



Document #2089703

USDOS – US Department of State (Author)

2022 Country Report on Human Rights Practices: The Netherlands

EXECUTIVE SUMMARY

The Kingdom of the Netherlands is a parliamentary constitutional monarchy consisting of the Netherlands and the semiautonomous island countries of Aruba, Curaçao, and Sint Maarten. The king performs ceremonial functions as head of state and is responsible for appointing the prime minister of the Netherlands who is the head of government; the king also appoints the governors of the islands, who serve as his personal representatives but who do not exert executive authority nor sit on the islands' Councils of Ministers. The kingdom retains responsibility for foreign policy, defense, and other “kingdom issues.” The Netherlands includes the Caribbean islands of Bonaire, Saba, and Sint Eustatius, which are special municipalities. The six Caribbean entities are collectively known as the Dutch Caribbean. The Netherlands has a bicameral parliament. The country's 12 provincial councils elect the First Chamber, and the Second Chamber is elected by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. Aruba, Curaçao, and Sint Maarten have unicameral parliamentary systems, elected prime ministers, and each island country has one minister plenipotentiary representing them in the kingdom's Council of Ministers. Ultimate responsibility for safeguarding human rights and fundamental freedoms in all kingdom territories lies with the kingdom's Council of Ministers, which includes the Dutch government and the plenipotentiary ministers of Curaçao, Aruba, and Sint Maarten. (Note: The adjective “Dutch” throughout this report refers to “the Netherlands.”) Elections for seats in the Netherlands' First Chamber in 2019 and for seats

in the Second Chamber in 2021 were considered free and fair by observers.

The national police maintain internal security in the Netherlands and report to the Ministry of Justice and Security, which oversees law enforcement organizations, as do the justice ministries in Aruba, Curaçao, and Sint Maarten. The kingdom's armed forces report to the Ministry of Defense and are responsible for external security but also have some domestic security responsibilities. The military police (Marechaussee) are responsible for border control in the Netherlands. Each country's Border Protection Service (immigration), police, and the Dutch Caribbean Coast Guard share responsibility for border control in Sint Maarten, Aruba, and Curaçao, as well as in the special municipalities respectively. Civilian authorities throughout the kingdom maintained effective control over the security forces. There were reports that members of the security forces in both the Netherlands and in the islands committed some abuses.

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

Authorities in the kingdom had mechanisms in place to identify and punish officials who may have committed human rights abuses or engaged in corruption.

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 that the government or its agents committed arbitrary or unlawful killings. 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. In one such case a man was taken off life-support August 18 and died a week after his arrest by police during a traffic stop. According to press reports, video taken by a bystander showed the individual "being dragged out of the car by his arms in a way suggesting his head may have struck the ground... With (the individual) motionless on the ground, flat on his back, an officer then appeared to place a knee on his chest for six seconds, pressing down hard enough that the chest appeared to compress. The officer then lifted (his or her) leg slightly before returning the knee to the (individual's) chest." According to police, the individual lost consciousness after being placed in the police car. Prior to his death,

paramedics were reportedly called, and the individual was taken to the hospital. An investigation into the incident was ongoing.

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 prohibit such practices and there were no known credible reports that government officials employed them.

Prison and Detention Center Conditions

There were no reports regarding prison or detention center conditions in the Netherlands that raised human rights concerns. According to human rights organizations, prison conditions in government operated detention centers in Sint Maarten, Aruba, and Curaçao did not meet minimum international standards.

Abusive Physical Conditions: In the Netherlands there were no major concerns regarding physical conditions or inmate abuse in prisons or detention centers.

In December 2021, more than 200 Venezuelan migrants were left stranded in Curaçao when repatriation flights to Caracas were abruptly canceled. Those unable to travel to neighboring Bonaire and Aruba were moved to a sports complex at the refinery, allegedly without adequate food, water, or sanitation products. Unable to address the humanitarian needs of approximately 80 of the stranded passengers, the government of Curaçao relied on a nongovernmental organization (NGO) to provide ad hoc support until their January departure from the refinery.

In 2021 Amnesty International reported individuals seeking international protection in Curaçao were detained in inhuman conditions and subjected to ill-treatment. In September a judge ordered the Curaçao government to pay remuneration to an undocumented Venezuelan woman who was held in solitary confinement for 12 days. She was subsequently released after the verdict.

The Court of First Instance in Curaçao ruled July 14 in favor of 10 undocumented Venezuelans who claimed the conditions of their detention were harsher than for regular prisoners. According to media reports, the judge determined the undocumented migrants had spent 18 hours a day in cramped and dark cells and ordered all 10 be immediately released after having been held since May 31.

Administration: Agencies that make up the national preventive mechanism addressing allegations of mistreatment throughout the entire

kingdom conducted investigations into credible allegations.

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

Improvements: In response to the 2015 CPT report, Sint Maarten, Aruba, and Curaçao made some improvements to their prison and detention center operations to better meet CPT standards. According to media reports in 2021, however, Curaçao continued to struggle with overcrowding, long periods of cell detention, and no daily schedule for recreation. In Curaçao the government renovated prison block one – a specially designated facility for migrant inmates – and separated it from the rest of the prison. On November 23, a new Migration Detention Center officially opened in Curaçao. The center can accommodate a total of 70 persons (35 men and 35 women).

