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2023 Country Reports on Human Rights Practices: The Netherlands

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EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in the Kingdom of the Netherlands, including the autonomous countries of Aruba, Curaçao, and Sint Maarten, during the year.

Significant human rights issues included credible reports of: serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; and crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

[Section 1.](#)

[Respect for the Integrity of the Person](#)

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were very few reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year. Reported incidents usually involved allegations of excessive force by police and resulted in immediate investigation by the National Criminal Investigation Department, an independent body housed within the Ministry of Justice and Security.

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, AND OTHER RELATED ABUSES

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

In June the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) released a report criticizing conditions in the prisons and detention centers in Aruba, Curaçao, and Sint Maarten. Based on site inspections conducted in 2021, the report concluded conditions in prison facilities had significantly improved since its 2016 visit but were generally poor due to staffing shortages and lack of hygiene in the cells.

Abusive Physical Conditions: In May the Inspectorate of Justice and Security published a report on sexual transgressive behavior in a women's prison in Utrecht, and during the year media reported on sexual transgressive behavior in other women's prisons. The Minister for Legal Protection created an accessible officer to report transgressive behavior and instituted mandatory training for all staff working with women prisoners. The CPT further reported that persons in police custody in Aruba and Curaçao made no allegations of physical mistreatment by police officers but noted some reports of unwarranted force at the time of arrest, such as tight handcuffs and verbal abuse.

In Sint Maarten, the CPT described many of the cells as poorly lit, disarranged, and containing black mold, and it noted unsanitary conditions in the women's unit. In March guards and inmates at the Sint Maarten Prison complained about a shortage of corrections officers and stated the medical situation needed to be urgently addressed. In Aruba and Curaçao, the CPT

described cells as crowded, dirty, moldy, and dilapidated and reported no access to cells or toilets for persons with disabilities. The CPT reported a limited number of cases of corrections officers mistreating prisoners in Curaçao.

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

Independent Monitoring: The kingdom's governments permitted monitoring by independent governmental and nongovernmental observers.

Improvements: CPT inspectors noted that Aruba and Curaçao constructed and renovated detention facilities for migrants, which improved conditions for detainees. Authorities in Aruba, where empty shipping containers had been used as holding cells until 2022, built a permanent facility. In Sint Maarten, the CPT reported the addition of outdoor recreational and vocational training facilities improved inmate wellbeing dramatically.

D. ARBITRARY ARREST OR DETENTION

The law throughout the kingdom prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The governments generally observed these requirements.

Arrest Procedures and Treatment of Detainees

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

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

There was no bail system. Detainees could request release asserting there were no grounds to detain them or because of other more pressing matters. Authorities frequently granted such requests. In all parts of the kingdom, the law provided suspects the right to consult an

attorney. Netherlands' law granted all criminal suspects the right to have their lawyers present at police interrogation. In Aruba, Curaçao, and Sint Maarten, a criminal suspect was entitled to consult a lawyer prior to the first interview on the substance of the case. In the Netherlands and Curaçao, in cases involving children, a lawyer could be present during interviews with authorities but could not actively participate.

E. DENIAL OF FAIR PUBLIC TRIAL

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

Trial Procedures

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

Defendants had the right to be present throughout their trial; in rare cases, the examining magistrate would exclude the accused from the courtroom while questioning witnesses, but an attorney for the accused had the right to remain and to cross-examine these witnesses.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

The government had laws or mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported the government made progress on resolving Holocaust-era claims, including for foreign citizens. The Dutch government was still in possession of an estimated 3,300 individual pieces of art, furniture, or property looted or stolen during the Nazi era. In 2022, the Cultural Heritage Agency of the Netherlands started examining all works in the Netherlands Art Property Collection that were returned from Germany by the Allies after the war, using techniques more advanced than those used in a

similar investigation done just after the war. In early September the Agency published its first progress report, stating 855 pieces of art were investigated, and new information was found on approximately 30 pieces. The Dutch Restitutions Committee adjudicated ownership.

There were no active restitution cases in Curaçao, Aruba, or Sint Maarten.

In November 2022 the Dutch Restitutions Committee ordered the Rijksmuseum in Amsterdam and the Kunst Museum in The Hague to return silverware to the heirs of German American woman Emma Budge. Shortly after the return, both museums bought the art back from the heirs.

The Dutch railways agreed to a three-part program to compensate for its role in transporting victims, most of whom the Nazis killed in death camps. Payments to survivors were completed in 2020, as was an initial “collective expression” for those who were killed. The Netherlands Institute for War, Holocaust, and Genocide Studies was conducting a study on the railway’s role in World War II.

In July, at the request of Indonesia and Sri Lanka and following the recommendations of the Advisory Committee on the Return of Cultural Objects from Colonial Context, Secretary of State for Culture and Media Gunay Uslu approved a decision to return 478 objects of cultural significance to the two countries.

The Department of State’s *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department’s website:

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

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The law throughout the kingdom prohibited such actions, but there were assertions the government failed to respect these prohibitions; in particular, human rights organizations criticized police for capturing facial photographs and storing citizens’ privacy-sensitive data.

