

# THE NETHERLANDS

## EXECUTIVE SUMMARY

The Kingdom of the Netherlands, which includes the Netherlands, Aruba, Curacao, and St. Maarten, is a constitutional monarchy. The Netherlands (the term used to designate the European part of the kingdom and the Caribbean islands of Bonaire, Saba, and Sint Eustatius) has a bicameral parliament; a first chamber (the Senate) is elected by the country's 12 provincial councils and a second chamber (the House of Representatives) by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. General elections held in June 2010 were free and fair. Aruba, Curacao, and St. Maarten have unicameral parliamentary systems and are largely autonomous, except in foreign policy and defense. The Kingdom of the Netherlands is responsible for safeguarding fundamental human rights and freedoms in its territories. Security forces reported to civilian authorities.

In a country with no widespread or systemic abuses, the most salient human rights problem was societal animosity toward certain ethnic and religious groups, particularly Muslim immigrants from North Africa and the Middle East. In Aruba, Curacao, and St. Maarten, prison conditions remained substandard in some respects.

In the Netherlands, authorities prosecuted individuals during the year for violations of a law prohibiting public speech that incites hatred or discrimination, although there were no reported convictions. There were reports of violence against women and children, anti-Semitic incidents, societal discrimination and violence against some religious and ethnic minorities, and trafficking in persons for sexual exploitation and forced labor.

The government took steps to prosecute officials who committed abuses, and there were no indications that impunity existed.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

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

In the Netherlands, prison and detention conditions generally met international standards; in Aruba, Curacao, and St. Maarten, prison conditions remained substandard in some respects. The government permitted visits by independent human rights observers but none occurred during the year.

In the Netherlands, as of September 2009, 11,682 adults were in detention, approximately 7 percent of them women. These figures exclude 2,000 persons undergoing treatment at Forensic Psychiatric Centers and about 1,500 persons held in alien detention. In 2009 a daily average of 713 juveniles were in detention. The occupancy rate in prisons was approximately 86 percent. The capacity of prisons and detention centers was 12,600 for adults and 1,310 for juveniles. No figures were available on the prevalence of deaths of detainees in prisons or pretrial detention centers.

As of October, 246 persons, approximately 6 percent of them women, were in detention in Aruba; the occupancy rate was an estimated 65 percent.

In St. Maarten 138 persons were in detention, approximately 3 percent of them women; the occupancy rate was 96 percent. In Curacao, 502 persons were in detention, approximately 5 percent of them women; the occupancy rate was about 71 percent.

In all territories prisoners had access to potable water. A “supervisory committee” was available to hear the complaints of any prisoner. There were no reports of inadequate recordkeeping or that female prisoners were treated worse than males. In the Netherlands, alternative punishments such as fines, community service, or electronic house arrest were common for less serious offenses. There was no available information on alternative sentencing possibilities in Aruba. In Curacao there was a small-scale program to place selected individuals under house arrest and monitor them electronically. Authorities in St. Maarten had the option of imposing community service and fines as punishment for nonviolent offenders, and they made use of this option during the year.

In all territories authorities monitored prison and detention center conditions. Authorities permitted prisoners and detainees to receive visitors. Prisoners were permitted religious observance. They could submit complaints to a supervisory committee, to the penitentiary institution's official who decides on the placement of prisoners, or to the prison system's complaint commission. In many cases complainants had the option to appeal. Authorities addressed complaints adequately with respect for due process of law.

Authorities permitted visits by independent human rights observers. No visits occurred during the year.

In Curacao and St. Maarten, authorities did not increase prison capacity sufficiently to allow separate facilities for juvenile offenders. Judges may sentence juveniles under the age of 16 who have committed serious offenses to prisons where they serve time together with adults. However, there was one cell block at the prison in Curacao reserved for youth offenders.

In St. Maarten, inmates struck briefly in April over a Public Prosecutor's Office decision to send two inmates to prison in Bonaire.