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

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

There is no bail system. Detainees can request release asserting there are no grounds to detain them or because there are other more pressing matters. Authorities frequently granted such requests. In all parts of the kingdom, the law provides suspects the right to consult an attorney. Netherlands' law grants all criminal suspects the right to have their lawyers present at police interrogation. In Aruba, Curaçao, and Sint Maarten a criminal suspect is entitled to consult his or her lawyer prior to the first interview on the substance of the case. Immigration detainees in

Curaçao do not always have access to legal counsel, nor do they have consistent visitation rights. In Curaçao Venezuelans faced barriers to accessing legal assistance since under the law they are required to request such assistance themselves, a significant challenge as many were often unaware of the laws and regulations of Curaçao and since most materials provided by the government were typically only in the Dutch language. The laws and regulations of Curaçao provide for free legal counsel only for residents, effectively requiring any foreign detainee, his or her family, or NGOs to pay any attorney's fees. In the Netherlands and Curaçao, in cases involving minors, a lawyer can be present during interviews with authorities but cannot actively participate.

e. Denial of Fair Public Trial

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

Trial Procedures

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

The law provides for prompt access of defendants to attorneys of their choice, including at public expense if the defendant is indigent, although this was not the case for deportation hearings in Curaçao. The defendant has the right to be present throughout their trial; in rare cases, the examining magistrate will exclude the accused from the courtroom while questioning witnesses, but an attorney for the accused has the right to remain and to cross-examine these witnesses.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

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

Property Seizure and Restitution

The Netherlands government has laws or mechanisms in place regarding property restitution, but NGOs and advocacy groups reported the government did not make significant progress during the year on resolution of Holocaust-era claims, including for foreign citizens. A leading Jewish civil society organization in the Netherlands reported that the

Dutch government was still in possession of over 3,800 individual pieces of art, furniture, or property looted or stolen during the Nazi era. The government sought to meet the goals of the Terezin Declaration on Holocaust Era Assets and Related Issues. A legal process exists for claimants to request the return of property looted during the Holocaust through the Dutch Restitutions Committee, although some advocates said bureaucratic procedures and poor record keeping were barriers to these efforts. There were no active restitution cases in Curaçao, Aruba, or Sint Maarten.

In September the Dutch Restitutions Committee ordered the city of Eindhoven to return a painting displayed in the city's art museum to the descendants of the painting's World War II-era owner, a Jewish art collector who was killed in Auschwitz in 1944. The ruling reversed a 2018 decision by the committee and followed a December 2020 announcement by the committee of a "recalibration and re-intensification" of efforts to return looted art and other property to rightful owners and their descendants. All four rulings made by the committee since the announcement have favored descendants over museums or current owners.

In June 2021, the Dutch railway (NS, Nederlandse Spoorwegen) published its final internal report on the restitution program it managed for the more than 100,000 Jews, Roma, Sinti, and other victims NS transported to transit camps during World War II. The program, which ran from 2019 to 2020, approved 5,489 applications out of 7,791 total and awarded approximately €43.9 million (\$50.5 million) to eligible recipients, most of whom were the descendants of victims. The report also announced the start of a historical research project led by the Netherlands Institute for War, Holocaust, and Genocide Studies (NIOD) into the railway's role during World War II and noted its €5 million (\$5.75 million) donation to four local Holocaust memorial centers in 2020 as a "collective expression of recognition" for the railway's victims. NIOD published the results of its preliminary analysis in February, in which it recommended a more in-depth study; that recommendation was accepted by NS, and the additional study is expected to take three to four years.

The 2020 Department of State *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The law throughout the kingdom prohibits such actions but there were continuing assertions the government failed to respect these prohibitions; in particular, human rights organizations criticized police capturing of 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 the use of facial photographs, however, is not permitted under the existing legal framework, the ANPR Act, under which police are only allowed to record license plates. Moreover, the data must be destroyed after 28 days, and recognizable faces must be blurred to prevent breaches of privacy. The head of the department responsible for the ANPR cameras of the National Police stated in August 2021 he would like to see the ANPR Act expanded so that in cases of serious crimes such as armed robbery, murder, or manslaughter, faces captured by ANPR cameras could be made recognizable and used in investigations. In October 2021, the Scientific Research and Documentation Center of the Ministry of Justice and Security evaluated the ANPR Act and determined the law significantly aids investigations. The act was due to expire December 31, 2021, but was extended through 2027 with certain amendments added to provide (among other provisions) that photographs of recognizable faces will not be used.

The Dutch National Coordinator for Security and Counterterrorism's (NCTV) legal department confirmed in September 2021 that the government body had been unlawfully collecting, storing, and analyzing privacy-sensitive data on citizens for years, according to media outlet *NRC*, citing NCTV internal documents. During a parliamentary debate in June 2021, Minister of Justice and Security Ferdinand Grapperhaus denied NCTV acted unlawfully; but in July 2021 submitted a proposal for a draft law to provide a legal basis for the NCTV to process personal data.

Section 2. Respect for Civil Liberties

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

The law provides for freedom of expression, including for members of the press and other media, and the governments throughout the kingdom generally respected this right, although serious challenges remained in the Caribbean part of the kingdom where there was 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 members of the media.

Freedom of Expression: Independent media in the Netherlands were active and expressed a wide variety of views without restriction. Restrictions on "hate speech" applied to media outlets but were only occasionally enforced. It is a crime to "verbally or in writing or image deliberately offend a group of persons because of their race, their religion or beliefs, their sexual orientation, or their physical, psychological, or mental disability." The statute in the Netherlands does not consider

statements that target a philosophy or religion, as opposed to a group of persons, as criminal hate speech. The penalties for violating the law include imprisonment for a maximum of two years, a substantial fine, or both. In the Dutch Caribbean, the penalties for this offense are imprisonment for a maximum of one year or a fine. In the Netherlands there are restrictions on the sale of the book *Mein Kampf* and the display of the swastika symbol with the intent of referring to Nazism.

In September a member of parliament posted a digitally altered image of the Dutch ministers of Health and Social Welfare on social media; the altered image replaced a flag representing the Netherlands' Sustainable Development Goals with a Nazi flag. The ministers and their political party pursued legal action against the parliamentarian. The case remained pending at year's end.

