The Kingdom of the Netherlands, population approximately 16.3 million, is a constitutional monarchy with a bicameral parliamentary legislative system consisting of the First Chamber, whose members are indirectly elected by the country's 12 provincial councils, and the Second Chamber, whose members are elected by popular vote. The most recent elections, held in 2006, 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. Civilian authorities generally maintained effective control over the security forces.

The government respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were reports of societal discrimination and violence against some religious and ethnic minorities, violence against women and children, and trafficking in persons for sexual exploitation.

Aruba and the Netherlands Antilles are two semiautonomous countries of the Kingdom of the Netherlands; they also feature parliamentary systems and full constitutional protection of human rights. 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 respects.

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 or other disappearances.

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

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

Prison and Detention Center Conditions

Prison and detention conditions in the Netherlands generally met international standards, and the government permitted visits by independent human rights observers. In the Netherlands Antilles, judges may sentence juveniles
under the age of 16 who have committed serious offenses to prisons where they serve time together with adults; however, authorities allocated funding during the year to expand prison capacity to permit such juvenile offenders to be kept separately.

Shortcomings in detention and prison facilities, particularly overcrowding, persisted in Curacao and St. Maarten (Netherlands Antilles); however, due to increases in the capacity of their custodial facilities, overcrowding was no longer a problem in Aruba and Bonaire (Netherlands Antilles). A pilot project employing house arrest for selected inmates continued. A shooting, several stabbings, and a hunger strike took place among inmates of the Bon Futuro prison on Curacao. Prison guards went on strike once over labor conditions. On St. Maarten inmates went on strike once over remuneration for prison work and other grievances. The government reserved 25 million Netherlands Antilles guilders (approximately $14 million) for the improvement of the Bon Futuro prison and for detention centers on the other Antillean islands.

During the year, following a recommendation by the Council of Europe's (COE) Committee for the Prevention of Torture (CPT) based on its June 2007 visit, authorities in the Netherlands stopped using two boats used to hold illegal immigrants awaiting deportation.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities generally maintained effective control over the regional police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention

Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. A prosecutor or senior police officer must order any arrests. Authorities must promptly inform detainees of the charges against them. Police may question suspects for a maximum of 12 hours and may detain a suspect for up to three days (with the possibility of an additional three days' extension in cases of "urgent necessity") by order of the public prosecutor without the permission of a magistrate; within four days, however, police must bring detainees before an examining magistrate for questioning. This magistrate also decides whether to permit detention to be extended and reviews the validity of continued detention every 30 days. Extension depends on progress in the preliminary investigation. In terrorism related cases, authorities may hold suspects for up to 14 days if there is a "reasonable suspicion" of terrorist involvement.

By law defendants have the right to have their attorneys present during questioning; however, the UN Committee Against Torture (CAT) and the CPT expressed concern that authorities did not always respect this right during the initial period of detention, which may last up to six hours. During the year authorities initiated pilot projects in several towns to assure prompt legal assistance.

There is no provision for bail, but authorities avoid lengthy detention before trial unless there are compelling reasons to keep a person in custody.

In May 2007 the CAT criticized the excessive length of pretrial detention and the high number of detainees in Aruba and the Netherlands Antilles who have not been convicted of a crime. The governments of the two territories have
reduced the number of crimes requiring pretrial detention and implemented other policies aimed at reducing the case backlog, particularly more expeditious processing of cases involving illegal drugs.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that authorities fully inform defendants about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively, for persons with low incomes), the presumption of innocence, and the right to appeal. In most instances defendants and their attorneys have access to government held evidence relevant to their cases; however, in certain cases involving national security, special procedures permit an examining judge to assess the reliability of official intelligence reports without exposing the identities of intelligence officers or releasing confidential intelligence information to the public or the defendant. The defense has the right to submit written questions to these witnesses through the examining judge.

Procedures and rights were the same or similar in Aruba and the Netherlands Antilles, where they were generally respected in practice; however, in 2007 the CAT expressed concern that in the Netherlands Antilles, a lawyer for the detainee may be present during interrogation only with the prior authorization of a magistrate. However, there were no reports during the year that requests for the presence of an attorney were denied.