Dutch police routinely used photographs of drivers’ faces taken by automated number plate recognition (ANPR) license plate cameras for investigative purposes. Human rights organizations argued that the use of facial photographs, however, was not permitted under the existing legal framework, the ANPR Act, which allowed police to record only license plates. Moreover, the data should be destroyed after 28 days, and recognizable faces should be

blurred to prevent breaches of privacy. The ANPR Act, originally due to expire December 31, 2021, was extended through 2027 with certain amendments to provide (among other provisions) that photographs of recognizable faces should not be used.

In September Dutch press reported the Netherlands Inland Revenue Service had “extensively” collected and stored data – including data from social media – possibly in violation of Dutch and EU privacy laws. The collection was done despite internal doubts regarding its legality and the “origin, accuracy and timeliness” of the stored data. According to an internal report obtained and published by public broadcaster NRC, the data was stored in a database used by fraud investigators and was used for “profiling,” including on the basis of nationality.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for members of the press and other media, and the governments throughout the kingdom generally respected this right, although there were serious problems in the Caribbean part of the kingdom because of a lack of independent media. In the Netherlands an independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Freedom of Expression: Restrictions on “hate speech” applied to media outlets but were only occasionally enforced. It was a crime to “verbally or in writing or image deliberately offend a group of persons because of their race, their religion or beliefs, their sexual orientation, or their physical, psychological, or mental disability.” The statute in the Netherlands did not consider statements targeting a philosophy or religion, as opposed to a group of persons, as criminal hate speech. In the Netherlands there were restrictions on the sale of the book *Mein Kampf* and the display of the swastika symbol with the intent of referring to Nazism.

In May the Amsterdam Court of Appeal issued its ruling on the appeal in the case of the NGO Center for Information and Documentation on Israel (CIDI), Central Jewish Consultation, and four Holocaust survivors against Member of Parliament Thierry Baudet of the Forum for Democracy party. The court of appeal upheld the lower court’s ruling that Baudet was prohibited from making comparisons between the Holocaust and COVID policy.

Violence and Harassment: Members of the press in Curaçao, Aruba, and Sint Maarten reported occasional harassment to stop a line of inquiry or to only present a particular political viewpoint.

Censorship or Content Restrictions for Members of the Press and Other Media,

Including Online Media: There was one case of the government in the Netherlands fining media for content deemed false. In April the right-wing broadcaster Unheard Netherlands, which was admitted into the public broadcasting system in 2022, was fined for the third time for breaking the public broadcasting sector's journalistic code of ethics by spreading false information and not differentiating between fact and opinion. The Dutch Foundation for Public Broadcasting – the umbrella organization for broadcasters – asked State Secretary for Culture and Media Uslu to withdraw the outlet from the public broadcasting system.

Nongovernmental Impact: A 2021 report commissioned by PersVeilig, a joint initiative of the Dutch Association of Journalists, Dutch Association of Editors in Chief, national police, and Public Prosecutor's Office, found that eight out of 10 journalists surveyed experienced some form of threat, mostly verbal. A subsequent survey from the same organization in July 2022 reported nearly 50 percent of women Dutch journalists and nearly 60 percent of men Dutch journalists faced threats, violence, or intimidation every year, with some describing the occurrence as daily or weekly. If required by circumstances, reporters could receive temporary police protection.

In March Erasmus University published a report on violence and aggression towards journalists ordered by the National Scientific Research and Documentation Center. The university stated studies showed violence against journalists was common in the Netherlands, but it could not be concluded from these studies that the problem increased in recent years.

Several crime reporters and media outlets in the Netherlands faced threats, violence, and intimidation from criminal gangs seeking to inhibit freedom of expression.

Actions to Expand Freedom of Expression, Including for Members of the Press and

Other Media: During the year the government awarded grants from the Journalism Promotion Fund to newspapers, magazines, and journalistic websites. The grants were designed to promote innovative journalism and regional cooperation between journalists' organizations.

During the Summit for Democracy in March, the Netherlands volunteered to lead the Freedom Online Coalition for the next one-year term, beginning in January 2024. In October,

the Foreign Ministry cosponsored the launch of Freedom House's *Freedom on the Net 2023* report.

Internet Freedom

Kingdom governments did not restrict or disrupt access to the internet or censor online content.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

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

Freedom of Peaceful Assembly

Amnesty International reported in May that authorities were turning to surveillance tools to gather information on protests and protesters. Police collected data from social media, deployed camera surveillance and drones during protests, and knocked on activists' doors to ask questions concerning their participation in protests. During demonstrations, police regularly checked with organizers and participants to gather information regarding protests and protesters. Police established a practice of checks and data processing targeting peaceful protesters.

C. FREEDOM OF RELIGION

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

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

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

E. PROTECTION OF REFUGEES

The governments of the Netherlands and Sint Maarten cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. Aruba and Curacao maintained relations with UNHCR in an ad hoc manner.

In July, the government of Sint Maarten deported a Haitian woman to Haiti despite fears for her safety. The 1951 UN Refugee Convention (and its 1967 Protocol), which protected refugees from being returned to countries where they would face persecution, did not apply to Sint Maarten.