Violence and Harassment: A 2021 report commissioned by PersVeilig, a joint initiative of the Dutch Association of Journalists, the Dutch Association of Editors in Chief, national police, and the Public Prosecutor's Office, found eight out of 10 journalists surveyed had experienced some form of threat, mostly verbal. A subsequent survey from the same organization in July reported nearly 50 percent of female Dutch journalists and nearly 60 percent of male Dutch journalists faced threats, violence, or intimidation every year, with 9 percent of men and 6 percent of women describing the occurrence as "daily" or "weekly." During the year, 198 reports were filed with PersVeilig concerning (online or physical) intimidations of journalists. This was an improvement compared to 2021 (272 incidents), but the organization warned that the safety situation of journalists remained uncertain in the face of increased societal polarization. If required by circumstances, reporters may receive temporary police protection.

According to Reporters Without Borders (RSF), in March a Dutch radio journalist received death threats and the addresses of his home and children's day care were shared online after he criticized a far-right politician. He subsequently reported receiving a Nazi flag at his home. The incident was reported to authorities.

In March a court in London found Mohammed Gohir Khan, a United Kingdom citizen, guilty of the charge "conspiracy to murder" and sentenced him to life imprisonment. In 2021 Gohir Khan was charged with plotting to kill Netherlands-based Pakistani blogger Ahmad Waqass Goraya.

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. A press source reported receiving a threatening telephone call mentioning knowledge of their child's whereabouts and was urged to change their coverage of a news item.

In June Minister Yesilgoz-Zegerius and State Secretary for Culture and Media Uslu announced additional measures to safeguard press freedom in the Netherlands, which they considered to be under pressure. The government would prolong its support of the PersVeilig initiative until 2024; promote increased public understanding of the role of media in a democratic society by supporting the Media Literacy Network; increase a coordinated response by relevant stakeholders against online intimidation of journalists; and commission research into specific aspects of the problem, such as intimidation of women and minority journalists, to learn from best practices.

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 July the right-wing broadcaster *Ongehoord Nederland* (ON, Unheard Netherlands), which was admitted into the public broadcasting system and started airing in February, was fined €93,000 (\$99,510) for breaking the public broadcasting sector's journalistic code of ethics by spreading false information and not differentiating between fact and opinion. In September ON was criticized by the Dutch Foundation for Public Broadcasting (NPO) – the umbrella organization for broadcasters – for crossing the limits of racist or discriminatory statements with an item that depicted people of color physically abusing white individuals accompanied by a controversial voiceover. The NPO asked the Media Authority to rule on the allegations of discrimination against ON. The results of the investigation remained pending at year's end. In late December, ON was issued a second fine, for €56,000 (\$59,920) for noncompliance with "the legal obligation to cooperate in the performance of the public media mission since its entry into the public system."

According to credible international monitors, Curaçao, Aruba, and Sint Maarten struggled to establish strong independent media outlets due to a lack of resources, a dearth of professionally trained journalists and significant self-censorship by the press. An RSF June 2020 press release stated pandemic restrictions were utilized to quash independent reporting, and the Dutch Federation of Journalists called out the Aruban government through a March 2020 letter to Prime Minister Evelyn Wever-Croes for its perceived use of the autonomous structure of government on the islands "as a shield to cover violations of press freedom." Additionally, the lack of resources and journalism training contributed to the spread of misinformation and disinformation.

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

Internet Freedom

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

Restrictions on Academic Freedom and Cultural Events

There was an isolated case of government restrictions on academic freedom or cultural events in the kingdom. In November 2021, a district court convicted so-called "drill rap" artists Jorra and Biggs Kaki for incitement to violence, stipulated in Article 131 of the Dutch penal code, over the lyrics and images in a rap video titled "Intensive Care." It was the first time in Netherlands' history that an artist had been convicted for incitement over lyrics. The duo was fined and ordered to conduct 100 hours of community service. In September an appellate court overturned the conviction for incitement, but upheld a conviction related to the "display of a fake firearm indistinguishable from a real one."

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

In January pandemic-related protests in multiple Dutch cities turned violent, with clashes between protesters and police. Videos from the clashes show police striking unarmed protesters with batons, including at least one protester appearing to be beaten and menaced with a police dog while already prone on the ground. On January 3, then UN Rapporteur on Torture, Nils Melzer, took to social media to strongly criticize the country for the incidents and described the police beatings as "one of the most disgusting examples of police brutality since George Floyd." Following Melzer's criticism, police unions filed a complaint against him on January 4, citing biased and premature conclusions. The following week, Amsterdam Mayor Femke Halsema wrote the UN rapporteur a letter in which she pointed out "the importance of judging an incident based on thorough and weighted information."

c. Freedom of Religion

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

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

The laws in the kingdom provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the governments generally respected these related 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, and other persons of concern. Aruba maintained relations with UNHCR in an ad hoc manner. Curaçao expelled the UNHCR in 2017 but remained in communication with its office in Aruba.

On August 17, Aruba's Department for the Integration, Management, and Admission of Foreign Nationals deported a UNHCR-recognized Venezuelan refugee to Venezuela via Panama, despite multiple protests and legal interventions from UNHCR. The individual received UNHCR status as a refugee in 2020 and UNHCR had requested emergency third country resettlement prior to his deportation. On July 26, UNHCR issued diplomatic notes protesting the deportation.

Access to Asylum: The laws on asylum vary in different parts of the kingdom. In the Netherlands the law provides for the granting of asylum or refugee status and the government has an established system for providing protection to refugees. The government of the Netherlands experienced case overload as the asylum system reached capacity, with over 35,000 first-time claims reported during the year, the highest number since the height of the Syrian refugee crisis in 2015 and nearly one-third more than 2021.

Initial processing of recent arrivals took over three months, instead of the two weeks described in government policy documents. Asylum adjudications routinely took 18 months, instead of the six-month target. Government efforts to deal with overcrowding continued to be hampered by a shortage of shelters, especially from municipalities, and setbacks in measures the government announced in August to limit the inflow of asylum seekers. In November parliament passed a measure that will direct municipalities to provide housing, in return for a cash payment to the municipality. The measure requires municipalities to provide housing capacity for status-holders to the government by July 1, 2023. If numbers provided by the municipalities are inadequate, the State Secretary for Migration will determine which municipalities will be directed to find additional space and to what amounts. In December a judge in Haarlem ruled the temporary suspension on family reunification for status-holders was illegal under Dutch and EU law; the ruling was one of several cases in which courts ruled the measure illegal.

