronted with serious and repeated domestic violence. It 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.

In April the government budgeted 59.1 million euros (\$71 million) available in 2021 to tackle domestic violence and child abuse. It 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.

Female Genital Mutilation/Cutting (FGM/C): The government published in February a new action agenda to combat harmful practices against women, including FGM/C, forced marriage, and honor-related violence. No FGM/C cases have been reported to have occurred within the Netherlands. The action agenda

outlines ways to identify and prevent girls from being taken to other countries to undergo FGM/C and to assist Dutch national victims abroad.

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, a substantial monetary 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.

In Curacao the Victims Assistance Foundation assists survivors. 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 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 governments enforced the law effectively, although there were some reports of discrimination in employment.

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. 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.

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 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 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 continued to implement a national plan against child sex tourism and screened for potential child sex tourists at airports in cooperation with foreign governments. 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 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 February the NGO Center for Information and Documentation on Israel (CIDI), the main chronicler of anti-Semitism in the Netherlands, reported 182 anti-Semitic incidents in 2019, an increase of 34 percent over 2018, as well as 127 incidents online. Most occurred within the victims' regular life routine, such as at school or work or in the company of persons 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." 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. In one case, the Royal Dutch Football Association suspended a youth soccer coach in Amsterdam for harassing an 11-year-old Jewish player over the boy's religion, including referring to him as "cancer Jew."

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 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.

Three-quarters of anti-Semitic incidents reviewed by the Prosecutor's Office's National Expertise Center for Discrimination and police in 2019 related to anti-Semitic statements and chants by soccer fans, mostly concerning the Amsterdam soccer team Ajax, whose fans and players are nicknamed "Jews."

In 2019 MiND Nederland reported it received 75 complaints of Dutch-language anti-Semitic expressions on the internet, which constituted 11 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

reported an increase in complaints of anti-Semitic expressions on the internet it received from 95 in 2018 to 127 in 2019. At the request of CIDI, Kantar, a data analytics consultancy, analyzed approximately 750 Dutch-language anti-Semitic tweets and 300 websites from the year 2019. It found that two-thirds of anti-Semitic messages on Twitter were posted under the guise of criticism of Israel or Zionism, but they often displayed classic anti-Semitic stereotypes.

Dutch government ministers regularly met with the Jewish community to discuss appropriate measures to counter anti-Semitism. Government efforts included raising the issue 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.

In July the Second Chamber adopted a plan of action with the aim to counter anti-Semitism more effectively which included appointing a National Coordinator to Combat Anti-Semitism, setting up a pilot program to deploy specialized detectives to investigate anti-Semitic incidents, and increasing attention to the problem of anti-Semitism in training of teachers and youth care.

In 2019 the Dutch railway announced it would pay individual compensation for damages to approximately 5,000-6,000 Holocaust survivors and their surviving spouses and children for the company's role in transporting victims to the Westerbork transit camp during the war. The application deadline for the Netherlands national railway's individual compensation program for Holocaust victims was August 5. On June 26, the railway announced it would donate five million euros (\$6 million) to Holocaust remembrance sites as a "collective expression of recognition" of all 102,000 victims. The Jewish community criticized the railway for not consulting with them on the decision.

The government, in consultations 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

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. Public buildings and public transport were not always accessible, sometimes 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 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.

Members of National/Racial/Ethnic Minority Groups

The laws throughout the kingdom prohibit racial, national, or ethnic discrimination.

Various monitoring bodies in the Netherlands reported that the largest percentage (39 percent) of incidents of discrimination registered with police in 2019 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 and Moroccans. Police reported that of these incidents, 15 percent involved physical violence, although in most cases this did not go beyond pushing and shoving. 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).