In 2009 the UN Human Rights Committee cited reports describing prison conditions in Bon Futuro Prison and Bonaire Remand Prison as "extremely harsh." However, improvements continued as a result of a 2008 allocation of eight million euros (\$10 million) by the Netherlands government. The Council of Europe's Committee for the Prevention of Torture's (CPT's) 2009 report cited improvements in the prisons in Curacao and St. Maarten, including the opening of a youth section in St. Maarten. Authorities completed the renovation of the Bonaire detention center in 2009 in accordance with CPT standards. A \$2 million renovation of Bon Futuro Prison continued during the year. Curacao authorities completed work on a construction and renovation project for separate holding facilities for undocumented foreign nationals in Curacao. Also in Curacao construction of new entry and exit facilities was nearing completion. Construction of a workshop for prisoner activities continued, and some equipment from the Netherlands was already on site. Staffing at the Curacao prison remained insufficient. The prison director in St. Maarten indicated that prison staffing there was sufficient.

In February inmates from the KIA Prison in Aruba sued the prison authorities because of overcrowding. The Aruba Court of First Instance ruled in favor of 150 prisoners, but the judge gave prison management six months to improve the health and hygiene deficiencies that led to prisoner unrest.

The Aruba Public Prosecutor's Office announced an investigation into possible use of excessive violence by police during their intervention in a prisoners' protest in February. One prisoner was injured and taken to the hospital.

In June the St. Maarten Inmates Association demanded improvement in inmates' living conditions and the availability of health care. They based their demands in part on two court orders dating from 2007 requiring authorities to renovate the prison at Pointe Blanche. Nonetheless, there were reports that authorities did not implement the renovations, even though funds were allocated. In April the government allocated funds to finance staff recruitment at the prison. Construction was completed during the year on separate holding facilities for undocumented foreign nationals.

The Dutch government agreed to finance staff recruitment to strengthen St. Maarten's government. New personnel were being hired to fill vacancies in the Police Force, Detectives Bureau, Pointe Blanche Prison, and Immigration Services among others.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

#### **Role of the Police and Security Apparatus**

In the Netherlands, the Ministry of Security and Justice oversees law enforcement, as do the justice ministries in the Caribbean territories. Civilian authorities maintained effective control over the regional police forces, which have responsibility in law and practice for law enforcement, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

#### **Arrest Procedures and Treatment While in Detention**

A prosecutor or senior police officer must order the arrest of any person, other than one apprehended on the spot for alleged transgressions. Police may question suspects for a maximum of 12 hours (six hours in Aruba, Curacao, and St. Maarten) and detain them for up to three days (two days in Aruba, Curacao, and St. Maarten), with the possibility of an additional three-day extension in cases of "urgent necessity," by order of the public prosecutor without the permission of a magistrate. By the fourth day (the third day in Aruba, Curacao, and St. Maarten), the prosecutor must bring detainees before an examining magistrate for questioning and a decision whether to extend detention for

another 14 days. The court subsequently reviews the validity of continued detention every 90 days. Extensions depend on progress in the preliminary investigation. Authorities must promptly inform detainees of the charges against them.

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

By law suspects have the right to consult an attorney. Nonetheless, in the Netherlands lawyers were not commonly present during the questioning of an adult suspect. The Justice Department established pilot projects to test the practice of having an attorney present during the initial detention and questioning of an adult suspect. In the Caribbean territories a system existed to provide legal aid to indigent detainees, but lawyers did not always appear before questioning began. Authorities in Aruba indicated that if a detainee requested a lawyer, no interrogation would take place without one unless the seriousness of the case dictated otherwise.

There is no provision for bail, but authorities avoided lengthy detention before trial unless there were compelling reasons to keep a person in custody. In Aruba the law requires trials to begin no later than three months after arrest. There was no information on the average length of detention, but as of October, 44 percent of the prison population in Aruba consisted of pretrial detainees.

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

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

#### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that authorities fully inform defendants about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively for persons with low incomes), the presumption of innocence, and the right to appeal. The accused is not present when the examining magistrate examines witnesses, but an attorney for the accused has the right to question them. In most instances defendants and their attorneys have access to government-held evidence relevant to their cases, but in certain cases involving national security, special procedures permit an examining judge to assess the reliability of official intelligence reports without exposing the identities of

intelligence officers or releasing confidential intelligence information to the public or the defendant. In such cases the defense has the right to submit written questions to these witnesses through the examining judge. The law extends the above rights to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The government was responsive to ECHR decisions. During the year the ECHR issued six judgments in cases involving the Netherlands and found violations in four of them.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits for damages related to a possible human rights violation before the regular court system or specific appeal boards. Once individuals exhaust national remedies, they may appeal to the ECHR.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

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

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

#### **Status of Freedom of Speech and Press**

The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech: While freedom of expression was generally respected, it is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender,

sexual orientation, or disability. There were no reports of successful prosecutions during the year. Convictions were rare because courts were reluctant to restrict freedom of expression, especially when it took place within the context of a public debate.