The laws in Sint Maarten and Curaçao do not provide for the granting of asylum or refugee status and both islands lacked any official asylum policy. Foreigners requesting asylum are processed as foreigners requesting a humanitarian residence permit. If an individual is unable to obtain a humanitarian residence permit, authorities deport the person to their country of origin or to a country that agrees to accept them. In 2019

Curaçao introduced an international protection procedure based on the principle of nonrefoulement in Article 3 of the European Convention on Human Rights. In Amnesty International's January 2021 report, *Still No Safety*, however, the NGO asserted the protection procedure did not comply with international standards. Notably, Amnesty found those seeking protection were subject to automatic detention under inhuman conditions, ill-treatment, denial of their right to seek protection and "refoulement." Immigration authorities in Curaçao routinely pressured Venezuelans in their custody to sign deportation orders irrespective of whether they needed international protection.

Aruba is party to the Refugee Convention and the 1967 Protocol, and Aruban law generally provides for the granting of asylum or refugee status. The Aruban government has an established system for providing protection to refugees. During the year, UNHCR formally protested inconsistent compliance with the law.

Most asylum seekers in the Dutch Caribbean were from Venezuela. Authorities in Aruba, Curaçao, and Sint Maarten generally considered most Venezuelan asylum seekers to be economic migrants ineligible for protection. There were an estimated 10,000 to 15,000 Venezuelan migrants in Aruba, a similar number in Curaçao, and another 1,000 in Sint Maarten. The Venezuelan migrant population consists of both officially registered and undocumented persons. Approximately 25 percent of the migrants in Aruba requested asylum. Aruba, Bonaire, and Curaçao deported undocumented displaced Venezuelans throughout the year. Local and international human rights organizations urged the governments of Aruba and Curaçao to refrain from deporting or repatriating Venezuelan asylum seekers back to their home country. UNHCR and local human rights organizations reported Aruba and Curaçao regularly deported asylum seekers who had presented credible evidence suggesting they would face abuse for their political beliefs if returned to Venezuela. In Curaçao Venezuelans who asked for protection were not deported but remained in indefinite detention pending resolution of their cases by the court system. Those who decided not to proceed with the process under the European Convention on Human Rights (see Refoulement, below) were routinely deported.

Safe Country of Origin/Transit: On July 20, the highest court in the Netherlands ruled the government may not return two rejected asylum seekers to Eritrea if there is a chance they will have to perform compulsory military service. According to the court, the circumstances for conscripts in Eritrea could constitute a violation of the European Convention on Human Rights. On April 13, the court ruled against deporting asylum seekers to Croatia citing reports of pushbacks.

Refoulement: In Curaçao and Sint Maarten, there is no legal protection against returning a person who faces a well-founded fear of persecution

to their country of origin. Human Rights organizations asserted that Curaçao and Sint Maarten are bound by the European Convention on Human Rights, which prohibits in absolute terms torture or inhuman or degrading treatment or punishment, which includes a prohibition of refoulement. Both governments developed corresponding national procedures but did not amend their immigration statutes. Both the Netherlands and Aruba have legal protections to prevent refoulement. In Aruba, however, human rights organizations, including UNCHR, reported Aruban authorities deported Venezuelans who claimed they would face abuse if returned to Venezuela without adjudicating their asylum claims.

Following a moratorium on adjudication of Afghan asylum applications and deportations to Afghanistan enacted in August 2021, the government of the Netherlands announced June 29 that processing asylum applications and deportations of Afghan nationals would resume. A list of "risk groups" including human rights activists was developed and anyone who can demonstrate belonging to such a group may be granted asylum, provided there are no other factors that would make them ineligible.

Abuse of Migrants and Refugees: Throughout successive heat waves between June and August, as many as 700 arrivals slept outside the central refugee processing center in Ter Apel without sanitation or protection from the elements. The August 24 death of a three-month-old infant at the facility caused a national outcry. In September, the NGO Dutch Refugee Council initiated summary proceedings against the government and the Central Agency for the Reception of Asylum Seekers to find a solution to the reception crisis. The NGO had previously announced it would go to court if asylum seekers were not accommodated in accordance with minimum requirements by August 1. According to the organization, the situation has since "fallen further below the humanitarian threshold."

During the year, Amnesty International criticized conditions in facilities for detainees in Curaçao. The organization documented 22 cases of Venezuelans, including children, who were subjected to human rights abuses such as automatic detention under inhuman conditions, ill-treatment, family separations, and the denial of their right to seek asylum. Human rights organizations criticized the government of Curaçao for failing to provide a robust system for temporary status to Venezuelan refugees and other displaced Venezuelans.

Durable Solutions: In the Netherlands the government accepted up to 500 refugees for resettlement through UNHCR. In addition to the 500 refugees the Netherlands invites annually, the country participates in the resettlement of Syrian refugees under the so-called 2016 EU-Turkey Agreement. For every Syrian refugee sent back to Turkey – the "first safe country of transit" – the EU resettles one Syrian refugee from Turkey. The Netherlands resettled over 4,000 Syrians between 2016 and 2020. In

response to the challenges facing the asylum system, Prime Minister Rutte announced in August that the Dutch government would temporarily suspend its participation in the 2016 EU-Turkey Agreement.