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. Individuals may bring lawsuits for damages related to a possible human rights violation before the regular court system or specific appeal boards.

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

The law prohibits such actions, and the government generally respected this prohibition in practice.

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.

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability, and during the year the government prosecuted several cases successfully, notably cases in which judges considered the language in question to be
"unnecessarily offensive." The government urged prosecutors and police to give proper attention to incidents of "discrimination," which in the country's jurisprudence includes racially offensive speech.

In March a pilot project was begun in two regional police districts, including Amsterdam, to improve the reporting of hate crimes, including hate speech, by using a special Web site. In July the city of Amsterdam started a campaign to encourage the reporting of such incidents to the Amsterdam Discrimination Registration Center.

In April a district court declined to issue an injunction against the showing of a film by right wing parliamentarian Geert Wilders. Wilders' film, "Fitna," asserted that Islam preaches violence and hatred. The government criticized the film, claiming it served no purpose other than to cause offense. The court ruled that "the right to freedom of speech is decisive," the views expressed in the film "do not exceed the legal boundaries against inciting hatred or violence," and as a politician, Wilders "should be able to put forward in the public debate" his criticism against radical Islam or the Koran.

On June 30, the Amsterdam public prosecutor's office announced that it would not prosecute Wilders for his numerous anti Islamic statements. In April the prosecutor determined that, although they were offensive to Muslims, they were not a criminal offense because "they were made within the context of the public debate on Islam." The prosecutor also ruled that Wilders did not intentionally incite to hatred or discrimination. The prosecutor arrived at his judgment after consulting the National Discrimination Expertise Centre (LECD), as well as legal experts on questions of national and European law. The decision explicitly referred to prevailing jurisprudence of the European Court of Human Rights (ECHR) that allows room for statements that offend or shock if made within the context of public debate. The prosecutor's decision was under appeal at the end of the year.

On May 13, police detained and questioned for 30 hours a cartoonist, who used the pseudonym of Gregorius Nekschot (Deathblow), in connection with several cartoons that the prosecutor believed violated the law on intentional discrimination and incitement to hatred against Muslims. Some parliamentarians criticized the police action as an extremely inappropriate attempt to curtail freedom of expression, an accusation the justice minister denied. Legal experts concluded that the prospect of successfully prosecuting the cartoonist was minimal.

Internet Freedom

There were no governmental restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. More than 85 percent of the population had access to the Internet.

During the year authorities took measures to deal more effectively with incitement to discrimination on the Internet. Despite the priority given to such cases, there were only three convictions in 2007, the latest year for which data were available.

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.

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.

Rulings of the courts and the Equal Opportunities Committee generally held that any restriction on wearing headscarves in schools or places of employment should be limited and based on security or other narrow grounds. The government banned clothing covering the full face in the administration and education sectors.

Societal Abuses and Discrimination

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Jews and Muslims faced instances of abuse during the year, although the experiences of the two communities differed. The government repeatedly criticized any form of anti Semitism or anti Islamic activity and worked with nongovernmental organizations (NGOs) to combat such abuses.

Muslims, who numbered approximately 850,000, faced societal resentment attributable to perceptions that Islam is incompatible with Western values, that Muslim immigrants have failed to integrate, and that levels of criminal activity among Muslim youth are higher than the national average. Major incidents of violence against Muslims were rare, but minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive language, were common.

A number of right wing politicians described Islam as incompatible with the country's traditions and social values. In a report released on February 12 (but prepared in 2007), the COE's European Commission against Racism and Intolerance (ECRI) asserted that political figures' criticisms of Islam contributed to what it considered a substantial increase in Islamophobia. Despite protests by Muslims and others, in April a court declined to forbid the showing of a film that was widely criticized for its anti Islamic content, and a prosecutor declined to prosecute the film's maker for his many anti Muslim public statements. Both the court and the prosecutor justified their decisions on freedom of speech grounds (see Section 1 a.).