On June 23, the Amsterdam District Court acquitted Freedom Party leader Geert Wilders of offending, inciting hatred toward, and discriminating against, Muslims. Although the court found some of Wilders' anti-Islamic and anti-immigrant statements "rude and disparaging," it did not regard them as "inflammatory" or inciting to hatred and discrimination, given the political context in which they were made. The court noted that prevailing jurisprudence permitted criticism of a religion and the behavior of supporters of a religion.

Freedom of Press: Disputes occasionally arose over journalists' right to protect their sources. As of year's end, the government had not brought Dutch law into compliance with a 2010 ECHR ruling that it should strengthen the legal protections of journalistic sources by providing for an obligatory review by a judge or other independent and impartial decision-making authority, rather than a less independent examining magistrate, before police or the public prosecutor could compel the journalist to reveal their sources.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, authorities continued to pursue policies to prevent what they considered to be incitement to discrimination on the Internet. There were a number of convictions on these grounds. For example, on January 11, the Utrecht District Court convicted an 18-year-old for offending Jews on the Internet and sentenced him to 80 hours of community service, partly at the Anne Frank House in Amsterdam.

Police maintained a list of Web sites they judged to be purveyors of child pornography and reviewed the list periodically. All major domestic Internet service providers have agreed not to permit access to those sites.

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

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

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

The law provides for freedoms of assembly and association, and the government generally respected these rights in practice.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: Authorities denied asylum to persons who came from so-called safe countries of origin or who had resided for some time in safe countries of transit. They used EU guidelines to define such countries. Applicants had the right to appeal the denials. The government did not return asylum seekers under the Dublin II Regulation to Greece following a January 21 ruling by the ECHR against Belgium and Greece. Instead, these applications, numbering approximately 1,950, were processed in the Dutch asylum procedure.

Nonrefoulement: Authorities gave serious attention to the prohibition of refoulement. Decisions on deportations to countries or localities where, in the opinion of some specialists in refugee matters, safety from persecution was not assured were made in close consultation with the Foreign Ministry and international human rights organizations. At times the UNHCR and nongovernmental organizations (NGOs), including Amnesty International, objected to government efforts to return persons to countries such as Iraq, Afghanistan, and Somalia, where, in the opinion of those organizations, they might be at risk. In response to objections authorities imposed a moratorium on deportations to parts of Somalia.

During the year the government twice forcibly returned groups of unsuccessful Iraqi asylum seekers to Baghdad in defiance of a ruling by the ECHR and the opinion of the UNHCR. The Immigration Service declined to disclose exact numbers, but the Dutch Refugee Foundation estimated their number at 30 to 50. The government stated that it carefully considered in a lengthy review process whether there were reasons to believe that the selected individuals to be deported faced any personal risk if returned. The immigration minister acknowledged that Iraq was not a safe country for all, but he asserted that it was not unsafe for everyone who is sent back. The Dutch have no mechanism to monitor those who are repatriated to Baghdad. In November the government of Iraq imposed new documentary requirements that held up a third group of involuntary deportations from the Netherlands.

In the year ending in November, authorities deported approximately 40 persons to Afghanistan, despite UNHCR objections to such deportations. The government relied upon a memorandum of understanding with Afghanistan that permitted involuntary deportation provided relevant humanitarian issues were taken into consideration. Authorities indicated that they deported no one who they believed would be incarcerated upon return.

Access to Basic Services: Asylum seekers awaiting a decision on their application are granted access to basic services, including education, health care, and legal assistance. They are also permitted to work a maximum of 24 weeks a year. Persons with refugee status have full access to all public services.

Durable Solutions: There is a policy of accepting up to 500 refugees from third countries each year for permanent settlement. The number of such refugees accepted during the year was not available.