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

Temporary Protection: The government of the Netherlands provided temporary protection to refugees from Ukraine under the EU Temporary Protection Directive. As of July 29, 71,750 Ukrainian refugees were registered in the Netherlands. From July 20, third-country nationals who are not citizens of Ukraine but hold 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 are registered as "nationality unknown," which included 6,000 stateless persons. On May 31, the Dutch parliament passed two pieces of legislation that will provide additional rights to stateless persons. Under the new Statelessness Determination Procedure law, stateless persons who cannot prove their legal status with documents can petition a court to determine their legal status. Once statelessness is established, they can register as such and be granted the rights associated with this status. Specifically, stateless persons can apply for travel documents and become Dutch citizens through a more flexible process after three years of legal residence. The other new legislation passed amended the Dutch Nationality Act to facilitate the acquisition of Dutch citizenship by stateless children born in the Netherlands. The laws in all parts of the kingdom provide the opportunity for stateless persons to gain citizenship.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The most recent national elections were the March 2021 parliamentary elections for seats in the Second Chamber of the Netherlands; observers considered them free and fair.

Observers considered the 2020 parliamentary elections in Sint Maarten, the March 2021 parliamentary elections in Curacao, and the June 2021

parliamentary elections in Aruba all free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the kingdom, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: The Dutch Caribbean continued to battle corruption, particularly by former and current government officials. An investigation against a former Minister and current sitting member of parliament in Aruba continued for the third year. Sint Maartener Chanel Brownbill, convicted of tax fraud in 2021, returned to parliament in January as an independent to replace Claudius "Toontje" Buncamper, a parliamentarian prohibited from holding public office for seven years following his conviction for tax fraud. Brownbill was convicted by the Supreme Court and sentenced to 18 months' imprisonment. In October 2021, Curaçao's Supreme Court upheld the conviction of Curaçao's first Prime Minister, Gerrit Schotte, for bribery, money laundering, and forgery, and levied a fine of approximately two million Netherlands Antillean guilder (\$1.1 million).

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

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

Citizens of Curaçao and Sint Maarten may bring any complaint before their national ombudsperson. All citizens of the Dutch Caribbean islands

can direct complaints to their public prosecutors or to NGOs.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law in all parts of the kingdom criminalizes rape of a person, regardless of gender, including spousal rape, and domestic or intimate partner violence and the government enforced the law effectively. The penalty in the Netherlands for rape is imprisonment not exceeding 12 years, a substantial fine, or both. In the case of violence against a spouse, the penalty for various forms of abuse can be increased by one-third. In Aruba, Curaçao, and Sint Maarten, the penalty for rape is imprisonment not exceeding 15 years, a substantial fine, or both. Law enforcement officers in Curaçao received training to better interview and investigate sexual assault cases. NGOs in Aruba and Curaçao asserted cases of domestic violence, already heightened by the pandemic years, continued to rise.

The government of the Netherlands estimated that each year, approximately 200,000 persons were confronted with serious and repeated domestic violence. 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 continued funding for Safe Home, a knowledge hub and reporting center for domestic abuse with 26 regional branches, as the national platform to prevent domestic violence and support survivors. The center operated a national 24/7 hotline for persons affected by domestic violence. The government of the Netherlands also continued to support 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 continued to provide shelter and support to survivors of domestic violence. In December 2021, the inter-island collaboration committee No Mas No More, supported by the Dutch Ministry of Health, Welfare and Sport, held its biannual conference addressing domestic violence with participants from Aruba, Bonaire, Curaçao, Saba, Sint Eustatius, and Sint Maarten.

Other Forms of Gender-based Violence: So-called "honor-related" violence is treated as regular violence for the purposes of prosecution and does not constitute a separate offense category. Laws against violence were enforced effectively in so-called "honor-related" violence cases, and survivors were permitted to enter a specialized shelter. The Dutch National Police's National Expertise Center for Honor-related Violence reported 682 cases of honor-related violence during the year, a 9 percent

increase over 2021; the center reported that 20 percent of the incidents occurred within the Dutch-Syrian community.

Sexual Harassment: The law criminalizes sexual harassment throughout the kingdom, and it was enforced effectively. The penalty in the Netherlands is imprisonment not exceeding eight years, a substantial fine, or both. The law requires employers to protect employees against aggression, violence, and sexual intimidation. Aruban law states the employer shall ensure the employee is not sexually harassed in the workplace. Employers are required to keep the workplace free from harassment by introducing policies and enforcing them. In Sint Maarten and Curaçao there is no sexual harassment law. Both Sint Maarten and Curaçao have laws prohibiting stalking.

In the Netherlands complaints against employers who failed to provide sufficient protection can be submitted to the NIHR. In Curaçao the Victims Assistance Foundation assists survivors. In 2021 the Victim Support Sint Maarten Foundation (VSS) was officially established to provide services.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Some religious and cultural communities discouraged premarital sex, the use of contraception, or both. Although no government policies or legal, social, or cultural barriers adversely affected access to skilled health attendance during pregnancy and childbirth in the Dutch Caribbean islands, 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. Salu Pa Tur, a free medical clinic in Curaçao, noted prenatal care to pregnant migrants was only available until the second trimester due to limitations on their medical licensing, leaving a significant gap in care for low-income migrants. Migrants, however, did have access to generalized medical care or could get private healthcare insurance provided they were able to self-fund such services. Hospitals provided medical emergency assistance to all.

The government provides access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of the clinical management of rape. In Curaçao all women, including undocumented migrants, can access well-baby clinics for free. Well-baby clinics give postnatal baby and toddler care up to four years. This includes regular check-ups, vaccination, and all other necessary tests. Planned Parenthood Aruba, an affiliate of the International Planned Parenthood Federation, provides sexual and reproductive health services in Aruba.

Discrimination: Under the law women throughout the kingdom have the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as laws related to labor,

property, inheritance, employment, access to credit, and owning or managing businesses or property. The governments enforced the law effectively, although there were some reports of discrimination in employment (see section 7.d., Discrimination with Respect to Employment and Occupation).

Systemic Racial or Ethnic Violence and Discrimination

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

In July the Dutch Central Bureau for Statistics published the results of a Ministry of Justice and Security-funded survey of 173,000 residents. According to the survey, 35 percent of individuals of Moroccan origin felt discriminated against, which is the highest percentage, followed by those of Surinamese or Dutch-Caribbean origin, with 30 percent. In terms of religion or belief, 30 percent of Muslims felt discriminated against, as well as more than 20 percent of Jews, Hindus, and Buddhists. Race or skin color was the most frequently cited ground for discrimination.

