



U.S. DEPARTMENT of STATE

Netherlands, The

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

The Netherlands, with a population of approximately 16.3 million, is a constitutional monarchy with a bicameral parliamentary legislative system consisting of a First Chamber, whose members are indirectly elected by the country's 12 provincial councils, and a Second Chamber, whose members are directly elected by popular vote. Elections held in November were free and fair. A prime minister and a cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported: societal discrimination and violence against some religious and ethnic minorities, violence against women and children, and trafficking in women and girls for sexual exploitation. The government took steps to deal with all these problems.

Aruba and the Netherlands Antilles are two semi-autonomous countries of the Kingdom of the Netherlands; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally was the same as in the European Netherlands; however, conditions in the islands' prisons remained substandard in some areas.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them. There were incidents of right-wing and racist violence against religious and ethnic minorities (see sections 2.c. and 5).

Prison and Detention Center Conditions

Prison conditions in the country generally met international standards, and the government permitted visits by independent human rights observers.

The Safety Investigative Council investigated the causes of a fire at the Schiphol detention center in October 2005 in which 11 detainees died. In September it published a report stating that the Ministry of Justice and the Government Building Service failed to ensure compliance with fire safety standards. The ministers of justice and housing subsequently resigned, taking responsibility for the failures of the institutions under their supervision. The council made a number of recommendations. Measures were taken during the year to improve fire safety at this and other detention centers.

During the year the governments of the Netherlands Antilles and Aruba continued to improve prison staffing and capacity to address concerns by the Council of Europe's Committee for the Prevention of Torture. Both governments took steps to alleviate overcrowding. They introduced a pilot project on house arrest for selected prison inmates. New women's and juvenile sections opened at the correctional institute in Aruba, while the detention center in Bonaire was renovated and placed under the supervision of the Netherlands Antilles Prison Service.

Despite the improvement, problems remained. On Curacao several stabbings and shootings took place among rival gang members in the Bon Futuro prison, and several inmates escaped. In St. Maarten illegal immigrants held a hunger strike, because authorities did not repatriate them in a reasonable amount of time.

The governments of the Netherlands, the Netherlands Antilles, and Aruba permitted access by independent human rights observers to prisons; however, no such visits occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions in practice.

Role of the Police and Security Apparatus

Regional police forces have primary responsibility for maintaining internal security. The royal constabulary and investigative organizations also have responsibilities for specified internal and external security matters. Police were generally effective, conducting their investigations in a professional manner. There were no indications of systematic police corruption. Impunity was not a problem; the National Criminal Investigation Service, the Rijksrecherche, investigates allegations of police abuse. Individuals may also file complaints to police complaint boards and the ombudsman.

Arrest and Detention

Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. A prosecutor or senior police officer must order arrests. Police officers may question suspects for a maximum of 12 hours and may detain a suspect for up to six days by order of the public prosecutor. Authorities must promptly inform detainees of the charges against them and must bring them before an examining magistrate within four days. The magistrate is obliged to review the validity of continued detention every 30 days depending on progress in the preliminary investigation. The authorities respected these rights in practice. If the prosecutor believes an investigation is necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumes responsibility over the investigation. Defendants have the right to have their attorneys present during any questioning. There is no provision for bail.

e. Denial of Fair Public Trial

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

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law.

Trial Procedures

Trials are public. The judicial system does not provide for jury trials. The law requires that defendants be fully informed about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively for persons with low incomes), the presumption of innocence, and the right to appeal. The government respected these rights in practice.

Defendants and their attorneys generally had access to government-held evidence. In terrorism cases newly enacted legislation permits prosecutors to introduce classified information that defense attorneys cannot fully inspect. Courts may permit such information to be used in trials if it is corroborated by public evidence.

These procedures and rights were the same or similar in Aruba and the Netherlands Antilles, where they were generally respected in practice.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Lawsuits for damages related to a possible human rights violation may be brought before the regular court system or specific appeal boards. There were no problems enforcing domestic court orders.