Temporary Protection: Following criticism by NGOs and the UNHCR, the government made an exception to its 2010 decision not to grant protection to categories of aliens based on country conditions, gender, and other factors. For example, it imposed a moratorium on deportations to Mogadishu, Puntland, and Somaliland and reportedly took “extra care” before deporting persons to southern and central Somalia. In April the minister for immigration temporarily suspended the repatriation of failed asylum applicants from Libya. This was believed to affect approximately 70 Libyans.

### **Stateless Persons**

According to UNHCR statistics, there were 2,061 stateless persons in the Netherlands at the end of 2010, including about 1,000 immigrant Roma and an

unspecified number of Malaccans, who decline the citizenship either of the Netherlands or any other country of possible allegiance for historical political reasons.

Citizenship is based primarily on the mother's citizenship. The parliament has revised the law governing citizenship on several occasions in an effort to resolve and prevent statelessness, including by providing the opportunity to gain Dutch citizenship.

Stateless persons have no access to public services except emergency health care.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens in all parts of the kingdom exercised this right in practice through periodic free and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In the Netherlands, elections for provincial legislative bodies took place on March 2, and the provincial legislatures subsequently chose a new upper house of parliament on May 23. The members of the lower house were elected by popular vote in June 2010. These elections were all considered to be free and fair. The most recent governmental elections in the Caribbean portions of the kingdom were also free and fair.

Participation of Women and Minorities: There were 61 women in the 150-seat Second Chamber of parliament. Of the 20 cabinet members, four were women. Seventeen members of the second chamber of parliament were of immigrant descent, including six of Turkish and five of Moroccan descent. Women also held positions in the parliaments and cabinets of the Dutch Caribbean Islands, including the position of prime minister of St. Maarten.

### **Section 4. Official Corruption and Government Transparency**

The laws provide criminal penalties for official corruption, and the government generally implemented the laws effectively. There were isolated reports of government corruption during the year.

The government pursued an active anticorruption policy coordinated by the Internal Affairs Ministry's Bureau for Promotion of Integrity of the Public

Sector. The National Criminal Investigation Service coordinated investigations under the supervision of the national prosecutor for corruption. There are no laws requiring financial disclosure; however, for most senior positions, every organization has its own regulations to avoid conflicts of interest.

The law provides for public access to government information, and authorities generally respected that right. When authorities denied information requests, they provided reasons based on the law. Those seeking information could appeal any refusal to the regular courts. Disputes occasionally arose in court over the scope of the government's right to withhold information in the public interest.

Following public allegations of corruption in Curacao, a special Dutch investigator produced a report suggesting the possible involvement of several cabinet members in corrupt activities. The Curacao government refused to pursue a Dutch request for further investigation into these allegations and asserted that the Dutch investigator's report included unfounded accusations and "useless information." This response contributed to heightened concern among many citizens about the quality of governance. The kingdom's government retains oversight over some areas, including aspects of the judiciary (such as the Supreme Court), and "kingdom matters," including human rights, the rule of law, and good governance. However, the Dutch see intervention as a last resort, while the Curacao government suggested that the Dutch right to intervene should be drastically changed in ways that would both simplify and minimize outside oversight.

There were no reports of corruption on other Dutch Caribbean islands, although unsubstantiated claims and presumptions of corruption persist on some islands.

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

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

Government Human Rights Bodies: A citizen may bring any complaint before the national ombudsman, the Equal Opportunity Commission (CGB), Commercial Code Council, or the Council of Journalism, depending on the circumstances. In April the parliament agreed to the establishment of an independent human rights institute as principal contact for domestic and international human rights organizations.

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

The constitution prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions.

### Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, domestic violence, female genital mutilation (FGM), and sexual harassment, and the government effectively prosecuted such crimes. The penalty for rape is imprisonment not exceeding 15 years, a fine, or both. The maximum sentence for marital rape is eight years in prison. Spousal abuse carries a penalty that is one-third more severe than ordinary battery. Police records indicated that approximately 3 percent of spousal abuse cases reported to police resulted in arrests.

In 2009, according to a joint report on crime and law enforcement published by the Research and Documentation Center of the Ministry of Justice and the governmental Statistics Netherlands (CBS), there were 7,438 registered cases of rape, sexual assault, and other sexual crimes. During the same year, courts reached verdicts in 1,040 cases, of which 831 were convictions. The average prison sentence for convicted rapists was one year.