According to the NIHR, discrimination on racial and ethnic grounds occurred in virtually every sphere (see also Section 6, Other Societal Violence or Discrimination). In 2021 then Minister for Interior Affairs and Kingdom Relations Kajsa Ollongren appointed Rabin Baldewsingh as the Netherlands' first national coordinator on racism and discrimination. On December 31, a neo-Nazi group calling themselves "White Lives Matter Netherlands" projected a series of white supremacist slogans onto the Rotterdam Erasmus Bridge, garnering significant attention on social media. In the Netherlands police received training on avoiding ethnic or racial profiling, although Amnesty International stated in a report submitted to the United Nations in November for the Netherlands Universal Periodic Review of Human Rights that ethnic profiling by police continued to be a concern. The government put into place more effective procedures to process reports of discrimination and assist survivors, including establishing an independent complaints committee.

In April the Dutch Data Protection Authority fined the Tax and Customs Administration €3.7 million (\$3.9 million) for a range of data-processing violations related to the so-called "childcare benefits scandal." The fine came after an internal investigation and a parliamentary inquiry showed systemic discrimination in the use of an artificial intelligence software that improperly identified benefit recipients as fraudulent, with nonwhite recipients flagged as potentially fraudulent at much higher rates. The denial of benefits and subsequent legal actions to recover benefits resulted in over 1,000 children – mostly nonwhite – being taken from their homes, among other impacts.

Children

Birth Registration: Throughout the kingdom citizenship can be derived from either the mother or the father, but not through birth on the country's territory. Births are registered promptly and on a nondiscriminatory basis.

Child Abuse: There are laws against child abuse throughout the kingdom. A multidisciplinary task force in the Netherlands acts as a knowledge hub and facilitates interagency cooperation in combating child abuse and sexual violence. The children's ombudsman headed an independent bureau that safeguards children's rights and calls attention to abuse. Physicians are required to report child abuse to authorities.

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

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

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 in all parts of the kingdom. In the Netherlands and Aruba, there are two exceptions: if the persons concerned are older than 16 and the girl is pregnant or has given birth, or if the minister of justice and security in the Netherlands or the minister of justice in Aruba grants a dispensation based on the parties' request.

Sexual Exploitation of Children: Throughout the kingdom, the law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking. The law prohibits the production, possession, and distribution of child pornography, and authorities enforced the law. The age of consent is 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.

In April the NGO Center for Information and Documentation on Israel (CIDI), the main chronicler of antisemitism in the Netherlands, reported 183 antisemitic incidents in 2021, a sharp increase of 36 percent compared with 135 reported incidents in 2020. The number of antisemitic incidents in schools rose sharply from three in 2020 to 13 in 2021. One incident reported by CIDI involved a primary school student who was

harassed by classmates, one of whom sent him a picture of another student making a Nazi salute. Jews or Jewish agencies that speak out against abuses became the target of antisemitic insults and threats. CIDI also 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.

CIDI registered several antisemitic incidents involving politicians, mainly from the Forum voor Democratie (FvD, Forum for Democracy) political party. During the year members of the FvD repeatedly equated COVID-19 measures with the persecution of Jews. In December 2021, a preliminary relief judge ruled in favor of CIDI, the Central Jewish Consultation, and four Jewish Holocaust survivors in a case against Thierry Baudet, the leader of the FvD, for various manifestations of Holocaust trivialization.

The Dutch penal code does not specifically criminalize antisemitism, but it criminalizes discrimination and hate speech, including speech inciting hatred based on religion; the government enforced those laws effectively. The Public Prosecution Service registered an increase of 53 percent in the number of crimes involving antisemitic acts: from 38 in 2020 to 58 in 2021. This translates to almost one-third of the 185 discrimination incidents reported. Dutch government ministers regularly met with the Jewish community to discuss appropriate measures to counter antisemitism. 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.

The government's first national coordinator on countering antisemitism, Eddo Verdoner, began his duties in 2021. The national coordinator reports directly to the minister of justice and security and works to strengthen cooperation between government and civil society stakeholders in combating antisemitism. Following parliamentary motions calling for the extension of the coordinator's original mandate, the government announced in December 2021 it would fund the position for five additional years.

The government, in consultation with stakeholders, also established measures to counter harassing and antisemitic chanting during soccer matches. The Anne Frank Foundation continued to manage government-sponsored projects, such as the "Fan Coach" project to counter antisemitic chanting and the "Fair Play" project to promote discussion on discrimination. The government assisted local organizations with projects to combat antisemitism by providing information and encouraging exchange of best practices among key figures from the Jewish and Muslim communities.

The Jewish populations in the Dutch Caribbean are small. There were no reports of antisemitic acts there.

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: No laws criminalize consensual same-sex sexual conduct between adults, or cross dressing. There are no laws targeting lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons and no reports neutral laws are disproportionately used against LGBTQI+ persons.

Violence against LGBTQI+ Persons: Acts of violence or other abuses based on sexual orientation and gender identity were not uncommon. There were no reports of police or other government agents inciting, perpetrating, condoning, or tolerating violence against LGBTQI+ persons. Dutch police maintained a kingdom-wide network of units dedicated to protecting the rights of LGBTQI+ persons. The law allows for higher penalties for violence motivated by anti-LGBTQI+ bias and these laws and penalties were generally enforced.

Discrimination: Throughout the kingdom the law and jurisprudence prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. The law prohibits discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services such as healthcare. The governments generally enforced the law. The government urged institutions and companies to stop unnecessary registration of gender.

Nonetheless, there were hundreds of reports of discrimination against LGBTQI+ persons. In 2021, 32 percent of incidents of discrimination registered by police concerned sexual orientation. Of those incidents, a large majority concerned verbal abuse, followed by threats of violence, and physical abuse. LGBTQI+ slurs were frequently used against police. Prosecutions were rare; many incidents were not reported, allegedly because victims often believed nothing would be done with their complaint. In April four LGBTQI+ asylee applicants were relocated from the government reception center in Ter Apel after reporting sexual orientation-based threats of violence and intimidation from other applicants at the facility.