Access to Asylum: The laws on asylum varied in different parts of the kingdom. In the Netherlands, the law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees. The government of the Netherlands experienced case overload as the asylum system reached capacity, with more than 25,390 first-time asylum claims reported through the third quarter of the year, and on track to break the 2022 record for the highest number since the height of the Syrian refugee crisis in 2015.

Initial processing of recent arrivals took more than three months, instead of the two weeks prescribed in government policy documents. Asylum adjudications routinely took 18 months, instead of the six-month target. Government efforts to deal with overcrowding were hampered by a shortage of shelters, especially from municipalities.

In April the Council of State ruled State Secretary for Migration and Asylum Eric van der Burg could not return asylum seekers to Italy on the basis of the European Dublin regulation. In two cases – one brought by a Nigerian and one by an Eritrean man – the council stated the lack of reception facilities in Italy posed a “real risk” that the most important basic needs of asylum seekers would not be met, which amounted to a human rights violation.

In contrast, the Council of State ruled in September that State Secretary van der Burg was permitted to resume returns for failed asylum seeker applicants back to Croatia under the Dublin regulation, due to the lack of “serious grounds” for the risk of pushbacks, modifying its earlier ruling from April 2022.

Authorities in Aruba, Curaçao, and Sint Maarten considered most Venezuelan arrivals to be economic migrants and thus ineligible for protection under their respective immigration law. Between 2019 and 2022, 10,000 to 15,000 Venezuelan migrants relocated to Aruba, an island with a population of approximately 107,000; a similar number of Venezuelans relocated to Curaçao (with a population of approximately 149,000); 200 to 400 Venezuelans moved to Sint

Maarten in the same period. These Venezuelan migrant population estimates consisted of both officially registered and undocumented persons.

According to the Dutch state secretary's office, Aruban immigration officials denied asylum to approximately 98 percent of Venezuelan migrants who sought protection but in most instances did not execute deportations after their cases had been adjudicated.

Immigration laws in Sint Maarten and Curaçao did not provide for the granting of asylum or refugee status, and both islands consequently lacked official asylum policy; however, Curaçao adhered to an international protection procedure based on the principle of nonrefoulement in Article 3 of the European Convention on Human Rights. Both Curaçao and Sint Maarten offered humanitarian residence permits as a temporary measure precluding deportation or refoulment. In February Amnesty International found that Curaçao law enforcement detained many Venezuelans who arrived on unregistered sea vessels and pressured some to sign deportation orders; the report also noted these migrants lacked access to legal assistance.

The Aruban government had an established system for providing protection to refugees. Aruba was party to the Refugee Convention and the 1967 Protocol, and Aruban law generally provided for the granting of asylum or refugee status, but it adhered to a narrower interpretation of the convention's provisions.

Refoulement: In Curaçao and Sint Maarten, there was no legal protection against returning a person who faced a well-founded fear of persecution to their country of origin. Human rights organizations asserted that Curaçao and Sint Maarten were bound by the European Convention on Human Rights, which prohibited in absolute terms torture or inhuman or degrading treatment or punishment, which included a prohibition of refoulement. Both governments developed corresponding national procedures but did not amend their immigration statutes. Both the Netherlands and Aruba had legal protections to prevent refoulement.

Durable Solutions: In the Netherlands the government accepted up to 500 refugees for resettlement through UNHCR. In August in response to problems facing the asylum system, Prime Minister Rutte announced the Dutch government would temporarily suspend its participation in the 2016 EU-Turkey Agreement and would no longer accept Syrian refugees sent by Turkey for resettlement under the terms of the agreement.

Temporary Protection: The government of the Netherlands provided temporary protection to refugees from Ukraine under the EU Temporary Protection Directive. As of October 1, there

were 105,500 Ukrainian refugees registered in the Netherlands. Starting on September 4, third-country nationals who were not citizens of Ukraine but held a Ukrainian residence permit were no longer granted temporary protection in the Netherlands.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

Not applicable.

G. STATELESS PERSONS

In the Netherlands approximately 30,000 persons were registered as “nationality unknown,” which included 6,000 stateless persons. In May 2022 the Dutch parliament passed legislation to provide additional rights to stateless persons. Under the new Statelessness Determination Procedure law, stateless persons who could not prove their legal status with documents could petition a court to determine their legal status. Once statelessness was established, these persons could register as stateless and be granted the rights associated with this status, such as applying for travel documents and becoming Dutch citizens through a more flexible process after three years of legal residence. Other new legislation amended the Dutch Nationality Act to facilitate acquisition of Dutch citizenship by stateless children born in the Netherlands. The laws in all parts of the kingdom provided the opportunity for stateless persons to gain citizenship.

Section 3.

Freedom to Participate in the Political Process

The constitution and laws in the entire kingdom provided 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

Abuses or Irregularities in Recent Elections: Observers considered the most recent elections in the kingdom to be fair and free of abuses and irregularities.

Section 4.