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

The law prohibits such actions, and the government generally respected this prohibition in practice. Legislation designed to improve law enforcement came into force in January 2005. The legislation requires every person over the age of 14 to carry valid identification and allows police to demand identification at any time on the basis of strict criteria; random searches are not permitted. Some nongovernmental organizations (NGOs) criticized the implementation of the legislation, saying immigrant youth were disproportionately affected, but they did not allege that the disproportionate outcomes resulted from profiling or deliberate targeting of immigrant youth.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The law forbids the broadcasting of programs that incite hate. In 2004 the parliament raised questions about several foreign television and radio stations allegedly broadcasting anti-Semitic and other hate speech into the country. The Ministry of Justice investigated a number of cases and worked with other European governments to ensure compliance with national and European Union (EU) rules forbidding such broadcasts. For example, in January authorities cited licensing deficiencies in order to terminate broadcasts by Lebanon-based, Hezbollah-affiliated al-Manar radio. Most such programs remain available via internet.

Debate about radical Islam increased and intensified. Prominent figures, such as parliamentarians Ayaan Hirsi Ali and Geert Wilders, immigration minister Rita Verdonk, Amsterdam Mayor Job Cohen, and others, were put under constant police protection, some after making controversial statements. According to the International Helsinki Committee, threats from radical Islamists and others also contributed to a climate of fear in which many public figures censored themselves. Government leaders spoke out strongly against all such threats.

In October the NGO Reporters Without Borders described the country as one in which there had been no recorded censorship, threats, intimidation, or physical reprisals targeting journalists.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. In November parliament enacted legislation banning organizations designated as terrorist by the UN and EU; the ban was scheduled to become effective February 1, 2007. The law also provides for action against foreign organizations that do not appear on the UN or EU lists but are conducting activities in the country deemed contrary to public order.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. There were no reports that the government attempted to limit the freedom or exercise of religion during the year.

The authorities continued to wrestle with the integration of the country's growing Muslim population. The Equal Opportunities Commission (CGB), a body established by law, but whose rulings are independent of government policy, and the courts, repeatedly addressed the wearing of headscarves in schools and places of employment. Both the CGB, whose opinions are not legally binding, and the courts have held that restrictions should be limited and based on security considerations or other narrow grounds. In practice headscarves are permitted almost everywhere, including in schools.

Some limited restrictions on religious dress appeared to be permissible. In 2003 the CGB held that a ban on *burqas* (a loose robe worn by some Muslim women that covers the body from head to toe) by an Amsterdam school was not discriminatory. The CGB stated that open teacher-to-student and student-to-student interaction was more important than the right to wear a burqa. While burqas were not officially banned in schools, they were discouraged.

In November the government proposed a policy that would ban the wearing of face (as opposed to head) coverings, including head-to-toe burqas, in public. However, authorities took no action during the year. Some observers considered the move, which came days before national elections, as a political ploy with little chance of becoming law.

The CGB and unofficial bodies reviewing complaints of religious and other discrimination publicly rebuked employers for failing to allow non-Christians to take leave from work on their religious holidays, for objecting to Sikhs wearing turbans and Muslim women wearing headscarves, and for objecting to observance of religious dietary requirements. For example, in 2004 the CGB ruled against a company that had denied employment to a Turkish applicant because he intended to attend Friday services at a mosque. The CGB said that employers are generally obliged to take account of their employees' reasonable religious demands and held that the company had violated the complainant's right to freedom of religion. Legislation enacted in 2003 permits employees to refuse to work on Sunday for religious reasons, with certain exceptions.

Societal Abuses and Discrimination

The number of Muslims in the country has increased significantly in the past two decades. At the beginning of the year, the population included approximately 950,000 Muslims, 5.8 percent of the total. They lived primarily in the larger cities. The murder of filmmaker Theo van Gogh in 2004 by an Islamic extremist, and subsequent reactions to it, brought tensions between the Muslim and non-Muslim communities to the surface. These tensions continued to color intercommunal relations during the year. Minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive texts, were frequent. Many in the Muslim community expressed an increased sense of alienation from

Dutch society.

In a February poll, a majority of "native Dutch" found Islam an intolerant (52 percent), violent (40 percent), women-unfriendly (70 percent), and humorless (54 percent) religion, and 54 percent said Islam and democracy were incompatible.

Half of those interviewed in a June poll conducted by the Motivaction Research Institute held very negative views of Islam, and 63 percent regarded Islam as incompatible with Western society. Dutch Muslims often felt compelled to defend themselves against criticism of their poor integration into society, the high level of criminal activity among Muslim youth, and the views of conservative Muslims on women's rights, homosexuality, and corporal punishment.