In a 2021 survey by a television program of 3,800 members of the LGBTQI+ community in the Netherlands, most respondents reported it was difficult to be openly gay in the Netherlands. In addition, many respondents stated they did not believe they were free to walk hand-in-hand with their partner (50 percent) or to exchange a kiss in public (54 percent).

The Civil Code of Curaçao stipulates that a marriage can only be concluded between a man and a woman. In September 2021, the Court of First Instance ruled in favor of a same-sex couple in a case filed by Human Rights Caribbean Foundation against Curaçao, stating that the constitution required equal rights for same-sex couples, especially in the absence of a legal alternative, such as a registered partnership. The judge ruled discrimination existed in Curaçao as LGBTQI+ persons did not have equal pension and inheritance rights. The government of Curaçao appealed the ruling, arguing gay couples can move to the neighboring island Bonaire where same-sex marriage is legal.

Availability of Legal Gender Recognition: An Amsterdam court ruled July 21 that a plaintiff assigned female gender at birth may retroactively change the gender field on their birth certification from "F" for female to "X" for nonbinary, for the first time in the country. The Prosecutor's Office argued 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 until the July 21 ruling.

Individuals aged 16 or older who want to change their gender in their government identity documents require an assessment by a doctor or psychologist.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: In June 2021, hundreds of persons demonstrated in Amsterdam against the alleged outsized role of psychologists in determining whether a transgender individual may qualify for hormone treatments and surgery in response to media reports regarding the difficulties faced by several patients of the Amsterdam University Medical Center.

In a 2020 response to an inquiry made by the UN High Commissioner on Human Rights, the Dutch government expressed its opposition to so-called conversion therapy, stated it is "harmful," confirmed it is not permitted as part of the Dutch public healthcare system, and indicated individuals subject to conversion therapy are permitted to make a complaint to the Health and Youth Care Inspectorate, the police, and the criminal courts. Responding to a study from a Dutch university in July, the

minister of justice and security expressed her support for draft legislation banning conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There are no restrictions on speaking out on LGBTQI+ matters or restrictions on association or freedom of assembly. The Amsterdam Pride event attracts several hundred thousand visitors each year and is one of the largest annual events in the country.

Persons with Disabilities

In the Netherlands the law requires equal access to employment, education, health services, transportation, housing, and goods and services. It requires that persons with disabilities have access to public buildings, information, and communications, and it prohibits making a distinction in supplying goods and services. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. All government websites follow international web content accessibility guidelines, and the government provides 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, sometimes lacking access ramps.

Laws throughout the kingdom ban 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, healthcare, 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 had 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. A March article published by the student newspaper at the Technical University of Eindhoven cited 2020 Central Bureau of Statistics figures showing a 5 percent disparity in the higher education entry and graduation rates of students with disabilities as compared to students without disabilities.

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 2021 police registered 183 incidents on the grounds of religion, of which 122 were against Muslims, out of a total of 6,580 discriminatory incidents. Incidents included mosques receiving threatening messages or vandalism, usually taking place around Christian holidays. Mosques received Christmas cards with threatening or insulting texts.

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

In October 2021, media reported that research conducted at mosques for various municipalities, justified as "mapping" the Islamic community, allegedly were undercover investigations by the research agency NTA (Nuance by Training and Advice), paid for by the Office of the National Coordinator for Security and Counterterrorism (NCTV). In the immediate aftermath of the media reports, the Rotterdam Islamic Organizations Platform Foundation was quoted describing the mapping as "state Islamophobia" and "espionage activities." The Hague Cooperative of Islamic Organizations demanded an apology from the municipalities and called on the National Ombudsman and the Dutch Data Protection Authority to investigate the matter. Emails obtained and published by Dutch press in December reportedly showed the then director of NCTV hid concerns of his staff over the possible illegality of the program.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

The governments effectively enforced applicable laws 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. Throughout the kingdom the governments, political parties, and employers generally respected the freedom of association and the right to bargain collectively. Authorities effectively

enforced applicable laws related to the right to organize and collective bargaining.

In June the International Labor Organization urged the government in Sint Maarten to refrain from any undue interference in the exercise of freedom of association of employers and workers, including through the promotion of organizations that are not freely established or chosen by workers and employers, such as the Soualiga Employer Association.

b. Prohibition of Forced or Compulsory Labor

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

Enforcement mechanisms and effectiveness varied across the kingdom. In the Netherlands the Inspectorate for Social Affairs and Employment investigated cases of forced or compulsory labor. The inspectorate worked with various agencies, such as police and NGOs, to identify possible cases. After completion of an investigation, cases were referred to the Public Prosecutor's Office. In the islands of the Dutch Caribbean, labor inspectors together with representatives of the Department for Immigration inspected worksites and locations for vulnerable migrants and indicators of trafficking. In Sint Maarten the lack of standard procedures for frontline responders to identify forced labor victims hindered the government's ability to assist such persons.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

In the Netherlands the law prohibits the worst forms of child labor, and there were no confirmed cases of child labor. The government groups children into three age categories for purposes of employment: 13 to 14; 15; and 16 to 17. Children in the youngest group are only allowed to work in a few light, nonindustrial jobs and only on nonschool days. As children become older, the scope of permissible jobs and hours of work increases,

and fewer restrictions apply. The law prohibits persons younger than 18 from working overtime, at night, or in hazardous situations. Hazardous work differs by age category. For example, children younger than 18 are not allowed to work with toxic materials, and children younger than 16 are not allowed to work in factories. Holiday work and employment after school are subject to very strict rules set by law. The government effectively enforced child labor laws. There was insufficient data to judge how penalties were applied.