Authorities stressed their conviction that the majority of Muslims fit comfortably into society. The government continued a comprehensive outreach campaign to counter anti Muslim sentiments and right wing nationalism, including a 25 million euro (approximately $35 million) grant for programs in neighborhoods and schools during the period 2008 11. These efforts raised public awareness and triggered debate, but concerns about the policy's effectiveness remained. The government made clear that it would combat groups espousing violence in support of an Islamist extremist agenda.

The population included approximately 45,000 Jews. Anti Semitic incidents, including verbal threats, cursing, and desecration of monuments and cemeteries, continued to occur. Certain small groups that opposed Israeli policies, including the Arab European League and the Stop the Occupation Movement, frequently used what some observers regarded as anti Semitic language and images to express their views about Israel. Explicitly anti Semitic sentiments prevailed among certain segments of the Muslim community and among fringe nationalist and neo Nazi groups. Serious incidents were rare during the year; however, anti Semitism among right wing extremists appeared to increase. Extreme right wing anti Semites were the primary culprits in the few instances of vandalism of Jewish buildings and monuments and desecration of cemeteries.

The independent Registration Center for Discrimination on the Internet (MDI) reported that strongly anti Semitic statements regularly appeared on both right wing extremist and radical Islamic Web sites. The sites targeted not only Jews but other groups, including Muslims, blacks, and homosexuals. Observers noted a new phenomenon of right wing youth augmenting their profiles on Internet social networking sites with anti Semitic texts. The Center for Information and Documentation on Israel called for stronger government action against anti Semitic Web sites.
describing the Internet as one of the main sources for dissemination of anti-Semitic and racist ideologies. An antidiscrimination NGO and several major political parties asked the justice minister to take action against the Web site of the neo Nazi organization Blood and Honor.

Anti Semitism was the subject of 72 of 4,000 complaints received by a network of antidiscrimination bureaus across the country in 2007. The number was smaller than in previous years. According to network representatives, the number of anti Semitic incidents appeared to be correlated with the situation in the Middle East.

The government continued to condemn anti Semitism and to work with NGOs to combat it. The government urged prosecutors and police to give proper attention to incidents of discrimination, including discrimination on religious grounds. The authorities maintained a cybercrime Web site through which citizens can report radical statements and hate e-mail. Although the government gave priority to countering discrimination and incitement to hatred on the Internet, critics charged that law enforcement agencies could still do considerably more.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.


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

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 established a system for providing protection to refugees.

The government remained committed to providing protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, some observers asserted that some of the government's procedures ran this risk. The authorities provided economic assistance to those to whom it denied asylum and who chose to return home voluntarily.

Authorities denied asylum to persons who came from a so called safe country of origin or who resided for some time in a safe country of transit. They used European Union guidelines to define such countries.

The UNHCR and NGOs, including Amnesty International (AI), raised cases in which protection from return to unsafe countries appeared to have been violated and called for stricter policies to prevent future instances. The authorities promised to investigate the allegations. These charges also drew intense political scrutiny and gave rise to parliamentary hearings that reversed or delayed government proposals to return asylum seekers from Somalia and parts of Iraq, as well as homosexuals and Christian converts from Iran.

Several organizations, including AI and the Council for the Administration of Criminal Law, criticized the manner of detention of aliens prior to deportation. Since these aliens are not criminals, the critics maintained that they should not be subjected to a criminal regime or kept in detention for extended periods of time, especially if there was little or no prospect of actual deportation. Courts have ordered the aliens' release if there is no prospect of actual
deportation. The state secretary for justice promised to review the situation, but noted that there was no evidence of structural abuse in the treatment of aliens in detention centers. Moreover, she stated that she had already taken measures to keep families with children out of detention.

In May 2007 the CAT expressed concern that asylum procedures did not allow asylum-seekers enough time to substantiate their claims and consult an attorney, which could lead to refugees being returned to unsafe countries. Also in May 2007 the ECHR criticized the "excessive formalism" of the country's asylum procedures and called for a more generous assessment of asylum requests that took into account reports produced by human rights NGOs, such as Human Rights Watch.