Anecdotal evidence suggested that Muslims experienced discrimination in the job market both in the private and public sectors, were more likely to be refused housing, and were more frequently banned from entering nightclubs and similar establishments, than non-Muslims.

The government pursued a comprehensive outreach campaign to counter anti-Muslim sentiments, stressing that the majority of Muslims fit comfortably into Dutch society. At the same time, the government took firm action against groups espousing violence in support of an Islamic extremist agenda. These efforts raised public awareness and triggered debate, but concerns remained about the effectiveness of the government's policies. The government pursued a hiring policy of affirmative action towards minorities and women.

Anti-Semitism continued to be a problem. According to the government, the country had a population of approximately 45,000 Jews. Certain groups opposed to Israeli policies frequently used implicitly anti-Semitic language and images to express political views. Explicitly anti-Semitic sentiments also prevailed among certain segments of the Muslim community and among fringe nationalist and neo-Nazi groups. In June 2005 the Anti-Defamation League reported that one in five citizens held negative and prejudicial stereotypes about Jews.

Observers generally agreed that the level of anti-Semitic incidents among the country's North African population depended to a considerable extent on events in the Middle East. While the Center for Information and Documentation on Israel (CIDI) registered 159 anti-Semitic incidents in 2005, a decline compared to 327 in 2004, the number of incidents increased in the first four months of the year, following the electoral victory of Hamas. There was also a sharp increase in incidents during the July-August conflict involving Israel and the terrorist organization Hizballah in Lebanon, during which period CIDI registered 105 incidents, including threatening phone calls, e-mails, spraying of slogans such as "*Juden Raus*" (Jews Out) and vandalizing a synagogue in Zutphen and the national Auschwitz monument. In many cases the conflict between Israel and its neighbors appeared to be an excuse for anti-Semites to offend Jews.

The National Expertise Center on Discrimination (LECD) also reports statistics, based on the number of allegations of discrimination received and processed by the public prosecutor's office. In 2005, 65 of 280 registered discrimination cases concerned anti-Semitism, compared to 58 of 214 cases in 2004 and 50 of 204 cases in 2003. There were 14 convictions related to anti-Semitism in 2005.

Two distinct groups were responsible for most anti-Semitic incidents: North Africans, who acted out of sympathy with Palestinians, and supporters of right-wing extremist ideologies. While the percentage of incidents attributable to North Africans declined, the absolute number of incidents attributable to that group rose.

Anti-Semitism among right-wing extremists appeared to increase. The independent Registration Center for Discrimination on the Internet has described several hundred right-wing Web sites as extremist, including those of Stormfront.org, Polinico, National Alliance, and Holland Hardcore. These sites target not just Jews but also Muslims, blacks, and homosexuals. Extreme right-wing anti-Semites express themselves primarily by vandalizing Jewish buildings and monuments. CIDI expressed concern about the sharply increased vandalism of monuments and desecration of cemeteries, in particular by right-wing extremists. For example, in late October 15 of 20 gravestones were vandalized in a Jewish cemetery in Beek. Dozens of such incidents were reported during the year.

CIDI, which has frequently criticized what it regarded as inadequate prosecution of anti-Semitic events by the public prosecutor's office, reported considerable improvement during the year; however, CIDI called for more government action against anti-Semitic Internet sites; it described the Internet as one of the main sources for dissemination of anti-Semitic and racist ideologies. On March 1, the government opened the new cybercrime Web site through which citizens can report radical statements and hate e-mail. The National Cybercrime Reporting Center is located with the National Police Force Services (KLPD).

The criminal law forbids the broadcasting of programs that incite hate. Parliament in 2004 raised questions about several foreign television and radio stations allegedly broadcasting anti-Semitic and other hate speech into the country. The Ministry of Justice investigated a number of cases and worked with other European governments to ensure compliance with national and EU rules forbidding such broadcasts. In January authorities cited licensing deficiencies to end broadcasts by Lebanon-based, Hizballah-affiliated al-Manar radio. Most such programs remained available via Internet.

Government and NGOs cooperated to combat discrimination and promote dialogue and mutual understanding. Educational efforts and projects to promote dialogue in Amsterdam and other large cities may have played a role in reducing the number of anti-Semitic incidents perpetrated by individuals of North African descent.