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

Curaçao's law prohibits the worst forms of child labor. The island's minimum age for employment is 15. The rules differentiate between "children" who are younger than 15 and "youngsters" who are between the ages of 15 and 18. Children who are 12 or older and who have finished elementary school may work, if doing so is necessary for learning a trade or profession (apprenticeship), is not physically or mentally taxing, and is not dangerous. The penalty for violations is a maximum four-year prison sentence, a fine, or both, which was adequate to deter violations. There were no confirmed reports during the year of the worst forms of child labor.

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

d. Discrimination with Respect to Employment and Occupation

Dutch law prohibits discrimination in respect of employment and occupation, based on age, sex, sexual orientation, political opinion, religion, belief, disability or chronic illness, civil status, nationality, working hours (full time or part time), and type of contract (temporary or permanent). Labor laws and regulations throughout the kingdom prohibit discrimination in employment and occupation, and the governments effectively enforced the laws. The law applies to all refugees with

residency status. Penalties were commensurate to laws related to civil rights, such as election interference. There are no patterns of discrimination or barriers to employment, and gender-based violence and harassment are not prevalent.

The NIHR, which covers the Netherlands, Bonaire, Saba, and Sint Eustatius, focused on discrimination in the labor market, such as discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees. Although the NIHR's rulings are not binding, they were usually adhered to by parties. Plaintiffs may also take their cases to court, but the NIHR was often preferred because of a lower threshold to start a case. The Inspectorate for Social Affairs and Employment conducted inspections to investigate whether policies were in place to prevent discrimination in the workplace. The law addresses requirements for employers to accommodate employees with disabilities, and the government worked to improve the position of persons with disabilities in the labor market (see section 6).

Discrimination occurred in the Netherlands, including based on race, sex, religion, and disability. The country's residents with migrant backgrounds faced numerous barriers when looking for work, including lack of education, lack of Dutch language skills, and racial discrimination. According to the Dutch Central Bureau for Statistics, the unemployment rate of persons of other than of West European background during 2021 was more than twice that of ethnic Dutch (8.6 percent versus 3.3 percent) and the unemployment rate among youths with a non-West European background was also twice as high compared to the rate among ethnic Dutch youth. The government completed implementing a pilot program, "Further Integration on the Labor Market," to improve the competitiveness of persons with a migrant background who are seeking work in the Netherlands.

In 2021 the NIHR reported there were at least 42 claims of discrimination in employment related to pregnancy, which is almost half of all claims for a ruling on gender discrimination. Unemployment among women was higher than for men, and women's incomes lagged those of their male counterparts. According to Eurostat data from 2020, women in the Netherlands receive an average of 15 percent less pay than their male counterparts.

There were no reports of labor discrimination cases in Curaçao, Aruba, or Sint Maarten.

e. Acceptable Conditions of Work

Wage and Hour Laws: Dutch law provides 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.

In Aruba, Curaçao, and Sint Maarten, the monthly minimum wage was considered sufficient to ensure a decent living for workers, according to the three governments. A new labor law went into effect in Sint Maarten in October extending labor protections, limiting use of short-term contract work, and extending parental leave.

In the Netherlands the law does not establish a specific number of hours as constituting a full workweek, but most workweeks were 36, 38, or 40 hours long. Collective bargaining agreements or individual contracts, not law, regulate overtime. The legal maximum workweek is 60 hours. During a four-week period, a worker may only work 55 hours a week on average or, during a 16-week period, an average of 48 hours a week, with some exceptions. Persons who work more than 5.5 hours a day are entitled to a 30-minute rest period.

Occupational Safety and Health: In the Netherlands the government set occupational safety and health (OSH) standards across all sectors. OSH standards were appropriate for primary industries and frequently updated. The situation was similar in Aruba, Curaçao, and Sint Maarten. In Sint Maarten the government established guidelines for acceptable conditions of work in both the public and private sectors that cover specific concerns, such as ventilation, lighting, hours, and terms of work. The Ministries of Labor in the kingdom reviewed and updated the guidelines and routinely visited businesses to ensure employer compliance.

Wage, Hour, and OSH Enforcement: The government effectively enforced wage laws. Penalties for wage violations were commensurate with those for similar crimes, such as fraud, and are generally enforced.

In January the Netherlands Inspectorate for Social Affairs and Employment changed its name to the Netherlands Labor Authority. The authority effectively enforced the labor laws on conditions of work across all sectors, including the informal economy. Penalties for violations of OSH laws were commensurate with those for crimes like negligence. The inspectorate can order companies to cease operations due to safety violations or shut down fraudulent temporary employment agencies that facilitate labor exploitation. The number of labor inspectors, who have the authority to make unannounced inspections and initiate sanctions, was sufficient to enforce compliance. Government and civil society stakeholders asserted the pandemic made exploitation and mistreatment of migrant workers more visible.

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. From May through December, German police conducted a series of raids against housing complexes on the German side of the Dutch-German border, where Dutch employment agencies reportedly housed migrant workers in squalid conditions at unfair prices, according to press accounts. In October a joint inspection by the Labor Authority and German authorities in Gronau, Germany, uncovered problems of wage theft, inadequate working conditions, and other violations of Dutch labor law from a group of migrants employed by Dutch temporary employment agencies.

The situation was similar in Aruba, Curaçao, and Sint Maarten, although the underpaid workers were generally from Latin America.

ecoi.net description:

Annual report on human rights in 2022

Country:

Netherlands

Source:

[USDOS – US Department of State](#) (Author)

Published:

20 March 2023

Original link:

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/netherlands/>

Document type:

Periodical Report

Language:

English

Available on ecoi.net since:

20 April 2023

Document ID:

2089703

Austrian Red Cross	Wiedner Hauptstraße	Contact
Austrian Centre for	32, 1041 Wien	Imprint & Disclaimer
Country of Origin and	T +43 1 589 00 583	F.A.Q.
Asylum Research and	F +43 1 589 00 589	Data Protection Notice
Documentation	info@ecoi.net	
(ACCORD)		

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