Stateless Persons

Citizenship is primarily based on the mother’s citizenship (jus sanguinis). According to the UNHCR, of a total of nearly 700,000 first-generation, non western immigrants, there were 4,461 stateless persons at the end of 2007. According to Statistics Netherlands, the local administrations had registered more than 5,000 stateless persons, including 1,463 persons under the age of 17, by the end of the year.

The Kingdom Act on Dutch Citizenship has repeatedly been revised in order to counter and prevent statelessness, including by providing the opportunity to gain Dutch citizenship. There were no reports of violence or discrimination targeting stateless persons.

Immigrants may naturalize after five years of legal residence, or three years if they are married to a citizen. Migrants who are not naturalized are allowed to work in the civil service, with the exception of the police force and the army. After five years of legal residence, nonnationals have the right to vote in local elections. A written naturalization examination that tests both the applicant’s Dutch language proficiency and knowledge of the country’s culture and society is required for citizenship.

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 in November 2006 were free and fair.

Political parties operated without restriction or interference. One of the oldest political parties, the Protestant Political Reformed Party (SGP), continued to deny women the right to run for office, despite a December 2007 ruling by The Hague Appellate Court that by doing so it was in violation of the Convention on the Elimination of All Discrimination against Women. The court ordered the government to take action to force SGP to change its policy. At year’s end both the SGP and the government had appeals pending with the Supreme Court against this ruling.

There were 62 women in the 150 seat Second Chamber of parliament, four female ministers in the 15 member cabinet, and six women among the 11 junior ministers. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba, including the position of prime minister of the Netherlands Antilles.

Approximately 15 members of ethnic minorities Turkish, Moroccan, and Surinamese served in the 150 seat Second Chamber of parliament. Two junior ministers in the cabinet were Muslims of Turkish and Moroccan background.
Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. However, in August the COE's Group of States Against corruption concluded in an assessment of the country's anticorruption policy that the maximum sentence for corruption was too light and not in line with relevant COE guidelines. There were isolated reports of government corruption during the year.

There were press reports of corruption among some working level law enforcement personnel at Schiphol Airport, but observers did not believe the problem was widespread or systemic. In 2007, the most recent year for which information was available, authorities imposed disciplinary sanctions on 210 central government employees for abusing their positions.

There were no laws requiring officials to make financial disclosures. The government pursued an active anticorruption policy coordinated by the Internal Affairs Ministry's Bureau for Promotion of Integrity of the Public Sector. The National Criminal Investigation Service coordinates investigations under the supervision of the national prosecutor for corruption.

The law provides for public access to government information, and authorities generally respected that right for both citizens and noncitizens, including foreign media. Those seeking information may appeal any refusal to the regular courts. Disputes occasionally arose in court over the scope of the government's right to withhold information based on the public interest. For example, there were disputes over whether to release certain classified internal memos.

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.

On July 11, in response to appeals by the UN and the COE, the government announced that it would set up a National Institute for Human Rights in accordance with the 1993 "Paris Principles" governing such institutions. The institute is intended to research human rights issues, give advice on policies, and help deal with complaints more efficiently. At year's end, the government was selecting personnel and deciding on a budget for the new institute.

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, the International Criminal Court, and the Special Court for Sierra Leone.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on age, 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

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of
such crimes. The penalty for rape is imprisonment not exceeding 15 years or a fine. The maximum sentence for marital rape is eight years' imprisonment.

Domestic violence was the most prevalent form of violence in society. According to a fact sheet issued in August by the Ministry of Justice, there are approximately 500,000 incidents of household violence each year. At some point in their lives, 40 percent of the population experienced domestic violence. Of these, 10 percent reportedly experienced some form of physical, sexual, or mental abuse on at least a weekly basis, and 4 percent had been raped. According to police records, approximately 85 percent of victims were women. Police estimated that approximately 12 percent of all cases are reported. In September the government presented a national action plan to intensify the fight against household violence in 2008. Its objective was a coherent approach involving prevention, identification, and intervention; it called for upgrading the expertise of police and expansion of the public prosecutor's office. Under the action plan, the probation service developed a comprehensive program intended to reduce the number of repeat offenders. At year's end the government was conducting a national survey into the scope of domestic violence.