Corruption in Government

The laws in the entire kingdom provided 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: The Dutch Caribbean battled corruption, particularly by former and current government officials. In February, the Council of State in The Hague confirmed the conviction of former Aruban Minister of Social Affairs, Youth, and Labor Paul Croes on charges of corruption, embezzlement, and money laundering. In February, Aruban politician and former member of parliament from the Proud and Respectful People party Alan Howell was sentenced to 24 months in prison, six of which were suspended, and three years' probation for embezzlement of public funds, fraud, and forgery. In April, the Court of Aruba sentenced former Minister of Infrastructure and current member of parliament Benny Sevinger to one year in prison, six months of which were suspended, for bribery, fraud, abuse of office, money laundering, and breach of trust.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Throughout the kingdom a wide variety of domestic and international human rights groups operated without government restriction to monitor or investigate human rights conditions and cases and publish their findings. Government officials were usually cooperative and responsive to the views of these groups.

Government Human Rights Bodies: A citizen of the Netherlands could bring a complaint before the national ombudsperson, the Netherlands Institute for Human Rights (NIHR), the Commercial Code Council, or the Council of Journalism, all of which were considered independent and effective. The NIHR was the primary contact between the Dutch government

and domestic and international human rights organizations. The government also established a National Coordinator Against Discrimination and Racism, a National Coordinator on Countering Antisemitism, and a National Coordinator for Countering Trafficking in Persons and Sexual Exploitation of Children.

Citizens of Curaçao and Sint Maarten could bring any complaint before their national ombudsperson, who was independent and effective. Aruba did not have an ombudsperson. All citizens of the Dutch Caribbean islands could direct complaints to their public prosecutors or to NGOs, who were also independent and effective.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law in all parts of the kingdom criminalized rape of a person, regardless of gender, including spousal rape, and domestic or intimate partner violence, and the government enforced the law effectively. The law did not recognize so-called corrective rape as a legal concept. The penalty in the Netherlands for rape was imprisonment not exceeding 12 years, a substantial fine, or both. In the case of violence against a spouse, the penalty for various forms of abuse could be increased by one third. In Aruba, Curaçao, and Sint Maarten, the penalty for rape was imprisonment not exceeding 15 years, a substantial fine, or both. These laws were enforced effectively throughout the kingdom.

In August the Ministry for Health, Wellbeing, and Sports launched a campaign to help persons experiencing domestic violence. State Secretary Maarten Van Ooijen (Public Health, Welfare, and Sport) and Minister Franc Weerwind for Legal Protection (Justice and Security) called on bystanders to take action, and the government established a website with a toolkit for bystanders on what action they could take.

NGOs in Aruba and Curaçao asserted cases of domestic violence, already heightened by the pandemic years, increased. Law enforcement officers in Curaçao received training to better interview and investigate sexual assault cases. Authorities used various tools to address domestic violence, including disseminating educational information and materials, issuing restraining orders against offenders, and providing protection to survivors.

The government of the Netherlands funded 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 survivors. The center operated a national 24/7 hotline for persons affected by domestic violence. It also funded the Sexual Assault Center, which supported survivors of sexual violence and several hotlines. The government of the Netherlands also 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. Aruba, Curaçao, and Sint Maarten provided shelter and support to survivors of domestic violence.

The Human Rights Treaty Commission, a consultative body for the entire kingdom, concluded the Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was not in force in the Caribbean parts of the kingdom and had priority.

In Curaçao, the Voice of Youth foundation created a pamphlet in October 2022 describing possible signs of violence. In addition, there was a social media campaign during the year that benefited survivors and created awareness. In a separate campaign, in conjunction with Human Rights Defense Curaçao, the Voice of Youth foundation focused on combating gender-based violence, with subtopics on sexual abuse, safe reporting, domestic violence, and gender identity and sexual orientation.

Other Forms of Gender-based Violence or Harassment: So-called honor-related violence was treated as regular violence for the purposes of prosecution and did not constitute a separate offense category. Laws against violence were enforced effectively in so-called honor-related violence cases, and survivors were permitted to enter a specialized shelter.

Discrimination: Under the law women throughout the kingdom had the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The governments enforced the law effectively, although there were some reports of discrimination in employment. Unemployment among women was higher than for men. According to National Bureau of Statistics data from 2021, women in the Netherlands received on average 13 percent less pay than men in similar jobs.

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

Some religious and cultural communities discouraged premarital sex, the use of contraception, or both. There were barriers in accessing reproductive health services in Aruba and Curaçao for undocumented migrants who did not have access to the public health insurance system.

The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception and postexposure prophylaxis were available as part of the clinical management of rape.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The laws throughout the kingdom prohibited racial, national, or ethnic discrimination, and labor laws and regulations throughout the kingdom prohibited discrimination in employment and occupation. The governments generally enforced these laws effectively when cases were brought with clear evidence. The laws applied to all refugees with residency status.

The National Coordinator Against Discrimination and Racism, as well as Dutch civil society organizations associated with African, Asian, and Arab communities, reported high levels of racism and discrimination towards minority communities and non-European refugees/asylees, as well as a lack of trust in government to address these issues. By contrast, Ukrainian refugee/asylee communities reported high levels of acceptance and integration, with near full employment and ready housing made available by municipalities and volunteers.