It is a crime to engage in public speech that incites religious, racial, or ethnic hatred, and the government prosecuted several cases during the year. For example, on May 3, a district court convicted and sentenced to 200 hours of community services a man who placed remarks insulting Jews, disabled persons, homosexuals, Muslims, and other minorities on a right-wing Web site. On May 24, the producers of the *Housewitz* film clip, a spoof on Auschwitz, which the court called "sickening," were convicted of incitement to hatred. On January 25, a man was convicted of incitement to hatred for producing material, placed on the Internet, that insulted homosexuals and Jews.

The government repeatedly condemned anti-Semitism and had a comprehensive action plan to combat discrimination. The Ministry of Education reminded schools about longstanding guidelines prescribing the teaching of different religions and ideologies in conjunction with combating discrimination and intolerance. The Ministry of Welfare subsidized a special program to teach children about the Second World War and the persecution of Jews. The government sought to promote dialogue and supported initiatives that aimed to create a better understanding between Jews and Muslims. Nonetheless, CIDI suggested that the government should spend more time and money creating a safe environment at schools and teaching respect for the different cultural and social backgrounds of students.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government cooperated with representatives of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Authorities denied asylum to persons who came from a so-called safe country of origin or who stay for some time in a safe country of transit. EU guidelines were used to define such countries. The authorities provided economic assistance to those whom it denied asylum and who chose to return home voluntarily.

However, NGOs and the UNHCR alleged that the government returned asylum seekers to countries where the security situation was insufficiently stable to guarantee their safety, such as Iraq, Iran, Somalia, and Afghanistan. These challenges drew intense political scrutiny and gave rise to parliamentary hearings whose consequences included the delay or reversal of government proposals to return asylum seekers from central and southern Iraq, as well as homosexuals and Christian converts from Iran.

NGOs, refugee organizations, and opposition parties criticized the government for failing to expeditiously adjudicate asylum requests involving over 32,000 persons. In some cases the applications were 10 years old, and the total included approximately 6,000 children born while the applicants were in the country. Critics pressed for a general amnesty for these 32,000. In September the government announced that it had completed its review of all these cases and had granted residence permits to about half of the applicants. The others, whose applications were denied, were ordered to leave the country. Several thousand individuals chose to return to their countries of origin and accepted government financial assistance for resettlement. Another few thousand were repatriated involuntarily. This led to an intense political debate, and in December the parliament agreed on a moratorium on repatriation of anyone else in this group in anticipation of a policy revision by the new government.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba, where they were also exercised in practice.

Elections and Political Participation

Parliamentary elections, held on November 22, were free and fair. At year's end a coalition government had not yet been formed, and a caretaker government remained in power.

Following the November elections, 55 women held seats in the 150-seat Second Chamber of parliament; five women remained in the 16-member caretaker cabinet. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

A court order prohibited the government from subsidizing the orthodox Protestant Political Reformed Party (SGP), which does not grant equal rights to women on theological grounds. The SGP responded by permitting women to become party members. However, the SGP continued to deny women the right to run for office, a policy it defended as Biblically based.

There were approximately 15 members of ethnic minorities--Turkish, Moroccan, Surinamese--in the 150-seat Second Chamber of parliament, although there were no ethnic minority political parties or movements specifically represented in parliament. There were no members of ethnic minorities in the 16-member cabinet.

Government Corruption and Transparency

There were isolated reports of corruption within the government. During the year there were press reports of low-level law enforcement

corruption at Schiphol airport, but the problem was not believed to be widespread or systematic. However, in July courts sentenced eight Schiphol employees, including two former military police officers, of setting up a drug trafficking ring. They received sentences of between 12 and 44 months. In August 2005 the Ministry of Justice's Scientific Investigation and Documentation Center (WODC) reported that every year there were approximately 130 internal investigations of corruption within the public administration. Authorities transferred approximately 50 of these investigations to police or the public prosecutor's office, leading to approximately five convictions a year.

The law provides for public access to government information, and authorities generally respected that right for both citizens and noncitizens. Disputes occasionally arose in court over the scope of the government's right to decline to make information public based on the public interest. For example, there were disputes as to whether certain classified internal memos should be released.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions. However, violence against women and children, trafficking in persons, and discrimination against ethnic minorities were problems.