Spousal abuse carries a penalty one third more severe than ordinary battery. Police records indicated that approximately 3 percent of the cases of spousal abuse reported to police resulted in arrests. The national organization Movisie (formerly TransAct), supported by the government, assisted victims of domestic violence and those investigating and prosecuting related crimes. The government subsidized shelters for battered women. In August the government announced that it would continue its 2007 public information campaign against domestic violence until the end of September. In The Hague the campaign led to a 43 percent increase in the number of incidents reported in 2007.

In July the government made it easier for female immigrants who were victims of domestic violence or abandoned by their partners to obtain residence status on their own. Previously, immigrant spouses depended on their partners for their legal status during the first three years of their stay. Under the new guidelines they could claim residence status within this period if they were either victims of domestic violence or were abandoned by their partners in their country of origin. In addition, the government would consider granting residence in the Netherlands to a woman who was abandoned in her native country but who had some roots in Dutch society, if she faced the risk of a forced marriage or of being abandoned by her family.

There were no recent statistics on honor killings, but 279 and 158 cases of honor related violence were reported in The Hague and Amsterdam, respectively, in 2006. The government continued a 2006 program to combat honor related violence. Authorities allocated approximately 13 million euros ($18.2 million) to the program, which focused on prevention, protection, and criminal prosecution. In June the Expertise Center for Honor Related Violence opened in Amsterdam.

Prostitution is legal for persons age 18 or older who engage in the practice voluntarily. The law provides penalties for Dutch nationals and legal residents who abuse minor children abroad, even if the offense is not a crime in the country where the abuse occurs.

Sexual harassment was a problem. While there were no recent statistics on its prevalence, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The law requires employers to take measures to protect workers from sexual harassment. The government continued a public awareness campaign and has taken measures to counter harassment among civil servants, but no information was available about the measures' effectiveness.

Under the law women have the same rights as men, including rights under family law, property law, and in the judicial system.
Approximately 65 percent of women were employed, nearly two thirds of them part-time. The government was taking measures to make daycare more accessible to support full time employment for working parents. Female and male unemployment rates were 5.8 and 3.6 percent respectively. The Ministry of Social Affairs and Employment reported that the higher rate of unemployment among women, their reduced chances for promotion, and their generally lower ranking positions than men resulted primarily from their part time employment. According to the ministry, the disparity between men's and women's earnings in the private sector narrowed from 23 percent in 2006 to 18 percent in 2007; adjusted for level of experience and expertise required for the jobs, the differential was 7 percent.

The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. In 2007 the Equal Treatment Commission received 515 complaints from women about labor discrimination related to their employment.

Children

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

Child abuse was a problem. In an April 2007 study, Leiden University concluded that more than 100,000 children were victims of abuse. Many of them had been physically or emotionally neglected. The study estimated that 4,700 children had been sexually abused and 19,000 had suffered physical abuse. Experts estimated that approximately 50 to 80 children died each year from some form of abuse. In 2007 the Child Abuse Reporting Center received more than 50,000 reports of possible child abuse, 20 percent more than in 2006. In September the government began to require physicians to report child abuse, overriding professional confidentiality. Despite increased government funding for the Council for the Protection of Children, there still were long waiting lists for assistance.

The law prohibits female genital mutilation (FGM). In 2007, the government's National Public Health Council estimated that at least 50 girls a year underwent FGM; the FGM committee established by the Ministry of Health estimated the number of girls at risk at 16,000. In 2006 the government launched a three year program to combat FGM through primary prevention and early identification. It has committed more than one million euros (approximately $1.4 million) per year to combat FGM. The maximum penalty for FGM is six to nine years' imprisonment.

Trafficking in Persons

The law in the mainland Netherlands prohibits all forms of trafficking in persons; however, trafficking in persons was a problem. Aruba has an antitrafficking law. The Netherlands Antilles, which has no specific antitrafficking law, has successfully used existing legislation to prosecute traffickers.