The government continued to implement a 2008-11 national action plan to intensify the fight against household violence that included increased funding for shelters; the introduction of temporary restraining orders on perpetrators; the development of a mandatory code for professionals working in health and child care, education, and other welfare sectors to report possible signals of domestic violence and child abuse; and the launching of public awareness campaigns. In Aruba, the criminal code specifies additional penalties for violent offenses when committed against family members.

The government provided support to the national organization Movisie, which assisted victims of domestic and sexual violence and trained police and prosecutors in investigating and prosecuting related crimes. The government subsidized shelters for battered women. Mayors may impose temporary restraining orders on perpetrators of household violence; police figures indicated that mayors nationwide issued 2,935 restraining orders in 2010. There was a national hotline for people directly or indirectly affected by domestic violence.

Female Genital Mutilation (FGM): This procedure reportedly was practiced in some immigrant communities (see section 6, Children).

Other Harmful Traditional Practices: The government has addressed the problem of honor-related violence vigorously and continued a five-year program started in 2006 to combat honor violence that focused on prevention, protection, and criminal prosecution. In 2008 the government set up a center within the regional police department in The Hague. Accessible seven days a week and 24 hours a day, the center developed a checklist to help the police and other professionals identify honor violence cases.

Sexual Harassment: The government continued a public-awareness campaign and took measures to counter sexual harassment among civil servants; no information was available on their effectiveness. The Working Conditions Act commits employers to protect employees against aggression, violence, and sexual intimidation. Complaints against employers who fail to provide sufficient protection can be submitted to the CGB. Victims of sexual assault or rape in the workplace must report the incidents to police, since they are criminal offenses.

Sex Tourism: There was sex tourism both in the Netherlands and the Dutch Caribbean islands. Authorities monitored legal sex tourism to minimize health risks to both tourists and prostitutes.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide the number, spacing, and timing of their children and to have the information and means to do so. There were no restrictions on the right to access contraceptives. The government provided skilled attendance during childbirth, including obstetric and postpartum care. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Under the law women have the same rights as men, including rights in family law, property law, and the judicial system. Female and male unemployment rates were 6 and 5 percent, respectively. The Ministry of Social Affairs and Employment reported that the higher rate of unemployment among women, their reduced chances for promotion, and their generally lower-ranking positions resulted primarily from their engagement in part-time employment. According to the CBS, the average hourly wage of female employees was 81 percent that of their male colleagues in 2009.

The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the

position of women. In 2010 the CGB received 406 complaints of discrimination, 16 percent of which related to gender.

## **Children**

Birth Registration: Children obtain citizenship primarily through their mothers. There were no reports that significant numbers of newborns were not registered in a timely fashion.

Child Abuse: The Ministry for Youth and Family estimated in September 2010 that 107,000 children were abused annually, but fewer than 50 percent were known to professional organizations. Experts estimated that approximately 50 to 80 children died each year from some form of abuse. The requirement that physicians report child abuse overrides professional confidentiality. In 2009 the government launched a two-year publicity campaign to encourage the public to report signs of possible child abuse; in 2010 the Child Abuse Center received almost 62,000 reports of possible child abuse, compared to 60,000 in 2009. Despite increased government funding for the Council for the Protection of Children, there still were long waiting lists for assistance.

Harmful Traditional Practices: The law prohibits FGM. The maximum penalty is 12 years in prison. Its prevalence among women and girls from high-risk countries was high. A study published by the Ministry of Health indicated that in 2008, 470 of the 1,200 pregnant women and girls from Somalia, Ethiopia, and Egypt examined by midwives had undergone FGM. Most FGM procedures take place in the native countries of the parents of victims. Under a long-term strategy to combat FGM, the Health Ministry has committed more than one million euros (approximately \$1.3 million) annually to information campaigns aimed at at-risk groups and at professionals whose occupations bring them into contact with immigrant girls. These funds were also used for projects designed to engage key individuals in communities where FGM occurred. For example, in March the state secretary for health and welfare released a statement emphasizing the 12-year prison sentence for FGM. It was cosigned by immigrant organizations, medical authorities who treat children, and local public health authorities and was intended for distribution among affected communities and medical authorities in hope of countering social pressures to undergo FGM.