Women

Domestic violence was the most prevalent form of violence in society. According to a fact sheet issued in June by the Ministry of Justice, more than 40 percent of the population has experienced domestic violence at some point in their lives. Of these, 10 percent reportedly experienced some form of physical, sexual, or mental abuse on at least a weekly basis. According to police records, some 80 percent of victims were women. Police estimated that approximately 12 percent of these cases were reported to police.

Spousal abuse carries a penalty one-third greater than ordinary battery. Police records show that in 2005 approximately 3 percent of the cases reported to police resulted in arrests.

The TransAct organization, supported by the government, is the national office for providing support to victims of domestic violence and those investigating and prosecuting such crimes. TransAct organized meetings of the national network on domestic violence, set up databases, and gathered examples of best practices. The government subsidized shelters for battered women.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Approximately 15,000 rapes and sexual assaults were committed each year. The penalty for rape is imprisonment not exceeding 15 years or a fine. The maximum sentence for marital rape is eight years' imprisonment. Rape victims may be given protection in government-subsidized shelters for battered women. Police officially registered 1,774 rape cases in 2004, the latest year for which figures were available.

According to a September report by the Ministry of Integration, there were 279 cases of honor-related violence in The Hague and surroundings. Police in The Hague region established a special computer registration system to track and identify honor-related violence. In May Minister of Immigration Rita Verdonk, in response to parliamentary inquiries about honor-related violence, announced a five-year, \$17 million (13 million Euro) program to combat honor-related violence.

The law prohibits female genital mutilation (FGM). The government's National Public Health Council estimates that at least 50 girls a year undergo FGM, but the government-affiliated FGM Committee, established by the health ministry, claims that the number is much higher. The maximum penalty for FGM is six to nine years' imprisonment. Beginning in February parents having their daughters genitally mutilated in foreign countries may also be punished under domestic law.

Prostitution is legal for persons who are at least 18 years of age and engage in the work voluntarily; however, the law penalizes organized prostitution that involves force, violence, misuse of power, and deception. The government reported that strict controls and licensing requirements were employed as a means of combating trafficking. The controls included regulations prohibiting the employment of minors and illegal immigrants. The regulations also set strict standards for workplace conditions and require the provision of health care for prostitutes. There were approximately 25,000 prostitutes; roughly two-thirds were from non-EU countries.

The trafficking of women for sexual exploitation was a problem that the government took steps to address (see section 5, Trafficking).

The law requires employers to take measures to protect workers from sexual harassment; however, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system.

Although roughly 59 percent of women worked, nearly two-thirds did so part time. Traditional cultural factors and an inadequate number of daycare facilities discouraged many women from working full time. The government was taking measures to make daycare more accessible. Female and male unemployment rates were 6.5 and 4.4 percent respectively. The Ministry of Social Affairs and Employment reported that women experienced a higher rate of unemployment, had less chance of promotion, and held lower level positions than men, primarily because they more often worked part time. According to the ministry, women working in the private sector on average earned 23 percent less than men, although, when adjusted for level of experience and expertise required for the jobs, this differential fell to 7 percent.

The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. An official Equal Treatment Commission investigated complaints of discrimination against women.

Children

The government worked to ensure the welfare of children through numerous well-funded health, education, and public information programs.

Education was free and compulsory for children between the ages of four and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. According to an April education ministry fact sheet, in October 2004 approximately 3 percent of students, 64 percent of them immigrant children, left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools. The government subsidizes health care, and boys and girls have equal access.

Child abuse was a problem. In a February 2005 report, the special child abuse commissioner for youth policy concluded that as many as 100,000 children were victims of abuse. Experts estimate that approximately 50 to 80 children died each year from some form of abuse. More than 38,000 formal reports of child abuse were registered with the authorities in 2005, 12 percent more than in 2004. This high volume of reports led in turn to long waiting lists for assistance, but the government reduced these waiting lists by increasing funding to the Council for the Protection of Children.

In some cases girls were subjected to FGM (see section 5, Women).

The law provides for the prosecution of sexual abusers of children between the ages of 12 and 16 and does not require that affected parties file a complaint. Under the law national courts may try citizens and noncitizen permanent residents who abuse minor children abroad, even if the offense is not a crime in the country where it occurred. In July Schiphol airport police increased controls designed to crack down on travelers guilty of sex tourism or possession of child pornography. In June they arrested three persons suspected of sexual abuse of minors abroad. In May the Dutch Association of Tour Operators suspended a Dutch travel agency for having organized sex trips to Thailand.