The Netherlands was a destination and country of transit for trafficked persons, and trafficking within the country was also a problem. NGOs and police estimated that the number of women and girls trafficked for commercial sexual exploitation ranged from 1,000 to 3,600. Comensha, formerly the Foundation against Trafficking in Women, an independent NGO that helps victims of trafficking, registered 716 victims in 2007, up from 579 in 2006. The top five countries of origin were the Netherlands (260 victims), Nigeria (102), Bulgaria (50), China (37), and Sierra Leone (29). Of the 716 victims registered in 2007, 49 were male and 198 were younger than 18. According to Comensha, most female victims were exploited in prostitution. Thirteen victims worked as domestic servants and nine in the catering sector. Of the male victims, five worked in the catering and three in the construction sectors. There were reports that trafficking in persons for commercial sex and labor was a problem in the Netherlands Antilles.
Almost all of the 260 domestic victims of mainland trafficking registered in 2007 were girls with immigrant backgrounds seduced and coerced into prostitution by so called "lover boys," primarily young Moroccan or Turkish men and boys. Most traffickers used threats of violence toward the victims or their families to control their victims. Most vulnerable were underage girls and young women of Moroccan and Turkish descent (mostly "lover boy" victims), underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa.

During the year a foreign court ordered the Curacao Drydock Company in the Netherlands Antilles to pay damages to three Cuban workers who were among the approximately 100 who were forced to work for long hours with virtually no pay in 2005 and 2006.

The maximum sentence for trafficking in persons in the mainland Netherlands is normally six years. Courts may increase sentences in certain cases. For example, the maximum term is 10 years when the victim is younger than 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 2006 the Dutch public prosecutor's office prosecuted 216 traffickers, compared to 138 in 2005, and the courts convicted 100 traffickers, compared to 114 in 2005. In July the court gave six members of a major Turkish German trafficking gang prison sentences of eight months to seven and one half years. The prosecutor's office considered the sentences too low and appealed the verdict. The appeal was pending at year's end. In 2007 prosecutions in four labor exploitation cases ended in acquittals. Appeals in two of these cases were pending. During the year, according to a prosecutor in the Netherlands Antilles, a court, using other charges, convicted a club owner in St. Maarten for trafficking three women for commercial sex.

The government in the mainland Netherlands, especially 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 National Crime Squad's Expertise Center on People Trafficking and Smuggling (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 supervised investigations conducted by the EMM, which also provided specialized training to police in the identification and protection of trafficking victims. The national rapporteur on trafficking in human beings heads an independent, publicly funded agency that 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. In February a human trafficking task force was set up that included a member of the Board of Attorneys General, the national rapporteur, senior officials of various ministries, the police, and local government and judicial officials.

The mainland Netherlands government provides a temporary residence mechanism (the B 9 visa) that gives trafficking victims three months to consider pressing charges against their traffickers. A victim who does so may remain in the country until the legal process has been completed. During this period, the victim receives legal, financial, and psychological assistance, and may work or receive vocational training. Victims may request a permanent residence permit on humanitarian grounds.

Specially trained police conducted regular inspections of brothels and other commercial sex establishments to verify that individuals in the sector were working voluntarily and to identify any potential trafficking victims.

The Dutch government subsidized NGOs working with trafficking victims. For example, Comensha offered victims
social support, legal advice, medical aid, shelters, and counseling. The Justice Ministry cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries.

In January the Justice Ministry provided funding for the Anonymous Crime Reporting Center to renew and expand the successful campaign against trafficking and sexual exploitation launched in 2006.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

Persons with Disabilities

Discrimination against persons with disabilities was prohibited, but government enforcement was inadequate, and there were some reports that such discrimination occurred. The penal code provides penalties for discrimination in employment, education, access to health care, and the provision of state services. The Equal Opportunity Commission (CGB) received several dozen complaints, mostly labor related, of such discrimination. Although CGB rulings are not binding, they are usually implemented. 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

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 public venues such as discotheques. The Muslim community of approximately 850,000 persons faced frequent discrimination. Members of immigrant groups also faced discrimination in housing and employment. In 2007 the minority unemployment rate (15.5 percent) remained roughly three times that of the ethnic Dutch workforce (4.3 percent).