Sexual Exploitation of Children: The penalty for forcing a minor to engage in prostitution is imprisonment for up to eight years or up to 12 years if the victim is under 16. The minimum age of consent is 16 in the European Netherlands and 15 in St. Maarten and Curacao. The penalty for statutory rape is imprisonment not exceeding 15 years, a fine, or both.

Throughout the kingdom the law prohibits production, possession, and distribution of child pornography. In the Netherlands, the maximum penalty for these offenses is eight years' imprisonment, while the penalty for accessing child pornography on the Internet is four years in prison.

International Child Abductions: The Netherlands is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but the convention does not apply to Aruba, St. Maarten, or Curacao. For information on international parental child abduction, please see country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

The Jewish population in the Netherlands numbered approximately 50,000.

Anti-Semitic incidents, including threats, verbal abuse, and the desecration of monuments and cemeteries, continued to occur and to be widely reported in the media. The Hague-based NGO Center for Information and Documentation on Israel, which reported 124 incidents in 2010, qualified the number as substantial. However, serious incidents remained rare. The frequency of incidents appeared to be correlated partly with the political situation in the Middle East. Explicitly anti-Semitic sentiments were widely expressed among certain segments of the Muslim community, pro-Palestinian groups, and fringe nationalist and neo-Nazi groups.

In its report covering 2010, the government-sponsored, but editorially independent, Registration Center for Discrimination on the Internet (MDI) stated that it received 414 reports of anti-Semitism on the Internet, of which it considered 212 to be punishable, including 68 instances of Holocaust denial. The MDI forwarded the most egregious cases to the prosecutor's office. Authorities prosecuted a number of cases during the year. The MDI noted that, although the Web sites of right-wing extremists were well represented, the majority of instances of punishable anti-Semitic expressions were on mainstream, interactive sites. Some of the sites were located outside the country.

Expressions of anti-Semitism also occurred throughout the year during soccer matches. In March fans in the ADO soccer club chanted, " Hamas, Hamas, all Jews be gassed," and other anti-Semitic slogans during a match. As a result the ADO soccer club was censured by a court in The Hague following a suit brought on by the Combat Anti-Semitism Foundation.

Authorities continued to implement an action plan “Combating Discrimination,” adopted in 2010 to combat discrimination in general and anti-Semitism in particular. The plan underlined the importance of cooperation between authorities and Jewish and non-Jewish organizations at the local level. The government continued to sponsor the Jewish Moroccan Network Amsterdam, which sought to reduce tensions between Jews and Moroccans.

There were no reports of anti-Semitic incidents in the Caribbean parts of the kingdom.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services is illegal in all parts of the kingdom. The law requires that persons with disabilities have access to public buildings, information, and communications, but public buildings and public transport often were not easily accessible in practice. The law provides penalties for discrimination, but government enforcement was inadequate, and there were some reports that such discrimination occurred. Of the 406 complaints of discrimination the CGB received in 2010, 17 percent related to persons with disabilities. Almost 30 percent of these concerned insufficient facilities for children with disabilities at schools. Although CGB rulings are not binding, authorities usually implemented them.

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

The kingdom’s constitution prohibits racial, national, or ethnic discrimination in all kingdom territories.

In the Netherlands, members of minority groups experienced verbal abuse and intimidation and were at times denied access to public venues, such as discotheques.

A Muslim community of approximately 850,000 persons faced frequent discrimination. Members of immigrant groups also faced discrimination in housing and employment. According to the CBS, in 2010 the minority unemployment rate (11 percent) remained roughly three times that of the ethnic

Dutch workforce (4 percent), while the unemployment rate among minority youths was 26 percent compared to 11 percent for native Dutch youths.

The government pursued an active campaign to increase public awareness of racism and discrimination and conducted a national campaign to counter discrimination and improve the reporting of hate crimes, including hate speech, through a special Web site.

Both the government and NGOs actively documented instances of discrimination, and the government's National Diversity Expertise Center (LECD) worked to register, evaluate, and prosecute cases. Organizations involved in combating discrimination voiced concern about the reluctance of victims to report incidents. In 2010 the LECD registered 170 offenses of discrimination. Of these, 43 percent related to race and 43 percent to religion (36 percent against Jews, 7 percent against Muslims). During the same year officials dealt with 171 offenses, brought 121 indictments, obtained 90 convictions, and entered into 17 out-of-court settlements.