The country's residents with migrant backgrounds faced numerous barriers when looking for work, including racial discrimination. According to the National Bureau of Statistics, the unemployment rate for persons of other than West European background during 2021 was more than twice that of ethnic Dutch, and the unemployment rate among youths with a non-West European background was twice as high compared with the rate among ethnic Dutch youth. The government implemented a pilot program, *Further Integration on the Labor Market*, to improve the competitiveness of persons with a migrant background who were seeking work in the Netherlands.

In 2022 and 2023, Dutch press reported findings and cases of institutional racism at several public organizations, including the Tax Office, police, government ministries, and municipal bodies. In December 2022, the Dutch Foreign Ministry released a report documenting rampant institutional racism within the ministry and embassies abroad, including racist jokes, exclusion, disadvantage in work, and explicit discrimination in hiring procedures. According to

researchers, bicultural staff and non-Dutch embassy employees faced patterns of systemic racism. The ministry announced in March that it would implement the recommendations from the study, including training of employees and professionalizing reporting structures. In October, a study by the Knowledge Integration Platform identified pervasive systemic racism and discrimination by colleagues towards municipal government employees “with a migration background.”

Race- and national origin-based discrimination also occurred in the housing market. In September the government announced efforts to fight housing discrimination. The *National Monitor for Discrimination*, a report commissioned by the Ministry of the Interior and Kingdom Relations, reported discrimination declined compared with previous years but individuals with a Moroccan-sounding man’s name had a significantly lower chance of being invited to view a rental property than individuals with a Dutch-sounding name. In July the Good Landlord Act entered into force, which provided general rules that applied to all landlords and rental intermediaries. The rules addressed, among other things, the prevention of discrimination. Municipalities were authorized to take action if standards were not met.

The NIHR focused on discrimination in the labor market, such as discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees. Although the NIHR’s rulings were not binding, they were usually adhered to by parties. According to the NIHR, discrimination on racial and ethnic grounds occurred in virtually every sphere.

CHILDREN

Child Abuse: There were laws against child abuse throughout the kingdom, and these laws were enforced effectively. A multidisciplinary task force in the Netherlands acted as a knowledge hub and facilitated interagency cooperation in combating child abuse and sexual violence. The children’s ombudsman headed an independent bureau that safeguarded children’s rights and called attention to abuse. Physicians were required to report child abuse to authorities.

Child abuse laws varied in the Dutch Caribbean. Aruba had a child abuse reporting center that gathered, screened, and transferred pertinent information to law enforcement. In Curaçao, while physicians were not required by law to report instances of suspected abuse, hospital officials regularly reported indications abuse to authorities. In Sint Maarten child abuse laws addressed offenses against public morality, abandonment of dependents, offenses against human life, and assault that applied to child abuse cases. The public prosecutor offices in the

Dutch Caribbean also provided services to survivors 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 was 18 in all parts of the kingdom, and this requirement was effectively enforced by the governments. In the Netherlands and Aruba, there were two exceptions: if the persons concerned were older than 16 and the girl was pregnant or had given birth, or if the minister of justice and security in the Netherlands or the minister of justice in Aruba granted a dispensation based on the parties' request.

Sexual Exploitation of Children: Throughout the kingdom, the law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including child sex trafficking. The law prohibited the production, possession, and distribution of child pornography, and authorities enforced the law. The minimum age for consensual sex was 16 throughout the kingdom.

ANTISEMITISM

The Reform Jewish Congregation, the largest Jewish community in the Netherlands, estimated the Jewish population in the Netherlands at 40,000 to 50,000.

CIDI received a number of reports regarding antisemitism within the sports world during the year, particularly involving soccer. Incidents related to the Jewish sports club Maccabi in Amstelveen, for example, involved antisemitic mistreatment from opposing teams. CIDI noted an increase in the number of reported incidents in 2022 involving antisemitic graffiti and vandalism targeting Jewish sites, surpassing figures from 2021; examples included desecration of a memorial plaque honoring deported Jewish children during the Holocaust and defacement of a synagogue with drawn swastikas. On February 6, antisemitic slogans were projected on the Anne Frank House, garnering significant attention on social media. Prime Minister Rutte publicly condemned the projection as "reprehensible," stating there was "no place for antisemitism" in the Netherlands. The perpetrator, a Canadian-Polish dual national, was identified through an online investigation, arrested in Germany, and extradited to the Netherlands on charges of inciting hatred towards a religious or ethnic group; he was sentenced to two months in jail, significantly less than the six months in jail and five-year ban from Amsterdam sought by prosecutors.

CIDI observed an increase in online antisemitic content in 2022, including on the social media platforms X (formerly Twitter), TikTok, and Telegram. In many instances, reported antisemitic

posts persisted even after being brought to the attention of moderators and web hosts.

Additionally, Jewish organizations were increasingly targeted with antisemitic messages. CIDI found Jewish individuals in public often were subjected to name-calling or intimidation. Common incidents included vandalism, physical abuse, verbal abuse, bullying at school, and hate emails.