A February 12 ECRI report contended that a number of government practices both stigmatized and discriminated against members of minority groups. For example, ECRI cited reports that police singled out individuals from the Netherlands Antilles living in the mainland Netherlands for searches without apparent reason. The report criticized a planned registration system authorities had proposed specifically for Antilleans. The government defended the registration idea as a temporary expedient that could enable it to locate members of this transient minority in order to provide them with targeted support.

With the proliferation of Internet Web sites, the dissemination of racial and discriminatory material remained widespread. The MDI registered more than 1,000 instances in 2007 that it asserted were punishable, a 10 percent increase over 2006. Jews, Muslims, Moroccans, and Africans were the main target groups. A significant number of controversial expressions (more than 90 percent) were removed voluntarily at the center's request. MDI reported the nine most serious cases to the prosecutor's office, but none was brought before a court.

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, the Council for Journalism, the European Court of Justice, and the ECHR.

A network of antidiscrimination bureaus across the country received more than 4,000 complaints in 2007, approximately the same number as in 2006. Most complaints concerned discrimination on racial or ethnic grounds. About half of the complaints were about discrimination in the labor market.

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 services, such as mobile phones, or access to clubs.
The CGB focused on discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

On May 14, the city council of Amsterdam presented an updated plan of action against discrimination. The priorities were to enhance victims’ willingness to report incidents, to counter hate crimes against homosexuals, and to promote a nondiscriminatory policy at clubs and bars. Meanwhile, AI voiced criticism that most local governments had failed to develop plans to combat discrimination and racism.

Other Societal Abuses and Discrimination

There was increasing harassment of homosexuals in larger cities, primarily by some groups of Muslim youth. Most harassment consisted of verbal epithets and abuse. Police gave efforts to combat antigay violence high priority. Amsterdam police, who began keeping separate records of antigay incidents in 2007, recorded 234 antigay incidents in that year. Most involved cursing and threats, but 79 cases involved violence.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled to form or join independent unions of their own choosing without prior government authorization, and workers exercised this right in practice. Approximately 25 percent of the legally employed workforce was unionized. 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 strike, and workers exercised this right by conducting legal strikes. Public sector workers generally have the right to strike, but a magistrate may forbid a strike that threatens the public welfare or safety. For example, magistrates have often prohibited police actions because of the essential services they perform.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised these rights in practice. Collective bargaining agreements covered approximately 86 percent of workers.

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 adults and children were trafficked for commercial sexual exploitation and adults for labor exploitation. There were occasional reports that workers were exploited in the restaurant, food processing, domestic service, and agricultural sectors.

During the year a foreign court ruled in favor of three Cubans who asserted they were among approximately 100 Cuban workers in a drydock company in the Netherlands Antilles in 2005 and 2006. They were obliged to work for as many as 110 hours a week at three cents an hour. Their labor was the result of an arrangement between the Cuban government and the Curacao Drydock Company, in which the government of the Netherlands Antilles was the largest shareholder, to pay off Cuba’s multi million dollar debt to the company. The workers who escaped described dangerous working conditions that resulted in serious injuries; they claimed their passports had been seized and they were only allowed to leave the drydock on limited occasions and accompanied by a minder. In 2007
the Antillean government investigated allegations of labor law violations against the drydock and found insufficient evidence to proceed in the complaint of excessive work hours. The arrangement between the company and the Cuban government was terminated in 2007.

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, children were trafficked for commercial sexual exploitation. In 2007 the Dutch Coordination Center against Trafficking in Persons registered 198 trafficking victims under the age of 18.

The minimum age for employment is 16 years. Sixteen year olds in school 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 70 percent of companies employing holiday workers and children under 18 complied with regulations.

e. Acceptable Conditions of Work

The minimum wage for adults of 1,356.60 euros (approximately $1,900) per month provided a decent standard of living for a worker and family. The minimum wage is established by the Ministry of Labor.

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). Persons working more than four and one-half hours per day were 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 they exercised this right in practice.

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