In 2010 the MDI recorded 684 instances of "punishable" discrimination on the Internet, a significant increase from 2009. Of these, 296 qualified as racial, ethnic, or both. Those responsible removed most (89 percent) of the offending sites voluntarily when requested by the MDI to do so. The MDI reported three cases to the prosecutor's office; prosecutors obtained several convictions.

Most defamation cases filed in criminal courts involved race. Persons who were not ethnically Dutch also filed civil lawsuits alleging discrimination in the supply of such services as cell phones and access to clubs. The CGB focused on discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

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

In the Netherlands, there was no legal or governmental discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and no legal or governmental impediments to the organization of gay events. During the year the Justice Ministry reported a rise in harassment, mostly verbal abuse, of LGBT individuals, partly as a result of government campaigns urging victims to report incidents. Police placed a high priority on combating violence against gay men.

There were no laws in the Caribbean portions of the kingdom that discriminate against LGBT persons; however, Caribbean society has remained much less tolerant of the LGBT community. There were no known cases of abuse or violence against LGBT persons.

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

There were no reports of societal violence against persons with HIV/AIDS. The government sponsored a national campaign against societal stigmatization of persons with HIV/AIDS.

## **Section 7. Worker Rights**

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

The law allows workers to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements. It permits them to conduct legal strikes and engage in collective bargaining, and allows unions to conduct their activities without interference. The law prohibits antiunion discrimination, and regulations prohibit retaliation against legal strikers. Public-sector workers generally have the right to strike, but a magistrate may forbid a strike that threatens the public welfare or safety. For example, magistrates have often prohibited police strikes because of the essential services police perform. Authorities effectively enforced the rights to organize and strike, and workers exercised them in practice. There were no reports that employers frequently refused to bargain. Worker organizations are independent of the government and political parties. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

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

The law prohibits all forms of forced or compulsory labor, and the government enforced such laws. The Netherlands Labor Inspectorate conducted approximately 11,000 inspections at many high-risk workplaces during the year. However, there were reports that such practices occurred. In the Netherlands men and boys from abroad were forced to work in domestic service, temporary employment agencies, agriculture and horticulture, restaurants, catering, food processing, hotels, and construction. In Curacao authorities believed that migrant laborers may have been forced to work in construction, landscaping, and shops. In Aruba forced laborers included men and women working in supermarkets, Indian men in the jewelry sector, and Caribbean and South American women in domestic service.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years. Special rules apply to schoolchildren 16 and 17 years of age. For example, the law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being. A tripartite labor commission composed of representatives from the government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively.

Holiday work and after-school employment are subject to very strict rules set by law. The Ministry of Labor's inspection office, which is responsible for enforcement, found during the year that 75 percent of companies employing holiday workers and children younger than 18 complied with regulations.

### **d. Acceptable Conditions of Work**

In the Netherlands, the minimum wage for an adult was 1,435 euros (\$1,857) a month. The official poverty level in 2009 was 1,750 euros (\$2,264) a month for a family of four. In Aruba, the monthly minimum wage was 1,543 Aruba florins (\$862). The official poverty level was 1,295 Aruba florins (\$724). In Curacao the minimum wage was 1,304 Antillean florins (\$729), and the official poverty level was 4,169 Antillean florins (\$2,330). The official minimum wage in St. Maarten was 1,378 Antillean florins (\$770). No poverty-rate information was available for St. Maarten. Poverty levels are based on a family of four with two children under the age of 16.

Dutch law establishes a 40-hour workweek. Persons who work more than five hours a day are entitled to a paid 30-minute rest period. Overtime is regulated. The labor inspectorate effectively enforced the labor laws. Compulsory overtime is not permitted by law. There are six national holidays. A tripartite labor commission actively monitored and effectively enforced working conditions, including comprehensive occupational safety and health standards set by law. The Ministry of Labor and Social Affairs also monitored standards. The Social Intelligence and Inspection Service had 1,179 full-time positions.

Workers in the significant underground economy enjoyed neither the minimum wage, nor any of the other legal, administrative, or safety protections available

to other workers. The underground economy was primarily based on the horticultural and agricultural sectors and consisted primarily of undocumented workers from Eastern Europe.