According to CIDI, there were fewer registered cases of antisemitism in 2022 than in 2021. CIDI and observers reported instances of antisemitism “exploded” following the Hamas terror attacks in Israel and subsequent Israeli military response in Gaza. On November 7, according to CIDI, reported incidents of antisemitism increased 818 percent from October 7 to November 7, compared with the monthly average from the preceding three years. In the weeks after October 7, numerous Jewish schools closed for security threats, and Dutch press reported many Jewish families withdrew their children from secular schools and enrolled them in Jewish schools, citing increased threats, bullying, and hate speech as their reasons.

The Dutch penal code did not specifically criminalize antisemitism, but it criminalized discrimination and hate speech, including speech inciting hatred based on religion; the government enforced those laws effectively. Dutch government ministers regularly met with the Jewish community to discuss appropriate measures to counter antisemitism, and they publicly condemned high-profile incidents of antisemitism, particularly in the weeks after October 7. Government efforts included raising the problem of antisemitism 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 antisemitism.

In January 2022 the position of national coordinator on countering antisemitism (NCAB) became permanent and reported directly to the minister of justice and security. It worked to strengthen cooperation between government and civil society stakeholders in combating antisemitism. In July an advisory council to the national coordinator was established.

In cooperation with the NCAB, Amsterdam set up a support point for schools, where they could ask questions regarding Holocaust education and antisemitism. Another initiative of the NCAB was to stop the selling of antisemitic books or goods online.

In July the government instituted a change to criminal law prohibiting Holocaust denial and denial or trivialization of war crimes, crimes against humanity, and genocide. According to a press release from the government, the change implemented EU obligations to explicitly

criminalize certain forms of publicly condoning, denying, or substantially trivializing genocide, crimes against humanity, and war crimes. Condoning, denying, or trivializing these international crimes could be punishable by a maximum prison sentence of one year.

The Jewish populations in the Dutch Caribbean were small, and there were no reports of antisemitic incidents.

For further information concerning incidents of antisemitism, whether or not those incidents were motivated by religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

TRAFFICKING IN PERSONS

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

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: In the entire kingdom, no laws criminalized consensual same-sex sexual conduct between adults, cross dressing, or other sexual or gender characteristic-related behaviors. There were no laws targeting lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. There were no reports neutral laws were disproportionately used against LGBTQI+ persons.

Violence and Harassment: Acts of violence or other abuses based on sexual orientation and gender identity were not uncommon in the Netherlands. There were no reports of police or other government agents inciting, perpetrating, condoning, or tolerating violence against LGBTQI+ persons. Dutch police maintained a kingdomwide network of units dedicated to protecting the rights of LGBTQI+ persons. The law allowed for higher penalties for violence motivated by anti-LGBTQI+ bias, and these laws and penalties were generally enforced. In July and August, Dutch press reported acts of violence and online harassment targeting prominent LGBTQI+ persons, including the winner of Miss Netherlands 2023 (a transgender woman) and several well-known drag performers.

A Social and Cultural Planning Office study, published in July 2022, found LGBTQI+ persons faced disproportionate rates of violence; one in three bisexual women experienced sexual

violence in the past five years, and almost half were targeted by online or offline sexual harassment in the past year.

In 2022, as in 2020 and 2021, a third of the incidents of discrimination registered by police concerned sexual orientation, with the actual number of cases increasing each year. Most of those incidents concerned verbal abuse, threats of violence, and physical abuse. In both violence and threats, almost half of the incidents in 2022 were related to sexual orientation – anti-LGBTQI+ slurs were frequently used against police. Prosecutions were rare; many incidents were not reported, allegedly because victims believed nothing would be done with their complaint.

The organization LGBT Asylum Support saw an increase in anti-LGBTQI+ violence in asylum centers in the Netherlands. Many felt discriminated against within asylum centers; by comparison, in centers with separate LGBTQI+ sections, less than half believed they were targets of discrimination. The government did not want to create separate LGBTQI+ centers because, according to State Secretary Eric van der Burg, placing LGBTQI+ persons separately in asylum centers would send the “wrong signal.”

In April a group of young adults disrupted a meeting for LGBTQI+ youth at a building of the LGBTQI+ organization COC in Eindhoven. The assailants attempted to set fire to a rainbow flag and assaulted a COC volunteer. Also in April, employees of a gay café in Groningen were attacked. After these incidents COC Netherlands called on the public to raise the rainbow flag in support of LGBTQI+ persons, which was done throughout the Netherlands.

Discrimination: Throughout the kingdom the law and jurisprudence prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, and the law recognized LGBTQI+ individuals, couples, and their families. The law prohibited discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services such as health care. The governments generally enforced the law.

The government urged institutions and companies to stop unnecessary collection of data on gender and gender identity. Nonetheless, there were hundreds of reports of discrimination against LGBTQI+ persons in the Netherlands. Media reported several prominent incidents of discrimination against drag performers during the Pride festival, which took place July 22 through August 6. Uber drivers refused the drag performers service; some were insulted and threatened by rideshare drivers; and one was hit by a rideshare driver. Police were reportedly investigating.