The maximum penalty for the distribution of child pornography is six years' imprisonment, and the government continued its campaign against child pornography on the Internet. The government-subsidized Child Pornography Reporting Center received 8,185 reports of cases of Internet child porn in 2005, up from 6,322 reports in 2004. In 2005 more than 88 child pornography cases were prosecuted, compared to 60 in 2004.

Trafficking of girls for sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons was a problem.

The country was a destination and transit point for trafficked persons. NGOs and the police estimated that the number of women and girls trafficked for the purpose of sexual exploitation ranged from 1,000 to 3,600. The Foundation Against Trafficking in Women (STV), an independent NGO that helped victims of trafficking, registered 424 victims in 2005, up from 405 in 2004. The top five countries of origin were the Netherlands (98), Bulgaria (52), Nigeria (28), Romania (23), and the Czech Republic (18). Of the 424 victims registered in 2005, two were male and 24 were under the age of 18. In the first four months of the year, the STV registered 122 victims, of whom 15 were male. A significant percentage of the 25,000 individuals engaged in prostitution in the country were reportedly trafficking victims.

Trafficking within the country was also a problem. Almost all of the 98 domestic victims registered in 2005 were victims of so-called "lover boys," primarily young Moroccan or Turkish men and boys who seduce young, mostly immigrant, girls into prostitution. In January 2005 the government set up the National Expertise Center for Youth Prostitution to collect statistics, background information, and develop best practices in fighting youth prostitution and "lover boys." Various organizations and local governments initiated specific assistance and prevention programs for potential victims of "lover boys."

Most traffickers used threats of violence to the victim, or to the victim's family, to control their victims. Underage girls and young women of Moroccan and Turkish descent (mostly "lover-boy" victims), underage asylum seekers, women with a dependent residence status (pseudomarrriage), and women recruited in Africa, were most vulnerable to becoming victims of trafficking.

The government and NGOs believed that trafficking for labor occurred but had not compiled statistics on this phenomenon by year's end. During the year the National Expertise Center on People Trafficking/Smuggling (EMM) investigated a test case to prosecute trafficking for labor exploitation--authorities arrested 18 persons in May, nine of whom were suspected traffickers and nine illegal aliens. At year's end the investigation continued.

The maximum sentence for trafficking in persons is normally six years. Sentences may be increased in certain cases. For example, the maximum term is 10 years when the victim is under age 16, 12 years when the person being trafficked is seriously injured, and 15 years when trafficking results in the victim's death. The legal definition of trafficking in persons includes labor trafficking.

In 2004 the public prosecutor's office prosecuted 253 traffickers, up from 174 in 2003, and the courts convicted 136 traffickers compared to 108 in 2003. A national outreach campaign against sexual exploitation, which the government launched in January, proved successful. In the six months following the launch of the campaign, an anonymous crime-reporting hot line received 78 credible reports of forced prostitution compared to 42 such tips during all of 2005. Authorities were following up 25 of the tips. In September a prosecutor demanded six years' imprisonment for a "lover boy" suspected of having lured four young women into prostitution.

During the year, in Alkmaar, a court convicted the owner of an escort service arrested in July 2004 of exploiting minors. The district court in The Hague sentenced six persons arrested in July 2004 for sex trafficking to imprisonment for terms ranging from one to six years.

The government, in particular the ministries of justice, internal affairs, foreign affairs, welfare and health, and social affairs, actively combated trafficking in persons. Local police forces established special units to deal with trafficking, and the EMM brought together experts from the national police criminal investigation service, military border police, regional police forces, the Immigration and Naturalization Service, and the Social Information and Investigation Service. The national prosecutor for trafficking in persons supervises investigations conducted by the EMM, which also provides specialized training to police in the identification and protection of trafficking victims. The National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, reports annually to the government on the nature, extent, and mechanisms of trafficking as well as on the effects of national policies. Authorities participated in international investigations and cooperated closely with other governments on trafficking. The justice ministry launched a study of the prostitution sector, which included an analysis of the extent of trafficking.

Under the law illegal residents who may have been victims of trafficking may not be deported before investigations are completed. Victims may take three months to consider pressing charges, and authorities allowed victims who did so to stay in the country and to work until the judicial process was completed. Between 2003 and 2005, the government received 430 requests from alleged trafficking victims for this so-called B-9 temporary residence status. It granted 334 requests, rejected 74, and 22 were pending. In August the government announced new rules making it easier for trafficking victims to obtain legal permanent residency on humanitarian grounds.