Following the global and domestic outbreaks of COVID-19 in the spring, members of the Dutch Asian community reported increased discrimination in the form of insults, jokes, threats, violence, and vandalism, linking Asian ethnicity with the spread of coronavirus. In early February the local radio channel Radio 10 played the song, "Prevention is Better than Chinese," the lyrics of which linked COVID-19 infections with Chinese persons and eating Chinese food. After an outcry against the song, the radio station apologized for playing it; the Public Prosecutor's Office found no criminal offense was committed in playing the song. A group of youth attacked a Dutch woman of Chinese descent in Tilburg February 22 after she requested the group to stop singing the Radio 10 song. The woman told media she received a concussion and several cuts from the attack. Over 57,000 individuals signed the online petition, "We are not the Virus," which called for the end of COVID-related racial discrimination in the country. In an April 14 letter to parliament, Health Minister De Jonge stated the cabinet found discrimination along these lines unacceptable.

During the summer, demonstrations against police brutality and racism abroad triggered numerous antiracism demonstrations throughout the Netherlands and heated debate among politicians and in media. During a June 3 parliamentary debate, Prime Minister Mark Rutte admitted that racism is a major problem in the Netherlands and spoke of "systemic racism," particularly in the labor market and in education, but also within institutions like police and the tax authority. The government reached out to the domestic Black Lives Matter group and other diversity and ethnic-based organizations to discuss how to counter racism more effectively.

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. In June Prime Minister Mark Rutte conceded

that he realized the tradition has offended many persons of color. He stated it was not up to the government to abolish Black Pete, predicting that Black Pete would no longer be part of festivities in a few years on its own because local municipalities were increasingly opting not to include a blackface Black Pete or opting for substitutes such as Rainbow Black Pete. 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, while Facebook and Instagram announced a ban on blackface images in August. According to a survey issued on December 2 by I&O Research, a research consultancy, 39 percent of respondents said blackface Black Pete should remain part of St. Nicholas festivities, down from 65 percent of respondents surveyed four years ago.

In the Netherlands police received training on avoiding ethnic or racial profiling, although Amnesty International continued to criticize 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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Throughout the kingdom the laws prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. The governments generally enforced those laws.

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-LGBTI bias. There were hundreds of reports of anti-LGBTI discrimination. In 2019, 29 percent of incidents of discrimination registered by police concerned sexual orientation. Of those incidents, 62 percent concerned verbal abuse, 17 percent physical abuse, and 16 percent threats of violence. It continued to be common practice for police to be insulted with the use of LGBTI slurs. Prosecutions were rare; many incidents were not reported allegedly because victims often believed that nothing would be done with their complaint (see also section 2.f.).

The Dutch government apologized December 1 for the now-defunct Transgender Act, which from 1985 to 2014 forced transgender individuals to undergo sterilization or gender reassignment if they wished to change their sex on their birth certificate legally. In a letter to parliament, Education Minister Ingrid van Engelshoven and Legal Protection Minister Sander Dekker acknowledged the law led to serious suffering. They also presented a financial compensation program of 5,000 euros (\$6,000) for each of the estimated 2,000 persons affected by the law. Transgender and human rights advocates welcomed the government's apology and recognition of those who suffered under the law.

The Transgender Network Netherlands worked with authorities and NGOs to advance the rights of transgender persons and to combat discrimination. The group continued to promote 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 is dedicated to increasing safety for LGBTI persons. The Ministry of Justice and Security sponsored a campaign in LGBTI-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 2019 police registered 225 incidents on the grounds of religion, mainly against Muslims out of a total of 5,487 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 2019, 12 incidents at mosques were reported. 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. In 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, are 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 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. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

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 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. In 2019, 49 percent of the cases addressed by the NIHR were cases of possible labor discrimination. For example, NIHR judged that an information technology company discriminated on the grounds of age by soliciting applications in the age category of 25 to 35. It also found a mental health institution guilty of discrimination for not extending a contract of an employee because she became pregnant. 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 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 unemployment rate of persons of non-Western background during 2019 was more than twice that of ethnic Dutch, while the unemployment rate among youths with a non-Western background was almost three times higher than among ethnic Dutch youth. The government continued to implement a program--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. The NIHR reported in 2019 at least 37 claims of discrimination in employment related to pregnancy. Female unemployment was higher than male, and female incomes lagged behind those of male counterparts.

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

e. Acceptable Conditions of Work

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.

In 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.

In the Netherlands the government set occupational health and safety (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. In Sint Maarten the government established guidelines for acceptable conditions of work in both the public and private sectors. These guidelines covered 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.

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.