Dutch law recognized same-sex marriage and civil unions, and it provided equal rights and protections for same-sex couples. The civil code of Curaçao defined marriage as a union between a man and a woman; however, the government of Curacao recognized civil unions and marriages that were performed outside the country. Aruba recognized registered partnerships that conveyed many, but not all, the same rights as a marital union. In December 2022 an appeals court ruled on two cases, one in Aruba and one in Curaçao, recognizing the legal marital status of same-sex couples. Citing sovereignty concerns, the governments of both islands announced they would appeal the ruling at the Dutch Supreme Court.

Availability of Legal Gender Recognition: An Amsterdam court ruled in July 2022 that a plaintiff assigned female sex at birth could retroactively change the sex field on their birth certification from “F” for female to “X” for nonbinary. The Prosecutor’s Office argued there were no legal provisions allowing for the nonbinary option, but the court disagreed, citing the Gender Equal Treatment Act. In 2018 a nonbinary person received a passport with “X” as the gender marker for the first time, but their birth certificate noted the gender could not be determined, an interim solution the courts had adopted.

Every passport contained the option to designate V (female), M (male), or X (gender neutral), and persons who wanted to change their designation needed an expert’s statement to do so.

Involuntary or Coercive Medical or Psychological Practices: The law did not ban forced or involuntary practices on adults or children to try to change their sexual orientation or gender identity or expression. In the Netherlands, so-called conversion therapy was no longer covered by insurance. There were no reports of these practices in the Dutch Caribbean. There were no reports of medically unnecessary and irreversible “normalization” surgeries performed on nonconsenting intersex adults or children. A detailed press investigation into gender-affirming medical care quoted physicians saying that all treatments, including medication and surgeries, were strictly voluntary and performed in consultation with the patient and – when the patient was a child – parents or guardians.

Efforts by parliament to ban so-called conversion therapy were blocked by the Council of State, which warned in January the proposed law as drafted would violate constitutional protections on religious freedom. In March, the Dutch Council of Psychiatrists published a “Statement of Regret” for the role psychiatrists played in mistreatment and discrimination towards the LGBTQI+ community in the period from 1952 to 1970; the letter included a paragraph condemning conversion therapy, supporting the draft law banning the practice, and distancing itself from any physicians or psychiatrists who still offered conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or restrictions on speaking or media reporting on LGBTQI+ matters, on association or freedom of assembly, or on the ability of LGBTQI+ organizations to legally register or convene events.

PERSONS WITH DISABILITIES

In the Netherlands the law required equal access to employment, education, health services, transportation, housing, and goods and services. It required access for persons with disabilities to public buildings, information, and communications, and it prohibited making a distinction in supplying goods and services. The law provided criminal penalties for discrimination and administrative sanctions for failure to provide access. All government websites followed international web content accessibility guidelines, and the government provided information in a range of accessible formats.

The government generally enforced the law effectively, although government enforcement of rules governing access was inadequate. Public buildings and public transport were not always accessible and sometimes lacked access ramps. In the NIHR 2022 annual report, the board reported the Dutch education system did not fully meet the standards of the UN Convention on Disability with respect to access to education. Based on this research, the NIHR urged the government, among other things, to train more interpreters in the Netherlands to meet the needs of deaf and hard of hearing students.

Laws throughout the kingdom banned discrimination against persons with physical, sensory, intellectual, and mental disabilities. In the Dutch Caribbean, a wide-ranging law prohibiting discrimination was applied to persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, transportation, and the provision of other government services. Some public buildings and public transport were not accessible to persons with physical disabilities.

Human rights observers from UNICEF noted that in Curaçao persons with disabilities needed to rely on improvised measures to access some 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, although the government reported all children with physical disabilities had access to public and subsidized schools.

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 2022 police registered 173 incidents on the grounds of religion, most of which were against Muslims. Incidents included anti-Muslim stickers in public spaces and mosques receiving threats or vandalism and cards with insulting texts around Christian holidays.

For further information concerning incidents of societal violence or discrimination against religious groups, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The laws in all parts of the kingdom provided 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 provided for collective bargaining. Unions could conduct their activities without interference.

The law prohibited antiunion discrimination and retaliation against legal strikers. It required workers fired for union activity to be reinstated. The law restricted striking by some public-sector workers if a strike threatened public welfare or safety. Workers needed to report their intention to strike to their employer at least two days in advance.

The governments effectively enforced applicable laws protecting freedom of association, collective bargaining, and the right to strike. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators in the Netherlands; there was insufficient data to assess the frequency of application in the Dutch Caribbean. Throughout the kingdom the governments, political parties, and employers generally respected the freedom of association and the right to bargain collectively.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *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 prohibited all of the worst forms of child labor. The government grouped children into three age categories for purposes of employment: 13 to 14; 15; and 16 to 17. Children in the youngest group were only allowed to work in a few light, nonindustrial jobs. As children became older, the scope of permissible jobs and hours of work increased, and fewer restrictions applied. The law prohibited persons younger than 18 from working overtime, at night, or in hazardous situations. Hazardous work differed by age category. For example, children younger than 18 were not allowed to work with toxic materials, and children younger than 16 were not allowed to work in factories. Holiday work and employment after school were subject to strict rules set by law. The government effectively enforced applicable laws, and penalties were commensurate with those for analogous crimes. Penalties were regularly applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