The government subsidized NGOs working with trafficking victims. For example, the STV offered social support, legal advice, medical aid, shelters, and counseling to victims.

The justice ministry cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries. Other prevention initiatives included distribution by the travel agents of warnings about trafficking and sex with minors while abroad and public awareness campaigns aimed at tourists and travel agencies meant to deter sexual exploitation of children.

Persons with Disabilities

Discrimination against persons with disabilities was unlawful, but there were some reports that it occurred. The penal code provided penalties for discrimination in employment, education, access to health care, and the provision of state services. The government-affiliated CGB received several dozen complaints, mostly labor related, of such discrimination. The law requires access to public buildings for persons with disabilities, but public buildings and public transport often were not easily accessible in practice.

National/Racial/Ethnic Minorities

Approximately 3 million persons (20 percent of the population) were of foreign origin, including 1.7 million who belonged to ethnic minority groups, principally Turkish, Moroccan, Surinamese, and Antillean.

Incidents of physical assault against minorities were rare, but members of minority groups experienced verbal abuse and intimidation and were at times denied access to such public venues as discotheques. The Muslim community, including 365,000 persons of Turkish descent and 315,000 of Moroccan descent, faced increased discrimination (see section 2.c.).

Members of immigrant groups also faced discrimination in housing and employment. The minority unemployment rate remained roughly three times that of the ethnic Dutch workforce.

With the proliferation of Internet Web sites, the dissemination of racial and discriminatory material remained widespread. The NGO Discrimination on the Internet Registration Center registered approximately 1,300 incidents in 2005. The increase in expressions of hostility toward Muslims was particularly notable. Groups subject to hostility on a national basis included Moroccans, blacks, Jews, and homosexuals.

The government pursued an active campaign to increase public awareness of racism and discrimination. Depending on the circumstances, persons could file complaints of racism or discrimination with the civil and criminal courts, the CGB, the national ombudsman, the Commercial Code Council, as well as the Council for Journalism, the European Court of Justice, and the European Court of Human Rights.

The majority of cases filed in criminal courts concerned racial defamation. Civil lawsuits often alleged discrimination against persons who were not ethnically Dutch in the supply of such services as mobile phones or access to clubs. The CGB primarily addressed incidents of discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential

treatment of ethnically Dutch employees.

The prosecutor's office has established a National Expertise Center on Discrimination, which maintained a database of discrimination complaints, and provided training for prosecutors handling cases of discrimination. In 2003, the most recent year for which data was available, the government-sponsored National Association of Antidiscrimination Bureaus registered approximately 3,600 complaints of discrimination, two-thirds of them citing race as the basis.

Other Societal Abuses and Discrimination

Homosexuals faced increasing harassment in larger cities, primarily from some groups of Muslim youth. Harassment consisted largely of verbal epithets and abuse.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right in practice. Approximately 25 percent of the work force engaged in legal employment was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised these rights in practice. Approximately 86 percent of workers were covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes; some civil servants did not have the right to strike, but they had other institutionalized means of protection and redress. None of these protections extended to the significant number of workers who were employed in the underground economy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The government enforced laws and policies to protect children from exploitation in the workplace; however, violations occurred.

The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than eight hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being. A tripartite labor commission composed of representatives of government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively.

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

Trafficking of children occurred (see section 5).

e. Acceptable Conditions of Work

The minimum wage for adults of approximately \$1,682 (1,284.60 euros) per month provided a decent standard of living for a worker and family. Except in the underground economy, the Labor Inspectorate effectively enforced the minimum wage.

The law sets a 40-hour workweek. The average workweek was 30.6 hours (38.7 hours for full-time and 20 hours for part-time workers). Anyone working more than 4.5 hours per day was entitled to a 30-minute rest period. Overtime is regulated. There are no exceptions for legal foreign workers. The Labor Inspectorate effectively enforced the labor laws. The tripartite labor commission actively monitored and effectively enforced working conditions, including comprehensive occupational safety and health standards set by law. The Ministry of Labor and Social Affairs also monitored standards. Workers could remove themselves from dangerous working conditions without jeopardizing their continued employment, and workers exercised this right in practice.