Aruba's law prohibited all of the worst forms of child labor. The minimum age for employment was 15, but rules differentiated between "children," who were younger than 15, and "youngsters" or "youth," who were between the ages of 15 and 18. Children older than 13 who had finished elementary school could take apprenticeships so long as no tasks were dangerous or physically or mentally demanding as defined by law. The government effectively enforced the applicable laws, and penalties were commensurate with those for analogous crimes. Penalties were applicable; however, prosecutors in Aruba saw too few child labor cases to determine how frequently these laws were enforced. There were no confirmed reports of the worst forms of child labor during the reporting period.

Curaçao's law prohibited all of the worst forms of child labor. The island's minimum age for employment was 15, but rules differentiated between "children," who were younger than 15, and "youngsters" or "youth," who were between the ages of 15 and 18. Children older than 13 who had finished elementary school could take apprenticeships so long as no tasks were dangerous or physically or mentally demanding as defined by law. The government effectively enforced the applicable laws, and penalties were commensurate with those for analogous crimes. Penalties were applicable against violators; however, prosecutors in Curacao saw too few child labor cases to determine how frequently these laws were enforced. The penalty for

violations was a maximum four-year prison sentence, a fine, or both. There were no confirmed reports of the worst forms of child labor during the reporting period.

Sint Maarten's law prohibited all of the worst forms of child labor. In Sint Maarten the law prohibited children younger than 14 from working for wages. Special rules applied to schoolchildren ages 16 and 17. The law prohibited 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. Penalties were applicable; however, prosecutors in Sint Maarten, saw too few child labor cases to determine how frequently these laws were enforced.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: Dutch law provided for a minimum wage for all sectors. In the Netherlands the minimum wage for an adult older than 21 was above the poverty line and considered sufficient for a single-person household but inadequate for a couple with two children, according to the government. According to the Federation of Dutch Trade Unions, the largest union organization in the Netherlands, it was barely sufficient also for a single person.

In Aruba, Curaçao, and Sint Maarten, the monthly minimum wage was considered sufficient to ensure a modest standard of living, according to the three governments.

In the Netherlands the law did 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, regulated overtime. The legal maximum workweek was 60 hours; however, with some exceptions, workers were limited to an average of 55 hours per week during a four-week period or 48 hours per week during a 16-week period. Persons who worked more than 5.5 hours per day were entitled to a 30-minute rest period, and it was mandatory not to work during at least 11 hours after a workday.

Most violations in the Netherlands were in temporary employment agencies that mainly hired workers from Eastern Europe, particularly in the construction, agriculture, and transportation sectors, without paying the minimum wage and while charging exorbitant rates for housing.

Occupational Safety and Health: In the Netherlands the government set occupational safety and health (OSH) standards across all sectors. OSH standards were appropriate for the main industries and frequently updated. In Aruba, Curaçao, and Sint Maarten, the governments proactively identified unsafe conditions and responded to workers' OSH complaints. Workers could remove themselves from situations endangering health or safety without jeopardy to their employment. The Ministries of Labor in the kingdom reviewed and updated the guidelines and routinely visited businesses to ensure employer compliance. The Labor Inspectorate proactively identified unsafe conditions of work through public reports and inspections and operated an anonymous-optional web and phone platform for reporting potential unsafe conditions. Dutch law provided protections from retribution or dismissal for workers who reported unsafe conditions or refused to work in unsafe conditions. The Labor Inspectorate's detailed annual report highlighted sectors and situations with high incidence of unsafe conditions; for instance, the most recent report highlighted solar panel installation as a regular source of unsafe working conditions and safety violations.

Wage, Hour, and OSH Enforcement: The governments of the kingdom effectively enforced wage, hour, and OSH laws. Penalties for violations were commensurate with those for similar crimes, such as fraud and negligence.

The Netherlands Labor Authority was responsible for enforcement of labor laws across all sectors, including the informal economy. The inspectorate could order companies to cease operations due to safety violations or shut down fraudulent temporary employment agencies that facilitated labor exploitation. The number of labor inspectors, who had the authority to make unannounced inspections and initiate sanctions, was sufficient to enforce compliance.

The informal economy was estimated to contribute approximately \$110 billion – or 10.8 percent – to the Netherlands' GDP. According to the International Monetary Fund, recent labor force surveys in Curacao suggested strong growth in the informal sector, likely driven by post-COVID demand in tourism and the influx of working-age migrants from Venezuela. Given the relatively small size of Curacao's population and seasonal economy, estimating the exact proportion of formal to informal economic activity was difficult. In 2022, the last available data, a report by the Aruba Department of Economic Affairs, Commerce, and Industry indicated the average size of the informal economy equaled 19.7 percent of GDP in the last decade. In Sint Maarten, which was rebuilding after the successive shocks of Hurricane Irma in 2017 and the COVID pandemic, some estimates placed the informal economy as high as 40 percent of GDP.

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